

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appellate Case No.: _____

(Lower Court Civil Action No.: **2026-CP-22-00424**)

Mohamad Haisam Kodaimati,
Appellant/Defendant,

v.

Eric James Adamczyk,
Respondent/Plaintiff.

RECEIVED

Jun 16 2026

SC Court of Appeals

**EMERGENCY MOTION FOR WRIT OF SUPERSEDEAS, TEMPORARY
INJUNCTION, PROPERTY PRESERVATION, AND RESTORATION OF STATUS
QUO**

Appellant Mohamad Haisam Kodaimati, Pro Se , respectfully moves this Honorable Court pursuant to Rules 240 and 241 of the South Carolina Appellate Court Rules (SCACR) for an Emergency Order: (1) staying all ongoing enforcement mechanisms flowing from a patently void magistrate default judgment; (2) issuing a temporary injunction prohibiting the sale, disposal, or transfer of Appellant's primary residence; (3) tolling all commercial storage and towing liens compounding unlawfully; and (4) ordering the restoration of the status quo ante by releasing Appellant's property back to its pre-eviction location.

I. IDENTITY OF PREMISES AND ACCRUING IRREPARABLE HARM

1. Appellant is the owner and long-term possessor of two residential motorhomes, which constitute his primary dwelling, electronic equipment, and entire worldly livelihood.

2. On April 29, 2026, Appellant was forcefully ousted from his actual residence located at 1746 South Morgan Avenue, Andrews, SC, under color of a Magistrate Writ of Ejectment that strictly and exclusively commanded execution at an entirely separate parcel: 1692 South Morgan Avenue.

3. Appellant's homes were towed to a commercial storage facility where fees are compounding exponentially. Appellant has been rendered homeless. He faces an immediate, irreversible threat of an extrajudicial lien foreclosure sale of \$400,000 worth of property before this Court can review the merits of his appeal.

II. PROCEDURAL BREAKDOWN AND BYPASSED STATUTORY STAY

4. The underlying ejectment action was structurally void. Respondent intentionally utilized his own personal mailing address (1692 South Morgan Avenue) as the Appellant's address on court intake sheets, routing all court correspondence to a mailbox under Respondent's exclusive dominion.

5. Consequently, the Magistrate Court's trial notice—sent via regular first-class mail—was delivered to the 1692 mailbox controlled exclusively by Respondent. Postal markings confirm the mail entered the system on March 28, 2026. Knowing exactly where Appellant actually resided, Respondent intentionally withheld Appellant's legal mail for a month before finally handing it back to the postal service on or about April 27, 2026, to be marked "Return to Sender - Attempted - Not Known - Unable to Forward." During this calculated pocket of manufactured non-delivery, the court held an ex parte trial on April 13, 2026, entering a default judgment against Appellant in his total absence.

6. On April 24, 2026, Appellant timely filed his Notice of Appeal to the Court of Common Pleas and lodged a mandatory Tenant's Undertaking pursuant to S.C. Code Ann. § 27-40-800(b). By operation of clear statutory law, this triggered an automatic, mandatory stay of execution.

7. However, the Magistrate Clerk's office bypassed judicial review entirely, executing the eviction on April 29th based solely on an unauthorized, informal letter written by the trial Magistrate recommending that the appeal be ignored.

III. THE APRIL 27TH VIDEO EVIDENCE AND SUBSEQUENT HIDDEN PAPERWORK

8. On April 27, 2026, Deputy Sheriff Blakley arrived at Appellant's actual premises (1746 South Morgan Avenue) to execute the writ.

9. Realizing the face of the judicial command named only 1692 South Morgan Avenue, Deputy Blakley physically crossed out "1692" and hand-wrote "1746" directly onto the face of the writ.

10. This interaction was **preserved via video recording**. The transcript catches the executing officer openly admitting to a non-judicial field alteration of a court directive:

Appellant: "You corrected the writ sheriff."

Deputy Blakley: "I put the right address on it... Corrected your copy."

11. When Appellant objected that law enforcement lacks the constitutional authority to self-amend the geographic scope of a judicial warrant, Deputy Blakley snatched the altered paper copy back, left absolutely no paperwork with the tenant, and withdrew.

12. Two days later, on April 29, 2026, deputies returned with commercial tow trucks and executed a forceful ouster on the separate parcel (1746) without ever providing the 24-hour notice required by S.C. Code Ann. § 27-37-160. During this seizure, the deputies never legally served Appellant with a valid writ. Instead, an officer merely flashed an unidentified piece of paper, actively refused to allow Appellant to read or inspect it, and proceeded to seize his homes without presenting lawful authority.

IV. LAW AND ARGUMENT

13. S.C. Code Ann. § 27-37-160 strictly limits law enforcement's authority to the exact physical parcel named on the face of a judicial order and mandates a 24-hour notice prior to execution. Officers possess zero authority to perform field corrections on a judicial mandate, nor can they lawfully bypass the 24-hour statutory warning and seize property while hiding the authorizing paperwork from the homeowner.

14. A judgment entered without personal jurisdiction or service is a nullity. Under Rule 60(b)(4), SCRPC, and the due process standards of *Mullane v. Central Hanover Bank & Trust Co.*, an order entered without notice reasonably calculated to reach the target party is void ab initio. Furthermore, a default obtained by intentionally intercepting and withholding the opposing party's legal mail constitutes **Fraud on the Court**.

15. Rule 241, SCACR, vests this Court with the absolute equitable authority to issue a writ of supersedeas and preservation orders to freeze ongoing, collateral harm, and to restore the status quo ante when a party has been unlawfully dispossessed in violation of a mandatory statutory stay.

V. DIRECT RELIEF REQUESTED

WHEREFORE, Appellant respectfully requests that this Honorable Court immediately intervene and issue an Order:

A. Directing an immediate STAY of any further execution or enforcement flowing from the Magistrate's underlying default ejectment;

B. Issuing an Emergency TEMPORARY INJUNCTION directed at the holding tow yard/legacy tow group and Respondent, completely prohibiting the sale, auction, transfer, or disposal of Appellant's two motorhomes and their contents pending final disposition of this appeal;

C. ORDERING the immediate tolling, freezing, and suspension of all daily storage fees or towing surcharges from April 29, 2026, forward;

D. ORDERING the immediate release of Appellant's motorhomes and their restoration to their pre-eviction location, without cost to Appellant, restoring the status quo ante that existed prior to the violation of the statutory stay; and

E. Directing the preservation of all law enforcement body-camera footage, dispatch logs, and records relating to the April 27 and April 29 field actions.

Dated: June 16, 2026

Respectfully submitted,
/S/ Mohamad Haisam Kodaimati
Mohamad Haisam Kodaimati, Pro Se
Phone: 980-636-9412
Email: kodaimati@gmail.com