

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

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JUL 06 2026

SC Court of Appeals

CASE NO: 2024-001929

**George S. Jenkins and Ulysses T. Heyward,
Appellants,**

v.

**Florence Heyward-Davis,
Respondent.**

RESPONDENT'S MOTION TO DISMISS APPEAL FOR MATERIAL DEFECT IN SERVICE AND TO CANCEL LIS PENDENS, OR IN THE ALTERNATIVE, TO COMPEL AN EMERGENCY SUPERSEDEAS BOND AND EXPEDITE CONSIDERATION

The Respondent, appearing pro se, respectfully moves this Court to dismiss the pending appeal pursuant to Rules 210 and 263 of the South Carolina Rules of Appellate Procedure (SCACR) due to a fatal, material procedural defect in service, and to order the immediate cancellation, lifting, and discharge of the lis pendens clouding the title of the disputed real property.

In the alternative, if the Court declines to dismiss the appeal outright, Respondent moves this Court pursuant to SC Code Ann. § 18-9-170 and SCACR Rule 225 for an emergency order compelling the Appellants to post a cash Supersedeas Bond in the amount of One Hundred Thousand Dollars (\$100,000.00) to secure ongoing property expenses, protect against active waste by the occupying Appellant, and to expedite consideration of this appeal. In support of this motion, Respondent states as follows:

A. THE PROCEDURAL DEFECT: VIOLATION OF SERVICE AND GHOST RECORD

1. The procedural history of this appeal reveals a continuous, systematic pattern of unexcused delay, deficiency, and procedural failure by the Appellants, extending for over a year and a half. A chronological review of the docket demonstrates that the Appellants have consistently failed to prosecute this appeal in a timely or rule-compliant manner:
 - November 12, 2024: Appellants filed their Notice of Appeal.
 - February 18, 2025: Appellants sought and received their first extension of time to file their initial brief.
 - February 25, Deficiency letter sent for motion for extension and transcript correspondence March 10, 2025, second deficiency letter - transcript correspondence: Appellants issued a rapid series of procedurally deficient filings, triggering multiple corrections.
 - April 8, 2025: Appellants were granted an additional extension to file their initial brief.
 - May 12, 2025: Appellants presented an initial brief, which was immediately met with a formal Deficiency Letter from the Clerk on May 19, 2025.
 - May 29, 2025: Rather than filing a proper record, Appellants filed a Motion to Allow Late Filing of Initial Brief and Designation of Matter.
 - June 9, 2025: The Clerk issued yet another Deficiency Letter regarding the designation of matter alongside the pending motion to file late.
 - June 24, 2025: The Court accepted Appellants' motion to allow the late filing.
 - November 10, 2025: Appellants filed a Motion to Extend Time to file their First Appellate Initial Reply Brief.
 - December 1, 2025: Appellants filed their Initial Reply Brief.
 - December 8, 2025: The Clerk issued a formal Deficiency Letter targeting the reply brief's cover page and caption.
 - February 9, 2026: Appellants attempted to inject irrelevant probate materials into the appellate layer by filing the Last Will and Testament of George S. Jenkins.
 - February 19, 2026: The Clerk of Court issued an official Record on Appeal Overdue Correspondence to the Appellants due to non-compliance.
 - February 20, 2026: Acknowledging their procedural default, Appellants filed a Motion to Allow Late Service of the Record on Appeal.

- March 10, 2026 Respondent filed motion to dismiss based on frequency and consistency of filings deficiencies and financial prejudice against the Respondent by ongoing litigation.
- April 15, 2026 Respondent's motion to dismiss was denied.
- May 5, 2026 Appellant's Record of Appeal was filed.
- May 19, 2026 Deficiency letter sent on Record on Appeal.
- June 2, 2026 Following months of additional administrative cleanup, the Appellants finally filed their Final Record on Appeal with this Court.

2. This exhaustive timeline proves that the Appellants have weaponized the appellate timeline to keep the Wadmalaw Island property frozen in litigation while escaping any physical or administrative accountability. This drawn-out history of proceeding in a dilatory fashion is heavily penalized under South Carolina appellate practice when it results in clear prejudice to the opposing party. (Rule 208, A4)

3. The prejudice is compounded by the fact that the Final Record of Appeal finally served upon the Respondent on June 2, 2026, is fundamentally defective. Upon reviewing the court filing, Respondent discovered that the Record on Appeal submitted to the Court contains approximately one hundred (100) pages of critical Summary Judgment materials, motions, and exhibits that were completely omitted from the physical copy served upon the Respondent.

