

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM Richland COUNTY
Court of Common Pleas

Stephanie N. Lawrence Circuit Court Judge

Case No. 24 - CP - 40 - 4005

109013

Percy Morant

Appellant/Respondent,

v.

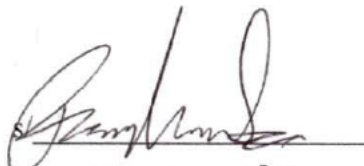
James Burrell

Appellant/Respondent.

MOTION

Percy Morant submits this filing to correct a citation,
to present the application to the lower court and to
request that an amount be fixed for the
under taking.

Date: Aug 11, 2026



Name: Percy Morant

Address: 300 meadowlake Dr.
Columbia SC 29203

Phone: (803) 722 - 9626

Email: percymorant@gmail.com

Appellant

Other Counsel of Record:

Name: Charles T Brooks III

Address: PO Box 3512

Sumter, South Carolina 29151

Phone: (803) 419 - 5709

Respondent/Attorney for Respondent

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas, Stephanie N. Lawrence, Master-in-Equity

Case No. 24-CP-40-4005

Court of Appeals No. 2026-001756

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SC Court of Appeals

James Burrell, as Personal Representative for

The Estate of Elizabeth Jones Burrell,

Respondent,

v.

Catherine Carroll, Deceased, and Any Unknown
Adults being a class designated as John Doe, and
any unknown infants or person under disability or
in the Military service being class designated as
Richard Roe, and Percy Morant, Defendants,

of whom Percy Morant is the Appellant.

Appellant.

**APPELLANT'S SUPPLEMENTAL FILING IN SUPPORT OF MOTION FOR
SUPERSEDEAS AND STAY OF EJECTMENT ORDER PENDING APPEAL,
AND REQUEST TO FIX UNDERTAKING PURSUANT TO S.C. CODE ANN.**

SECTION 18-9-170

Pursuant to Rule 241, SCACR, S.C. Code Ann. Sections 18-9-170, 18-9-180, and
18-9-190,
and Rule 62(g), SCRCP

TO: THE SOUTH CAROLINA COURT OF APPEALS, TO THE HONORABLE
STEPHANIE N. LAWRENCE, MASTER-IN-EQUITY FOR RICHLAND COUNTY,
and TO CHARLES T. BROOKS III, ESQ., ATTORNEY FOR RESPONDENT:

Defendant and Appellant Percy Morant, Jr., appearing pro se, respectfully submits this Supplemental Filing in support of his Motion for Supersedeas and Stay of Ejectment Order Pending Appeal, filed and hand delivered on August 7, 2026, to correct a citation contained in that Motion, to present the application to the lower court as required by Rule 241(a), SCACR, and to request that an amount be fixed for the undertaking described in S.C. Code Ann. Section 18-9-170. In support thereof, Appellant states as follows:

I. CORRECTION OF CITATION

1. Paragraph 3 of the Motion for Supersedeas and Stay of Ejectment Order Pending Appeal, filed August 7, 2026, cited S.C. Code Ann. Sections 27-37-130 and 27-40-800 as

authority for the proposition that ejectment orders are excepted from the automatic stay provided by Rule 241(a), SCACR. That citation was in error and is hereby corrected.

2. Sections 27-37-130 and 27-40-800 are provisions of S.C. Code Ann. Title 27, Chapter 37, Ejectment of Tenants, and Title 27, Chapter 40, the Residential Landlord and Tenant Act, respectively. Both provisions govern ejectment proceedings between a landlord and tenant commenced in magistrate court, and both refer throughout to "the tenant," "the landlord," and "the trial magistrate." This action was not commenced in magistrate court, was never pled under the Residential Landlord and Tenant Act, and the Order on Adverse Possession and Occupancy, Not Ending Action, dated August 5, 2026, does not find or otherwise rely upon the existence of a landlord-tenant relationship between Appellant and Respondent; it instead finds only that Appellant never paid rent. Sections 27-37-130 and 27-40-800 accordingly do not govern the stay of the Order on appeal.

3. The applicable exception to the automatic stay for a judgment directing the delivery of possession of real property is Rule 241(b)(4), SCACR, which incorporates S.C. Code Ann. Section 18-9-170. Appellant respectfully corrects the Motion to cite this authority in place of Sections 27-37-130 and 27-40-800. No other content of the Motion is affected by this correction, and Appellant reaffirms and incorporates by reference the remainder of the Motion, including the four-factor showing set forth therein.

II. PRESENTATION TO THE LOWER COURT

4. Rule 241(a), SCACR provides that, except where extraordinary circumstances make it impracticable, an application for an order lifting the automatic stay or for supersedeas must first be made to the lower court that entered the order on appeal.

5. The Order on appeal was filed August 6, 2026, at 1:04 PM, a Thursday, and directed Appellant to vacate the subject property no later than Monday, August 10, 2026, at 1:00 PM. The intervening period included a weekend during which the offices of the Master-in-Equity and the Richland County Clerk of Court were closed. Appellant filed the Motion for Supersedeas directly with the South Carolina Court of Appeals on Friday, August 7, 2026, along with an Emergency Cover Letter requesting weekend review, because the compressed timeframe between entry of the Order and the vacate deadline made it impracticable to obtain a ruling from the Master-in-Equity before the deadline.

