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STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

James Burrell, as Personal Representative for

The Estate of Elizabeth Jones Burrell,

Plaintiff and Respondent,

v.

Catherine Carroll, Deceased, et al.,

including Percy Morant, Jr.,

Defendant and Appellant.

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AUG 07 2026

SC Court of Appeals

RICHLAND COUNTY
FILED
2026 AUG -7 PM 2:37
JEANETTE W. MCBRIDE
Clerk of Court, 2nd Floor

Case No. 24-CP-40-4005

APPELLANT'S MOTION FOR SUPERSEDEAS AND STAY

OF EJECTMENT ORDER PENDING APPEAL

Pursuant to Rule 241(b)(10) and Rule 241(c), SCACR, and Rule 62(g), SCRCR

TO: THE SOUTH CAROLINA COURT OF APPEALS, and TO CHARLES T.

BROOKS III, ESQ., ATTORNEY FOR RESPONDENT:

Defendant and Appellant Percy Morant, Jr., appearing pro se, hereby moves this Court for an Order imposing a supersedeas and staying the ejectment provision of the Order on Adverse Possession and Occupancy, Not Ending Action, entered August 6, 2026 by the

Honorable Stephanie N. Lawrence, Master-in-Equity for Richland County, pending the resolution of the appeal filed simultaneously herewith. In support thereof, Appellant states as follows:

I. PROCEDURAL POSTURE

1. On August 6, 2026, the Master-in-Equity electronically filed an Order requiring Appellant to vacate the property at 300 Meadowlake Drive, Columbia, South Carolina 29203 no later than August 10, 2026 at 1:00 PM, with authority for the Richland County Sheriff's Department to forcibly remove Appellant if he has not departed by that time. Order, Paragraph 29 and 30.
2. Appellant has filed a Notice of Appeal from that Order simultaneously with this Motion. The appeal raises substantial legal questions including whether the Master-in-Equity had authority to enter an ejectment remedy where no ejectment cause of action was pled, whether the Order's access provision was ever ordered at the hearing, and whether the proceedings denied Appellant due process.
3. Ejectment orders are specifically identified as exceptions to the automatic stay under Rule 241(b)(10), SCACR, citing S.C. Code Ann. Section 27-37-130 and Section 27-40-800. Accordingly, the filing of a Notice of Appeal does not automatically stay the ejectment provision of the Order, and Appellant requires an affirmative supersedeas order from this Court to preserve the status quo pending appeal.

II. THE FOUR-FACTOR STANDARD FOR SUPERSEDEAS

A party seeking a supersedeas of an ejectment order pending appeal must demonstrate:

(1) likelihood of success on the merits of the appeal; (2) that the party will suffer irreparable injury if the stay is denied; (3) that other parties will not be substantially harmed by the stay; and (4) that the public interest will not be harmed. Each factor is addressed below.

A. LIKELIHOOD OF SUCCESS ON THE MERITS

4. Appellant presents substantial and colorable appellate arguments on multiple independent grounds, any one of which, if accepted by the Court of Appeals, requires reversal of the ejectment provision of the Order.

5. First, Rule 54(c) violation. The Amended Complaint pleads a single cause of action, adverse possession. No ejectment cause of action is pled. No prayer for relief seeking Appellant's removal independent of adverse possession appears anywhere in the pleadings. The Master-in-Equity dismissed the adverse possession claim at Transcript Page 129, Lines 9 through 11: 'Your adverse possession claim, Mr. Brooks, I'm dismissing that under 12(b)(6), you do not meet the elements for adverse possession.' Having dismissed the only claim before the Court, the Master-in-Equity then entered an ejectment order. Rule 54(c), SCRCF provides that a final judgment shall grant the relief to which the party in whose favor it is rendered is entitled, but shall not be different in kind from that prayed for in the demand for judgment. An ejectment order entered after dismissal of the only pled claim, on a legal theory never pled, violates Rule 54(c) on its face.

6. Second, absence of identified superior possessory right. The Order directs Appellant to vacate without identifying any party with a current, legally established superior possessory right to possession of the property. The adverse possession claim was dismissed. No title has been judicially established. The probate court has not determined the heirs of Catherine Carroll, in whose name the property remains titled. An equitable court cannot order a party removed from property without identifying the party with the superior right to receive that possession. The Order acknowledges at Paragraph 22 that 'once the heirs of the subject property have been determined' the Plaintiff will have leave to proceed, confirming that no party has yet established a superior right to the property.

7. Third, unpled access provision. Paragraph 31 of the Order grants Respondent access to the property for purposes of securing, appraising, and insuring it. Appellant has reviewed the complete 146-page certified transcript and no such order was entered at the hearing. The only discussion of insurance occurred at Transcript Pages 143 through 144, after all rulings were complete, when the Court twice stated 'I can't tell you' and directed Plaintiff's counsel to consult his attorney. This provision constitutes new affirmative relief in the written order not granted at the hearing.

