

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."

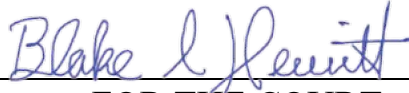
¹ On August 11, 2026, an amended notice of appeal was filed that corrected deficiencies in the notice of appeal; however, the order on appeal remains the same.

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

On August 12, 2026, this court temporarily stayed the August 6, 2026 order and ordered Respondent to file a return addressing whether section 18-9-170 of the South Carolina Code (2014) applied to the case at hand. The order also issued a limited remand empowering the master-in-equity to rule on the motion to stay that was pending there—and appears to remain pending as of this order—and directed Appellant to provide this court with a copy of the master's order ruling on the motion within two days of receiving notice of the order. Finally, the order provided that the temporary stay would dissolve upon the earlier of the master's decision on the pending motion to stay or further order of this court.

On August 13, 2026, Respondent filed a return, indicating it believed section 18-9-170 of the South Carolina Code (2014) was applicable and asserting the bond should be set for no less than \$1,500.00 per month in order to "have the property insured and to protect the property from any waste, destruction or damage." On August 14, 2026, Appellant filed a reply requesting this court or the master on remand to "fix the undertaking required under section 18-9-170 at \$0.00, or at such other nominal amount as the [c]ourt deems appropriate, consistent with the absence of any waste or any recoverable value of use and occupation under the terms of the [o]rder itself."

After careful consideration of the motion to stay, return, and reply, we continue the temporary stay for the master to consider the motion to stay pursuant to section 18-9-170 on remand as ordered on August 12, 2026. The temporary stay shall dissolve upon an order from the master ruling on the motion to stay.



FOR THE COURT J.

Columbia, South Carolina

FILED
Aug 14 2026

cc:

Percy Morant

Charles Thomas Brooks, III, Esquire

Jeanette W. McBride