

THE STATE OF SOUTH CAROLINA
THE SUPREME COURT
COURT OF APPEALS

APPEAL FROM ORANGEBURG COUNTY
COURT OF COMMON PLEAS(2018-CP-38-01339)

Appellate Case No. 2026-001420

AMENDED NOTICE OF APPEAL

RUFUS RIVERS AND MERLE RIVERS, PRO SE

APPELLANTS

VS.

JAMES SMITH, JR.

RESPONDENT

Rufus Rivers and Merle Rivers appeals the Circuit Court's Failure to Rule on timely filed Rule 60 motions filed in original case no. 2018-CP-38-01339, dated 09/19/2026.

06/29/2026

Rufus Rivers, pro se
Appellant

Merle Rivers, pro se
Appellant

Attorney for Respondent
Kathleen McDaniel, ESQ.
P.O. Box 1929
Columbia, South Carolina 29202

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Jun 29 2026
SC Court of Appeals

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PROOF OF SERVICE

Appellants hereby certify that a copy of their Amended Notice Of Appeal was served on Respondent through his attorney of record, Kathleen McDaniel by email at kcmcdaniel@burnetteshutte.law.

06/28/2026

Rufus Rivers, pro se

Merle Rivers, pro se

STATE OF SOUTH CAROLINA
THE SUPREME COURT
COURT OF APPEALS

Appellate Case No. 2026-001420

MOTION TO STAY ENFORCEMENT PENDING APPEAL CASE NO. 2018-CP-38-01339

I. INTRODUCTION

Appellants respectfully moves for a stay of enforcement pending resolution of this appeal. This appeal arises from the Circuit Court's failure to rule on Appellants' rule 60 motions filed in original case no 2018-CP-38-01339 on 09/19/2026. Enforcement of the magistrate's writ during the pendency of this appeal would cause irreparable harm and effectively moot appellate review.

II. PROCEDURAL POSTURE

Appellants' filed rule 60 motions in the Circuit Court no. 2018-CP-38-01339. The Circuit Court did not rule on those motions. Appellants timely filed a notice of appeal, and this Court assigned a case no, 202-001420. The Circuit Court has not issued an order addressing the rule 60 motions. The magistrate has printed a writ of ejectment and enforcement is imminent.

III. GROUNDS FOR STAY

A stay is warranted because:

1. The appeal raises a substantial issue: The Circuit Court's failure to rule.
2. There is no written orders disposing of the rule 60 motions.
3. Enforcement of the writ would cause irreparable harm by removing Appellants by removing Appellants from the premises before review is complete.
4. Without a stay the appeal would be rendered moot.

IV. IRREPARABLE HARM

If enforcement proceeds, Appellants would be removed from the premises before the Court can review the failure to rule issue. Possession can:t be restored through appellant relief, and removal would therefore constitute irreparable harm.

V. THE APPEAL IS NOT FRIVOLOUS

This appeal is based on a preserved procedural defect: The Circuit Court did not rule Appellants' rule 60 motions. The appeal presents a legitimate issue appropriate for appellate review.

VI. RELIEF REQUESTED

Appellants respectfully request the State Court enter an order staying the enforcement of the magistrate's writ pending resolution of this appeal.

06/29/2026

Attorney for Respondent
Kathleen McDaniel, ESQ.
P.O. Box 1929
Columbia, South Carolina 29202

Rufus Rivers, pro se

Merle Rivers, pro se

STATE OF SOUTH CAROLINA
THE SUPREME COURT
COURT OF APPEALS

APPELLATE CASE NO. 2026-001420

PROOF OF SERVICE

Rufus Rivers and Merle Rivers, pro se
Appellants

vs.

James Smith, Jr.
Respondent

Appellants hereby certify that a copy their Motion to Stay Enforcement was served on Respondent through his attorney of record Kathleen McDaniel by email.\c/o kmcdaniel@burnetteshuttemcdaniel.law.

06/29/2026

Rufus Rivers, pro se

Merle Rivers, pro se

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