4. Furthermore, the copy of the Record served upon the Respondent is plagued by a structural failure. Specifically, at page 00072 (designated as part of Exhibit E), the transcript abruptly cuts off mid-sentence during a Circuit Court hearing dated June 18, 2024, before the Honorable Judge Jennifer McCoy. The very next page the Respondent received jumps violently to page 000177—a completely separate Probate Court hearing transcript regarding the removal of a Personal Representative before the Honorable Judge Kouten.

5. The Appellants have completely omitted a contiguous block of one hundred and five (105) pages (pages 00073 through 000176) from the copy served upon the Respondent. Under SCACR Rule 210, the Appellants have a strict, non-negotiable duty to serve an identical, complete copy of the Record on Appeal to the Respondent. Following a nineteen-month history of endless extensions, late-filing motions, and deficiency letters, delivering a hollowed-out "ghost record" to the Respondent violates basic rules of service and deprives the Respondent of due process. Dismissal under Rule 263 is entirely warranted based on this cumulative record of non-compliance.

B. THE SUBSTANTIVE REALITY: THE DISPUTE INVOLVES A LAWFUL LIFETIME TRANSFER, NOT PROBATE MATTERS

5. Dismissal is warranted because the appeal itself lacks any reviewable merit and rests on fundamental errors of law. The trial court properly granted summary judgment because the real property in question was lawfully conveyed during the principal's lifetime via a valid, executed Power of Attorney (POA) in 2015.

6. The POA was executed in 2012, and the deed creating the Joint Tenancy with Right of Survivorship (JTWROS) was executed and recorded in 2015. The Appellants' Initial Brief mistakenly attempts to apply the "hot powers" restrictions of the South Carolina Uniform Power of Attorney Act (SC Code Ann. § 62-8-201). However, that statute did not take effect until

January 1, 2017. Under SC Code Ann. § 62-8-106(b), the 2012 POA is strictly governed by the law as it existed at the time of execution. The 2012 POA explicitly and plainly granted the Respondent the specific authority to transfer real property to herself for "little or no consideration," satisfying the controlling legal standard. See Exhibit B

7. In their initial brief, the Appellants raise irrelevant arguments regarding a Probate Court Personal Representative removal transcript and assert that photocopies of three prior, unsealed, and vacated wills constitute "circumstantial evidence" or raise "credibility issues" sufficient to preclude summary judgment.

8. As a matter of South Carolina law, a will has zero legal force or effect during a principal's lifetime. More importantly, because the subject property was lawfully transferred during life in 2015 with a Right of Survivorship, the property passed automatically by operation of law to the Respondent the exact second the principal passed away. It is a non-probate asset that never entered the probate estate. Because the wills and the PR removal have zero logical or legal connection to a lifetime property conveyance, they do not create a "reasonable inference" of a material fact under South Carolina summary judgment standards.

C. EMERGENCY REQUEST FOR A \$100,000 SUPERSEDEAS BOND DUE TO ESCALATING EXPENSES AND ACTIVE PROPERTY WASTE BY THE OCCUPYING APPELLANT

9. Because of the Appellants' extensive delays—taking 386 days between filing their initial brief (May 29, 2025) and filing their record (June 2, 2026)—the Respondent has been forced to solely carry 100% of the steep monthly financial expenses, including mortgage, property taxes, and insurance, to preserve this property while it remains locked in an artificial legal freeze. The Respondent became aware of the property's degraded condition through several Facebook posts by the Appellate, George Jenkins. The property is stripped of furnishings, the HVAC system, kitchen appliances including the stove, fridge, microwave noted in one of the dwellings. It is trashed and the electric meter is missing on both dwellings therefore no electricity is available.

10. While Appellant George Jenkins acts as the primary litigating party driving this appeal, Appellant Ulysses T. Heyward actively maintains exclusive physical possession, residency, and control of the property. The Respondent resides completely out of town and does not have physical access to the premises.

11. **Crucially**, the property is currently suffering severe physical distress and active devaluation ("waste") under Appellant Heyward's exclusive custody. As demonstrated by the photographic evidence attached hereto as Exhibit A—which consists of recent photographs publicly published by the Appellants on social media (Facebook)—the structures are being subjected to severe neglect and damage. Because the Respondent is out of town and the property title is frozen by this meritless litigation and the associated lis pendens, the Respondent is legally and physically blocked from entering, managing, or executing urgent physical remediation.

