

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

CHALANDRA YVETTE ROSS,
Appellant,

v. Appellate Case No. _____

BARBARA ANN MCCLENNON,
Respondent.

Appeal From Berkeley County
Case No. 2026-CP-08-01148
Magistrate Case No. 2026-CV-08-00081

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SC Court of Appeals

EMERGENCY MOTION TO SET SUPERSEDEAS BOND, FOR STAY OF EJECTMENT, AND FOR OTHER EXTRAORDINARY RELIEF

IMMEDIATE RELIEF REQUESTED

**COMES NOW, Appellant, Chalandra Yvette Ross, pro se,
and respectfully moves this Honorable Court pursuant to
Rules 221 and 241, SCACR, and Rule 62, SCRCP, for:**

1. An Order fixing the amount of a Supersedeas Bond;
2. An immediate stay of the Writ of Ejectment;
3. An Order preserving the status quo pending appeal;
4. Such other relief as this Court deems just and proper.

I. INTRODUCTION

This appeal presents substantial questions concerning:

- retaliatory eviction;
- due process violations;
- unlawful self-help measures;
- refusal of available rental assistance;
- interference with essential services;
- breach of the warranty of habitability;
- breach of quiet enjoyment;
- constitutional property interests.

Immediate execution of the ejectment will render portions of the appeal meaningless and cause irreparable harm.

II. STATEMENT OF FACTS

1. Appellant is presently in possession of the subject premises.
2. An Order of Ejectment has been entered.
3. A Twenty-Four Hour Notice to Vacate has been issued.
4. Appellant has timely filed an appeal.
5. Appellant maintains that substantial errors occurred below, including:

A.

Failure to consider affirmative defenses.

B.

Failure to consider retaliatory eviction under:

S.C. Code Ann. § 27-40-910.

C.

Failure to consider:

- habitability violations;
- utility issues;
- interference with quiet enjoyment.

D.

Failure to adequately address due process concerns.

III. APPELLANT WILL SUFFER IRREPARABLE HARM

If the ejectment is executed:

- Appellant may become homeless;
- Personal property may be lost;
- The appeal may become partially moot;
- The Court's ability to grant meaningful relief may be impaired.

South Carolina courts recognize that the purpose of a supersedeas is:

"to suspend proceedings and preserve the status quo pending determination of the appeal."

See:

Melton v. Walker, 209 S.C. 330, 40 S.E.2d 161 (1946).

IV. LIKELIHOOD OF SUCCESS ON APPEAL

Appellant respectfully submits that the appeal raises substantial issues, including:

1. Due Process Violations

U.S. Const. Amend. XIV.

S.C. Const. Art. I, § 3.

2. Retaliatory Eviction

S.C. Code Ann. § 27-40-910.

3. Habitability Issues

S.C. Code Ann. § 27-40-440.

4. Quiet Enjoyment and Illegal Entry

S.C. Code Ann. § 27-40-530.

5. Refusal of Rental Assistance

Equitable defenses including:

- unclean hands;
- estoppel;
- waiver.

6. Preservation of Appellate Jurisdiction

Rule 241(c)(2), SCACR authorizes a stay when necessary to preserve jurisdiction and prevent issues from becoming moot.

V. RESPONDENT WILL SUFFER LITTLE OR NO PREJUDICE

A temporary stay merely preserves the status quo.

Respondent retains all remedies should the appeal ultimately fail.

No substantial prejudice exists.

VI. SUPERSEDEAS BOND

Appellant respectfully requests that this Court:

1. Set a reasonable supersedeas bond;

OR

2. Waive or reduce the bond based upon:
 - financial hardship;
 - inability to post substantial security;
 - the equitable nature of the proceedings;
 - the risk of irreparable injury.

In the alternative, Appellant requests permission to post a nominal bond or other security acceptable to the Court.

VII. ARGUMENT

The Court possesses broad authority under:

- Rule 221, SCACR;
- Rule 241, SCACR;
- Rule 62, SCRCP;

to issue stays necessary to preserve the Court's jurisdiction and prevent irreparable harm pending appeal.

A supersedeas is particularly appropriate where:

1. substantial questions are raised;
2. irreparable harm is threatened;
3. the balance of equities favors maintaining the status quo.

PRAYER FOR RELIEF

WHEREFORE, Appellant respectfully prays that this Court:

1. Fix the amount of a Supersedeas Bond;
2. Stay execution of the Writ of Ejectment;
3. Enjoin the Berkeley County Sheriff from removing Appellant from the premises;
4. Preserve the status quo pending disposition of this appeal;
5. Grant any other extraordinary relief deemed appropriate.

Respectfully submitted,

CHALANDRA YVETTE ROSS, Appellant, Pro Se

Address: 128 Sterling Ln St Johns SC, 29479

Telephone: 854-216-2430

Date: 7/8/20

PROPOSED ORDER

IT IS HEREBY ORDERED:

1. The amount of the Supersedeas Bond is fixed at \$_____.
2. Execution of the Writ of Ejectment is STAYED pending disposition of this appeal.
3. The Berkeley County Sheriff shall take no action to remove Appellant pending further Order of this Court.
4. The status quo shall be maintained until final disposition of the appeal.

IT IS SO ORDERED.

Judge, South Carolina Court of Appeals

Date: _____

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COLUMBIA SC 29201

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