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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPELLATE CASE NUMBER 2024 – 001929

George Jenkins, Barry Heyward, Ulysse Heyward, fluorine Heyward Pinckney, and Eric

Ramsey, claimant, of whom George Jenkins is the Appellant

George Jenkins Appellant

Versus

Florence Heyward Davis

Respondent

**APPELLANT GEORGE S. JENKINS'S RETURN IN OPPOSITION TO RESPONDENT'S MOTION TO
DISMISS, CANCEL LIS PENDENS, REQUIRE BOND, AND EXPEDITE CONSIDERATION**

Appellant George S. Jenkins, appearing pro se and solely on his own behalf, respectfully submits this Return and requests that Respondent's motion be denied in its entirety.

Respondent's motion was mailed on July 2, 2026, and George S. Jenkins received it on Wednesday, July 8, 2026. By order of the Court, his deadline to file this Return was extended through August 3, 2026, and this Return is timely filed within that extension.

ARGUMENT

I. Respondent has not shown grounds for dismissal.

Rule 263, SCACR, governs computation and extension of time; it does not independently authorize dismissal. Rule 260 addresses dismissal for noncompliance. The Court has granted extensions and accepted filings in this appeal, including the final Record on Appeal. Respondent also acknowledges that her earlier motion to dismiss was denied on April 15, 2026. A history of

corrected deficiencies and court-approved extensions does not, without more, establish a present jurisdictional defect requiring dismissal with prejudice.

II. Any issue concerning the copy served does not justify dismissal with prejudice.

George S. Jenkins served Respondent with a complete copy of the final Record on Appeal substantially identical to the copy filed with the Court.

Rule 210(a), SCACR, requires service of the Record on Appeal and proof of service, but Respondent has not shown that a correctable discrepancy in a physical copy requires dismissal with prejudice. Respondent has notice of the issues and can respond using the complete final Record.

III. Disputed factual claims require competent support.

Under Rule 240(c)(3), SCACR, facts relied upon that are not contained in the Record on Appeal must be supported by affidavits or other documents. Respondent has not established through competent evidence what was placed in the package served, how the alleged discrepancy occurred, or why it prevents a response to the appeal. Characterizations of George S. Jenkins's conduct as deliberate or abusive are disputed and unsupported.

IV. The merits of the appeal should be resolved through appellate review.

Respondent's arguments concerning the power of attorney, deed, wills, probate proceedings, credibility, and summary judgment concern the merits. Those questions should be decided from the appellate briefs and the properly constituted Record on Appeal, not summarily resolved through a procedural motion to dismiss.

V. The Court should disregard new material outside the Record.

Rule 210(h), SCACR, generally limits appellate review to facts appearing in the Record on Appeal. To the extent Respondent's social-media photographs and assertions concerning the

property were not presented to the lower court and included in the Record, they should not be considered. The photographs also do not establish when a condition arose, who caused it, the repair cost, fair rental value, or an appropriate bond amount.

VI. Cancellation of the lis pendens would threaten effective appellate relief.

Respondent has not established grounds to cancel the lis pendens while ownership of the property remains under appellate review. Cancellation could permit a transfer or encumbrance that interferes with effective relief or renders contested issues moot. Rule 241(c)(2), SCACR, directs consideration of preservation of appellate jurisdiction and prevention of mootness; those considerations favor maintaining the status quo.

VII. The \$100,000 bond request does not satisfy Rule 241.

The current rule governing stays and supersedeas in civil actions is Rule 241, SCACR, not Rule 225. Rule 241(d) ordinarily requires an application first to the lower court, followed by a verified petition showing the lower court's ruling or extraordinary circumstances excusing that requirement. Respondent's filing does not demonstrate those prerequisites. Section 18-9-170 concerns judgments directing the sale or delivery of possession of real property; it does not automatically require a \$100,000 cash bond in every property appeal.

Respondent provides no appraisal, repair estimate, rental analysis, tax records, insurance records, or other competent evidence supporting the requested amount. The round figure is speculative and should not be imposed as a barrier to appellate review.

VIII. Respondent has not established sanctions or appellate damages.

Rule 222, SCACR, governs specified taxable appellate costs. Sanctions for an allegedly frivolous or delay-only appeal are governed by Rule 269 and require notice and an adequate

factual basis. Contested legal issues, court-approved extensions, or corrected filing deficiencies do not establish that this appeal was taken solely for delay.

CONCLUSION

George S. Jenkins respectfully requests that the Court deny dismissal, cancellation of the lis pendens, the requested \$100,000 bond, sanctions, damages, costs, and expedited summary disposition; disregard matters outside the Record; and grant such other relief as the Court deems just.

Respectfully submitted,

George S. Jenkins

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