6. Appellant is contemporaneously presenting this Supplemental Filing, together with the Motion for Supersedeas and Stay of Ejectment Order Pending Appeal and the Notice of Appeal, to the Master-in-Equity through her office, so that she has the opportunity to rule in the first instance as contemplated by Rule 241(a). Appellant requests that, to the extent this Court determines the application was not first presented to the lower court, the circumstances described above be found to satisfy the impracticability exception of Rule 241(a), or, in the alternative, that this Court hold the Motion pending the Master-in-Equity's review.

III. REQUEST TO FIX UNDERTAKING PURSUANT TO SECTION 18-9-170

7. S.C. Code Ann. Section 18-9-170 provides that where a judgment directs the delivery of possession of real property, execution is not stayed unless the appellant executes a written undertaking, with two sureties, conditioned upon the appellant not committing waste and paying the value of use and occupation if the judgment is affirmed, in an amount to be fixed by a judge of the court by which the judgment was rendered.

8. S.C. Code Ann. Section 18-9-180 provides that once such an undertaking is executed, it stays all further proceedings upon the judgment appealed from.

9. S.C. Code Ann. Section 18-9-190 provides that the lower court may, in its discretion, limit the security required under Section 18-9-170 to an amount less than fifty thousand dollars.

10. At the July 8, 2026 hearing, Appellant testified under oath that he has been unemployed since 2019 and that he has maintained the property through gifts from family and friends rather than through personal income. Appellant respectfully requests that the Honorable Stephanie N. Lawrence, Master-in-Equity, or in the alternative this Court, fix the amount of the undertaking required under Section 18-9-170, and that such amount be set at the low end of the range permitted by Section 18-9-190, in light of the foregoing testimony. Appellant is prepared to promptly identify sureties and execute an undertaking in whatever amount the Court deems appropriate, but cannot do so until an amount has been fixed.

IV. ALTERNATIVE REQUEST FOR DISCRETIONARY SUPERSEDEAS

11. In the alternative, and independent of the undertaking procedure described above, Appellant renews his request that the Master-in-Equity or this Court exercise discretionary authority under Rule 241(c), SCACR and Rule 62(g), SCRCP to impose a supersedeas of Paragraphs 29, 30, and 31 of the Order pending resolution of the appeal, for the reasons set forth in the Motion for Supersedeas and Stay of Ejectment Order Pending Appeal filed August 7, 2026, which Appellant incorporates herein by reference.

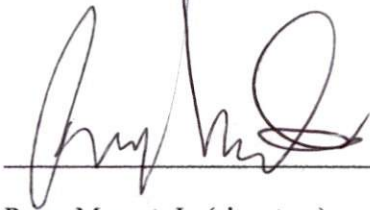
V. RELIEF REQUESTED

Appellant respectfully requests that the Master-in-Equity or this Court enter an order:

- (a) Fixing the amount of the undertaking required under S.C. Code Ann. Section 18-9-170;
- (b) Limiting that amount pursuant to S.C. Code Ann. Section 18-9-190 in light of Appellant's testimony at the July 8, 2026 hearing regarding his employment and income;
- (c) In the alternative, granting discretionary supersedeas of Paragraphs 29, 30, and 31 of the Order pursuant to Rule 241(c), SCACR and Rule 62(g), SCRCP, pending resolution of the appeal; and
- (d) Granting such other and further relief as the Court deems just and proper.

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

Respectfully submitted,



Percy Morant, Jr. (signature)

Percy Morant, Jr.
Defendant and Appellant, Pro Se
300 Meadowlake Drive
Columbia, South Carolina 29203
(803) 722-9626
percymorant@gmail.com

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SC Court of Appeals

Dated: August 11, 2026

CERTIFICATE OF SERVICE

I hereby certify that on the 11 day of August, 2026, a true and correct copy of the
foregoing Appellant's Supplemental Filing was served upon counsel of record for

Respondent by United States Mail, first-class postage prepaid, and by electronic mail,
addressed as follows:

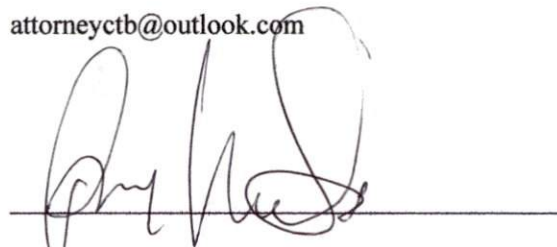
Charles T. Brooks III, Esq.

The Brooks Law Office LLC

309 Broad Street, Post Office Box 3512

Sumter, South Carolina 29151

attorneyctb@outlook.com

A handwritten signature in black ink, appearing to read "Percy Morant, Jr.", is written over a solid horizontal line. The signature is fluid and cursive, with the first name "Percy" and last name "Morant" being clearly distinguishable.

Percy Morant, Jr. (signature)

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v.

James Burrell,

Appellant/Respondent.

PROOF OF SERVICE

I certify that I have served the _____ on James Burrell by depositing
(Document) (Name)
a copy of it in the United States Mail, postage prepaid, on Aug 11, 2026, addressed to,
(Date)
his attorney of record, Charles T Brooks III, PO Box 3512
Sumter SC 29151 and 1701 Main Street #205 Columbia SC 29219

Date: Aug 11, 2026

[Signature]
Address: 300 meadowlake Dr.
Columbia SC 29203
803 722 9626
Appellant, Pro Se