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Jun 26 2026

SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Torgues Mingo,

Appellant,

v.

Flats at Haywood,

Respondent.

Appellate Case No. 2025-002298

**MOTION FOR PERMISSION TO SERVE AND FILE THE RECORD ON APPEAL OUT
OF TIME**

Pursuant to Rule 210 and Rule 240, SCACR, Appellant Torgues Mingo (“Appellant”), appearing pro se, respectfully moves this Court for permission to serve and file the Record on Appeal out of time. In support of this Motion, Appellant states as follows:

1. Appellant timely filed his Notice of Appeal on October 20, 2025, following entry of the trial court's Order of Eviction on October 17, 2025.
2. On February 6, 2026, Appellant filed and served his Designation of Matter to be Included in the Record on Appeal, pursuant to Rule 209, SCACR, designating the pleadings, orders, and documentary evidence to be included in the Record, and notifying the Court that no transcript would be ordered.
3. On March 18, 2026, Respondent filed a petition for a writ of mandamus seeking to direct the magistrate to execute a writ of ejectment, which this Court denied by Order filed May 21, 2026. In that Order, the Court clarified that the circuit court's order has not been stayed pending appeal.
4. The Record on Appeal was not served within the time required by Rule 210, SCACR, because Appellant, proceeding pro se, was simultaneously occupied with a related matter before the Greenville County Circuit Court concerning preparation for a bond-to-stay hearing arising out of the same underlying eviction proceeding. The demands of preparing for that matter were overwhelming for Appellant, who is unrepresented, and resulted in the inadvertent delay in serving the Record on Appeal in this matter.

5. By letter dated June 16, 2026, the Clerk of this Court notified Appellant that the time for serving the Record on Appeal had expired and directed Appellant to serve the Record, together with a motion for permission to serve and file out of time, within ten (10) days, pursuant to Rule 210 and Rule 240, SCACR, or the appeal would be dismissed. Appellant files this Motion within that period.
6. Appellant has proceeded in good faith throughout this appeal, has not abandoned the appeal at any point, and any delay in serving the Record has not been the result of willful disregard of this Court's rules or deadlines.
7. Respondent will suffer no meaningful prejudice from the brief extension requested, as the underlying circuit court order remains unstayed and in full effect during the pendency of this appeal.
8. Appellant is now prepared to serve and file the Record on Appeal, consistent with his previously filed Designation of Matter, and will do so within three (3) days of the filing of this Motion.

WHEREFORE, Appellant respectfully requests that this Court grant this Motion and permit Appellant to serve and file the Record on Appeal out of time, and grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

s/Torgues Mingo
Torgues Mingo, Pro Se
75 Mall Connector Road Unit 203
Greenville, South Carolina 29607

Dated: June 26, 2026

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Motion for Permission to Serve and File the Record on Appeal Out of Time upon D. Andrew Turman, Esquire, counsel for Respondent, by United States Mail, postage prepaid, in a properly addressed envelope, addressed as follows:

D. Andrew Turman, Esquire
MULLEN HOLLAND & COOPER, P.A.
301 South York Street / P.O. Box 488
Gastonia, NC 28053-0488

on this 26th day of June, 2026.

s/Torgues Mingo
Torgues Mingo, Pro Se