8. Fourth, due process violation. The Amended Complaint pleads adverse possession only. Appellant had no notice that the July 8, 2026 hearing would adjudicate his possessory rights, equitable interest, and right to continued occupancy as independent issues. The Master-in-Equity simultaneously conducted what amounted to an adverse possession hearing, an equitable interest hearing, an

occupancy rights hearing, and a writ of assistance hearing without prior notice to Appellant that those independent issues would be decided. A party is entitled to notice of the claims and theories against which he must defend. The hearing as conducted denied Appellant the opportunity to prepare a response to the occupancy and equitable interest theories on which the ejectment order was ultimately based.

B. IRREPARABLE INJURY TO APPELLANT

9. Appellant will suffer irreparable injury if the stay is denied. The August 10, 2026 deadline is three days away. Forced removal from one's home is inherently irreparable injury that cannot be compensated by money damages. Once Appellant is removed and his belongings are placed on the street by the Sheriff's Department, the practical consequences of that removal cannot be undone even if this Court ultimately reverses the Order on appeal.

10. Appellant has resided at 300 Meadowlake Drive, Columbia, South Carolina 29203 since approximately September 2022, a period of nearly four years. He has paid the property taxes, maintained utilities, and provided basic upkeep for the property throughout that period. He paid the 2025 property taxes in the amount of \$669.57 on February 9, 2026 when no other party made any payment toward the property's maintenance or tax obligations. Forced removal within three days would cause irreparable harm to Appellant's housing, personal property, and the practical ability to pursue this appeal.

C. NO SUBSTANTIAL HARM TO RESPONDENT

11. A stay pending appeal would not substantially harm the Respondent. The Respondent, as Personal Representative for the Estate of Elizabeth Jones Burrell, has not established title to the property. The adverse possession claim was dismissed. The probate court has not yet determined the heirs of Catherine Carroll. Respondent has paid no property taxes, maintains no utility accounts at the property, and has made no financial contribution to the property's maintenance. Respondent suffers no financial loss from Appellant's continued presence during the pendency of the appeal because Respondent has no established financial interest in the property that Appellant's presence diminishes.

12. The Master-in-Equity acknowledged at Paragraph 32 of the Order that the Respondent will not reside in, rent, or allow anyone else to reside in the property pending a subsequent hearing on quiet title. Respondent therefore has no immediate use for the property that a stay would disrupt. The property would sit vacant if Appellant were removed, which serves no party's interest and risks deterioration of the asset.

D. PUBLIC INTEREST

13. The public interest is served by staying this ejectment order pending appeal. The public interest in the integrity of the judicial process requires that courts grant relief only on theories that are properly pled and properly noticed. The public interest in the protection of possessory rights requires that ejectment orders identify a party with a superior legal right to possession before compelling removal. The public interest in preventing waste of residential property requires

that an occupied and maintained property not be vacated and left empty while a legal proceeding concerning title to that very property is pending.

14. Additionally, the public interest in protecting pro se litigants' access to the courts requires that Appellant not be denied the practical ability to pursue this appeal through the forced disruption of his housing situation three days before the appellate process has had any opportunity to address the merits of his arguments.

III. RULE 62(g) INDEPENDENT AUTHORITY

15. Independently of and in addition to the supersedeas analysis above, this Court has authority under Rule 62(g), SCRCP to stay proceedings during the pendency of an appeal and to make any order appropriate to preserve the status quo or the effectiveness of any judgment subsequently to be entered. The status quo in this case is Appellant's continued occupancy of the property, which status has existed since September 2022. A stay order preserving that status quo while the appeal is pending is precisely the relief contemplated by Rule 62(g).

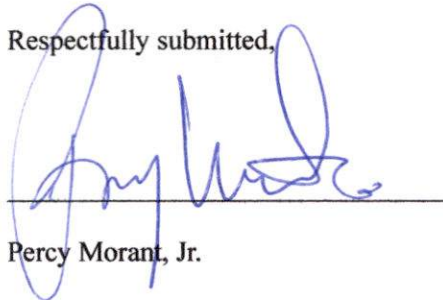
IV. RELIEF REQUESTED

Appellant respectfully requests that this Court enter an order:

(a) Staying the ejectment provision of the Order on Adverse Possession and Occupancy, Not Ending Action, specifically Paragraphs 29 and 30 of the Order, pending the full resolution of this appeal;

- (b) Staying the access provision of the Order, specifically Paragraph 31, pending the full resolution of this appeal, as that provision was not ordered at the July 8, 2026 hearing and is subject to challenge on appeal;
- (c) Directing that no Writ of Assistance or Writ of Ejectment be issued or executed by the Richland County Sheriff's Department pending the resolution of this appeal; and
- (d) Granting such other and further relief as this Court deems just and proper to preserve the status quo pending appeal.

