

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Hon. G.D. Morgan, Jr., Circuit Court Judge
Court of Common Pleas Case No. 2026CP2304661
Appellate Case No. 2026-001785

RECEIVED
Aug 26 2026
SC Court of Appeals

Devario Henderson-Nesbit,

Appellant,

v.

Forsberg, LLC,

Respondent.

APPELLANT'S MOTION FOR EXTENSION OF TIME TO PAY FILING FEES

Appellant Devario Henderson-Nesbit, appearing pro se, respectfully moves this Court pursuant to Rule 240, SCACR, for an extension of time in which to pay the filing fees identified in the Clerk's two deficiency letters of August 12, 2026 — namely, the \$250.00 filing fee for the Notice of Appeal and the \$50.00 filing fee for the Emergency Motion to Stay Execution Pending Appeal. In support of this Motion, Appellant states as follows:

1.

On August 11, 2026, Appellant filed with this Court a Notice of Appeal and an Emergency Motion to Stay Execution Pending Appeal in the above-captioned matter, appealing the August 11, 2026 Judgment in a Civil Case entered by the Honorable G.D. Morgan, Jr., in Greenville County Common Pleas Case No. 2026CP2304661.

2.

By letters dated August 12, 2026, the Clerk of this Court notified Appellant of deficiencies in his August 11, 2026 filings, including the non-payment of the \$250.00 filing fee for the Notice of Appeal and the \$50.00 filing fee for the Emergency Motion to Stay. The Clerk's letters direct that any deficiency be corrected within ten (10) days of the date of the letters.

3.

Appellant is not refusing to pay the filing fees and intends to pay them in full. Appellant is presently experiencing temporary financial hardship and requires additional time to make the required payments.

4.

Appellant respectfully requests an extension of the deadline to pay both filing fees to September 22, 2026, a period of approximately thirty (30) days beyond the current deadline. This extension will allow Appellant a meaningful opportunity to obtain the necessary funds without jeopardizing the appeal or the pending Motion to Stay.

5.

This is Appellant's first request for an extension of time to pay these fees.

6.

Granting this Motion will not prejudice Respondent. Appellant filed his Notice of Appeal and Motion to Stay within the time required by the Rules, and the request for extension concerns only the timing of the associated fees. The appeal itself and the Motion to Stay will proceed on their existing timelines.

7.

This Motion is made in good faith and not for purposes of delay. Appellant, his spouse, and their minor offspring face immediate physical dispossession from their residence at 104 Sturbridge Drive if the Motion to Stay and Notice of Appeal are not preserved. Appellant respectfully requests the Court's accommodation to permit orderly payment of the required fees.

8.

No filing fee has been submitted with this Motion, as the Motion itself concerns Appellant's inability to timely pay the underlying filing fees. Appellant respectfully requests that any filing fee applicable to this Motion under Rule 240, SCACR be included within the scope of the extension requested herein, so that all fees due may be paid together on or before September 22, 2026.

MEMORANDUM OF AUTHORITY

Rule 240, SCACR governs motions filed in the appellate courts of this State. Rule 240 authorizes the appellate court to enter such orders on motion as are appropriate under the circumstances, including orders extending time for compliance with procedural requirements. Rule 234, SCACR governs the computation and enlargement of time and authorizes the Court to extend time for good cause shown. Appellant respectfully submits that his temporary financial hardship, combined with his continuing effort to preserve the appeal and Motion to Stay by curing the identified deficiencies, constitutes good cause for the requested extension.

WHEREFORE, Appellant respectfully requests that this Court:

- (1) Grant an extension of time until September 22, 2026 in which Appellant may pay the \$250.00 filing fee for the Notice of Appeal and the \$50.00 filing fee for the Emergency Motion to Stay Execution Pending Appeal;
- (2) Include within the scope of the extension any filing fee applicable to this Motion under Rule 240, SCACR; and

(3) Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ Devario Henderson-Nesbit

Devario Henderson-Nesbit

Appellant,

104 Sturbridge Drive

Greenville, SC 29615

(843) 587-0399

Dated: August 25, 2026

CERTIFICATE OF SERVICE

I, Devario Henderson-Nesbit, hereby certify that on the date set forth below, I caused a true and correct copy of the foregoing Appellant's Motion for Extension of Time to Pay Filing Fees to be served upon counsel for Respondent by email transmission to:

Megan Anne Serrano, Esq.

William Spencer Barrow, Esq.

Holder Padgett Littlejohn + Prickett, LLC

800 E. North Street

Greenville, SC 29601

mserrano@hplplaw.com

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SC Court of Appeals

/s/ Devario Henderson-Nesbit

Devario Henderson-Nesbit

Dated: August 25, 2026