

The South Carolina Court of Appeals

Eric Fuller, Respondent,

v.

Camille Henderson, Appellant.

Appellate Case No. 2026-001387

ORDER

On June 23, 2026, Appellant filed a notice of appeal from a circuit court order dismissing her appeal from a magistrate's order of eviction. Appellant served her notice of appeal on Respondent on July 9, 2026.

Also on June 23, 2026, Appellant filed a "motion to stay eviction pending appeal." In her motion, Appellant stated she "is prepared to comply with any lawful bond, undertaking, rent payment requirement, or other condition the [c]ourt deems appropriate under South Carolina law." Appellant served her motion on Respondent on July 6, 2026. On July 16, 2026, Respondent filed a return to the motion, opposing Appellant's request for a stay and explaining he had been trying to evict Appellant for five months and she had not made "any payments at all." Respondent further noted Appellant does not live in the residence and is renting the residence to someone else. On July 20, 2026, Appellant filed a reply to the return.

After careful consideration, Appellant's motion to stay the eviction is denied. *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.").

¹ The statute was amended on June 30, 2026.

Finally, on July 28, 2026, Appellant filed a motion to proceed *in forma pauperis*. The right to proceed *in forma pauperis* must rest upon a statute or a fundamental constitutional right. *See Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). Appellant has the burden of showing she is entitled to this relief, but she has not done so. Therefore, Appellant's motion is denied. The filing fee must be paid within fifteen days of the date of this order. Failure to provide the filing fee will result in dismissal of the appeal.

 J.

FOR THE COURT

Columbia, South Carolina

cc:

Camille Henderson

Eric Fuller

Honorable Jessica A. Salvini

Jay Gresham

FILED
Aug 12 2026