Respectfully submitted,



Percy Morant, Jr.

Defendant and Appellant, Pro Se

300 Meadowlake Drive

Columbia, South Carolina 29203

(803) 722-9626

percymorant@gmail.com

Dated: August 7, 2026

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AUG 07 2026

SC Court of Appeals

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2026, a true and correct copy of the foregoing Appellant's Motion for Supersedeas and Stay of Ejectment Order Pending Appeal was served upon counsel of record for Respondent by United States Mail, first-class postage prepaid, and by electronic mail, addressed as follows:

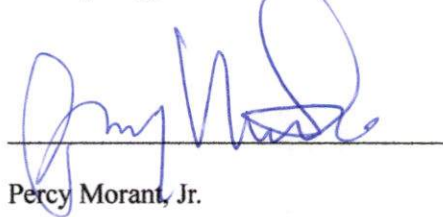
Charles T. Brooks III, Esq.

The Brooks Law Office LLC

309 Broad Street, Post Office Box 3512

Sumter, South Carolina 29151

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Percy Morant, Jr.

Defendant and Appellant, Pro Se

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percymorant@gmail.com

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C.C.P. S. & F.C.
FILED
COLLINS COUNTY

The ejectment provision is legally defective on its face for the following reason. The only cause of action before the Master-in-Equity was adverse possession. The Master-in-Equity dismissed that claim for failure of proof. No ejectment cause of action was ever pled in the Amended Complaint. No prayer for relief seeking Appellant's removal independent of the adverse possession claim appears anywhere in the pleadings. Rule 54(c), SCRCP, prohibits granting relief different in kind from that prayed for in the demand for judgment. The Court dismissed the only claim before it and then entered an ejectment order on a legal theory that was never before the Court.

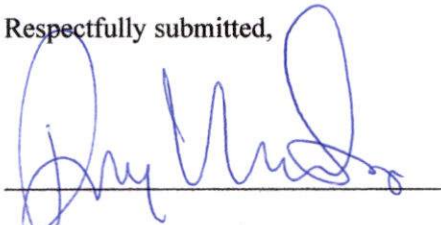
Additionally, Paragraph 31 of the Order grants Plaintiff access to the property for purposes of securing, appraising, and insuring it. Appellant has reviewed the complete 146-page certified transcript of the July 8, 2026 hearing. No such order was made from the bench. The Court twice stated 'I can't tell you' when asked about insurance and directed Plaintiff's counsel to consult his own attorney. That provision was inserted into the written Order from Plaintiff's counsel's proposed order and was never ordered by the Court.

Appellant has filed a Notice of Appeal and this Motion for Supersedeas today at the Richland County Clerk of Court. Appellant respectfully requests that this Court issue a temporary stay of Paragraphs 29, 30, and 31 of the Order pending full consideration of this motion. Ejectment from one's home is irreparable harm. The adverse possession claim that is the predicate for the ejectment was dismissed. No party has a legally established right to the property superior to Appellant's current possession. The balance

of hardships and the public interest both favor maintaining the status quo while this Court considers the appeal.

Appellant is available by telephone at (803) 722-9626 and by email at percymorant@gmail.com at any time this weekend.

Respectfully submitted,



Percy Morant, Jr.

Defendant and Appellant, Pro Se

300 Meadowlake Drive

Columbia, South Carolina 29203

(803) 722-9626

percymorant@gmail.com

Attachment: Motion for Supersedeas and Stay of Ejectment Order Pending Appeal

cc: Charles T. Brooks III, Esq., attorneyctb@outlook.com, P.O. Box 3512, Sumter SC

29151

August 7, 2026

TO THE DUTY JUDGE OR JUSTICE

South Carolina Court of Appeals

1220 Senate Street

Columbia, South Carolina 29201

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SC Court of Appeals

EMERGENCY COVER LETTER

REQUEST FOR EMERGENCY REVIEW OF MOTION FOR SUPERSEDEAS

Percy Morant, Jr. v. James Burrell, as Personal Representative

for the Estate of Elizabeth Jones Burrell

Case No. 24-CP-40-4005, Richland County Court of Common Pleas

Your Honor:

Appellant Percy Morant, Jr., appearing pro se, respectfully requests that a single judge or justice of this Court review the attached Motion for Supersedeas and Stay of Ejectment Order Pending Appeal on an emergency basis. The reason for this request is as follows.

The Order on Adverse Possession and Occupancy, Not Ending Action, entered by Master-in-Equity Stephanie N. Lawrence on August 5, 2026 and filed August 6, 2026, requires Appellant to vacate his home of four years at 300 Meadowlake Drive, Columbia, South Carolina 29203, no later than **Monday, August 10, 2026 at 1:00 PM**, which is three days from today. The Order further authorizes the Richland County Sheriff's Department to physically remove Appellant and his belongings if he has not departed by that time.

JEANETTE W. MCGRIDE
CLERK OF COURT

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