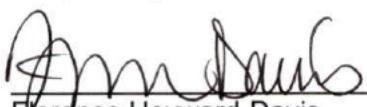
12. Pursuant to SC Code Ann. § 18-9-170, when an appellant remains in control of real property during an appeal, they must post a bond to secure the respondent against damages, holding costs, and waste. Equity requires that the Appellants be compelled to immediately post a joint and several cash Supersedeas Bond of One Hundred Thousand Dollars (\$100,000.00) to cover the lost rental value of the two dwellings, accumulating insurance and tax carrying costs,

and the mounting physical depreciation caused by their deliberate delays. Should the Appellants fail to post said bond within ten (10) days, the appeal should be dismissed automatically.

WHEREFORE, Respondent respectfully requests that this Court enter an order:

- a) Dismissing the Appellants' appeal with prejudice for failure to properly serve the Record on Appeal under SCACR Rule 210; AND
- b) Explicitly ordering the immediate cancellation, lifting, and discharge of the lis pendens currently recorded against the real property located at 5554 Rosebank Road, Wadmalaw Island, SC, TMS 1970000012, so it may be preserved, repaired, and managed; OR
- c) In the alternative, ordering the Appellants to post a cash Supersedeas Bond of One Hundred Thousand Dollars (\$100,000.00) within ten (10) days to secure ongoing carrying expenses and active property waste, staying the standard briefing schedule, and expediting this case for immediate review and summary ruling; AND
- d) Awarding the Respondent appellate damages and costs for a frivolous and delayed appeal pursuant to SCACR Rule 222.

Respectfully submitted,



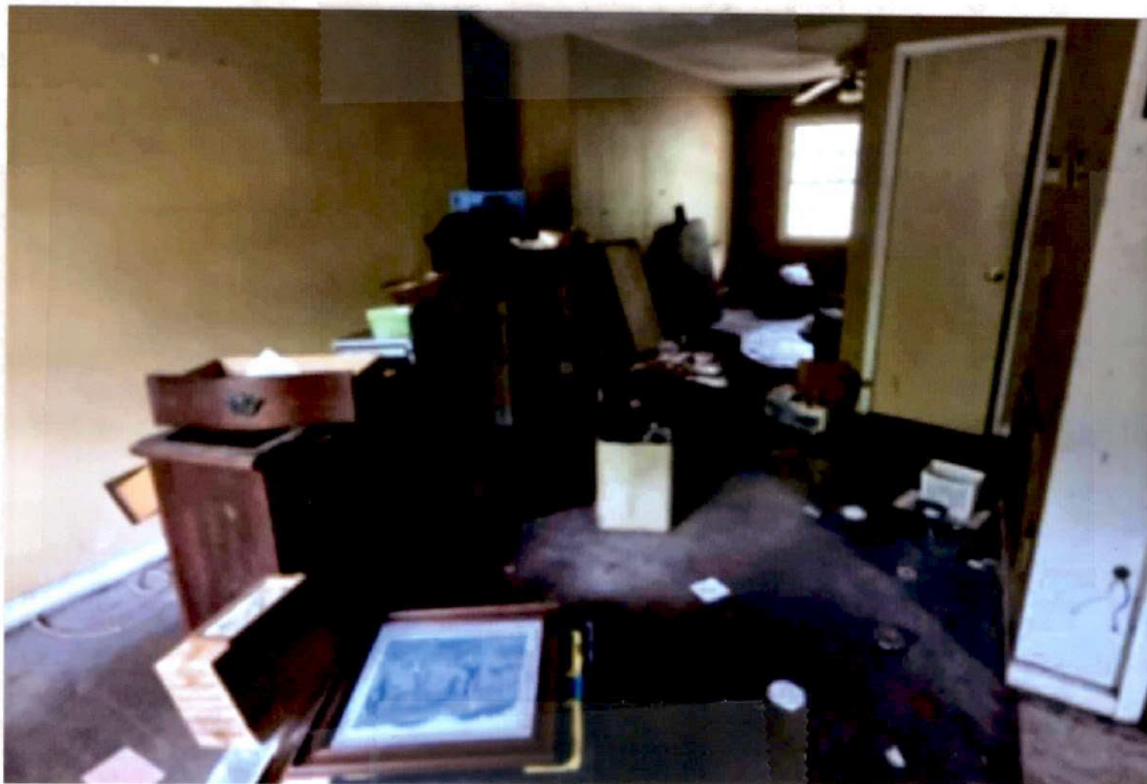
Florence Heyward-Davis
Respondent, Pro Se

14 Ridge Square NW Suite 300
C/o DCUL Office 308
Washington, DC 20012
843-364-6578
Floellern@gmail.com

Dated: July 2, 2026

Exhibit 1

Main House
Dining Room



Exterior 2nd Home



8 6 2

Most relevant ▾



Tabby Jenkins
This crazy.

