

The South Carolina Court of Appeals

Natasha Foster, Appellant,

v.

Vasilisa Kuzik, Respondent.

Appellate Case No. 2026-001569

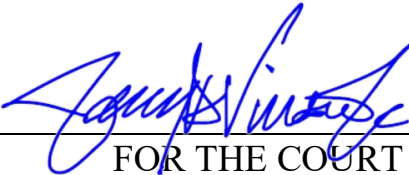
ORDER

On July 21, 2026, Appellant filed a motion to stay, which this court denied on the basis Appellant failed to follow the newly amended statute. *See* S.C. Code Ann. § 27-40-800(f)(1) (2007)¹ ("Upon appeal to the Supreme Court or to the court of appeals, a court shall not stay an execution of a judgment for ejectment unless the tenant files an affidavit with the proper appellate court, in which the tenant promises to pay to the landlord the amount of rent, determined by order of the judge of the circuit court, as it becomes due periodically after judgment was entered. Once the affidavit is accepted by the court, the judge of the court having jurisdiction shall order stay of execution upon the undertaking.").

On August 5, 2026, Appellant filed an affidavit with this court promising to pay the amount of rent as it becomes due. We note the recent changes to section 27-40-800(f)(1), which modify the procedures for requesting a stay of an execution of a judgment for ejectment. Therefore, this court is willing to accept the affidavit as made and consider it timely. After careful consideration, Appellant's motion to stay the eviction is temporarily granted. We remand this case to the circuit court for an expedited hearing on Appellant's motion to stay and determination of any appeal bond. *See* S.C. Code Ann. § 27-40-800(f)(1) (2007) ("Upon appeal to the Supreme Court or to the court of appeals, it is sufficient to stay execution of a judgment for ejectment that the tenant sign an undertaking that he will pay to the landlord the amount of rent, determined by order of the judge of the circuit court, as it becomes due periodically after judgment was entered. The judge of the court

¹ The statute was amended on June 30, 2026.

having jurisdiction shall order stay of execution upon the undertaking."). Appellant shall provide this court with status updates every thirty days. Further, Appellant shall provide this court with a copy of the circuit court's order ruling on the motion to stay and request for appeal bond within ten days of receiving notice of the order. Appellant's failure to provide this court with status updates every thirty days or to provide this court with the circuit court's ruling within ten days of receiving notice of the order will result in dismissal of this appeal. This appeal will not be held in abeyance during the remand.

 J.

FOR THE COURT

Columbia, South Carolina

FILED
Aug 05 2026

cc:

Natasha Foster

Vasilisa Kuzik

The Honorable Jessica Ann Salvini

The Honorable Jay Gresham