

The South Carolina 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 Roes, and
Percy Morant, Defendants,

of whom Percy Morant is the Appellant.

Appellate Case No. 2026-001756

ORDER

On August 7, 2026, Appellant filed a notice of appeal from an August 6, 2026 "Order on Adverse Possession and Occupancy—Not Ending Action."¹ The order determined Appellant lacked sufficient evidence to support his adverse possession claim and ordered Appellant to remove himself from the subject property no later than August 10, 2026. Simultaneously, Appellant filed a motion to stay the August 6, 2026 order; later, on August 11, 2026, Appellant filed an amended motion to stay that (1) explained he was never a tenant, and thus the Residential Landlord Tenant Act² did not apply; (2) explained he had filed the motion to stay with the master-in-equity in order to comply with Rule 241 of the South Carolina Appellate Court Rules, but the motion had not yet been ruled upon; and (3) asserted Appellant's desire to provide an undertaking once the "amount was fixed by a judge of the court by which the judgment was rendered."

¹ On August 11, 2026, an amended notice of appeal was filed that corrected deficiencies in the notice of appeal; however, the order on appeal remains the same.

² S.C. Code Ann. §§ 27-40-10 to -940 (2007 & Supp. 2025).

After careful consideration, we temporarily stay the August 6, 2026 order. Respondent shall file a return to the motion within two days. The return should include Respondent's position on whether Section 18-9-170 of the South Carolina Code (2014) applies. Appellant may file a reply within one day of service of the return. The court will issue an additional order after considering the return and any reply.

We also issue a limited remand empowering the master-in-equity to rule on the motion that is pending there. Appellant shall provide this court with a copy of the master's order ruling on the motion within two days of receiving notice of the order.

This temporary stay will dissolve upon the earlier of the master's decision on the pending motion for a stay or further order of this court.



FOR THE COURT J.

Columbia, South Carolina

cc:
Percy Morant
Charles Thomas Brooks, III, Esquire
The Honorable Stephanie N. Lawrence
The Honorable Jeanette W. McBride

FILED
Aug 12 2026