20h Like Reply



Joseph Jenkins
Woo

16h Like Reply



Exhibit 2
Main House
Hallway



Main House
Master Bath



Exhibit 3

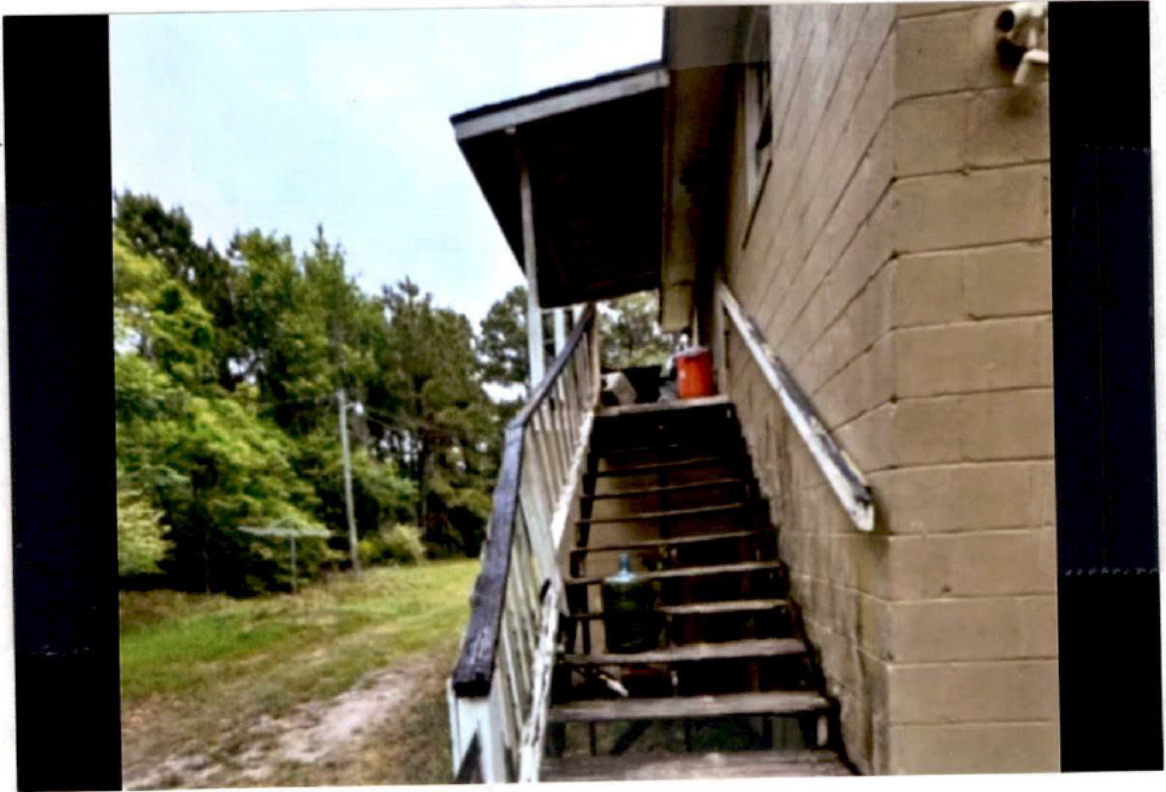
Main House
Front



Main House
Rear
HVAC missing
Ramp
Destroyed



Exhibit 4
Garage Apartment
Exterior &
Interior



Missing
Fridge,
microwave,
stove,
Dishwasher



Exhibit 5

Garage Apartment
Home
Exterior
Damage



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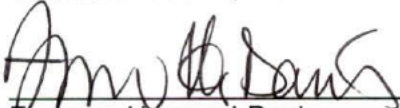
SC Court of Appeals

CERTIFICATE OF SERVICE

I, Florence Heyward-Davis, hereby certify that on this 2 day of ^{July}~~June~~, 2026, I served a true and correct copy of the foregoing Respondent's Motion upon the Appellants by placing the same in the United States Mail, first-class, certified return-receipt requested, addressed to:

George Jenkins
1348 S. Sherwood Drive
Charleston, SC 29407

Ulysses T. Heyward
5554 Rosebank Road
Wadmalaw Island, SC 29407



Florence Heyward-Davis

EXHIBITS 1-5

See the printed screenshot photos of the property obtained from the Facebook page showing the physical distress, neglect, and damage.: Source: Public Facebook Post by Appellant George Jenkins showing current condition of Wadmalaw Island property.

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661-8017
COLUMBIA SC
29201-3178

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