

THE STATE OF SOUTH CAROLINA
In the Circuit Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

William McKinnon, Circuit Court Judge

Case No. 2026-CP-46-01040

Appellate Case No. 2026-001920

Lakeisha Miles, Appellant,

v.

Fort Mill Housing Authority, Respondent

**RESPONDENT'S RETURN
TO MOTION TO STAY**

Respondent Fort Mill Housing Authority ("FMHA"), by and through its undersigned counsel, hereby submits this Return to Appellant Lakeisha Miles' ("Tenant") Motion to Stay ("Motion").¹

This is an appeal from an ejectment for nonpayment of rent. Rule 241, SCACR provides that an appeal of a civil matter stays enforcement of the matter on appeal, subject to exceptions. "The exceptions to the general rule are found in the statutes, court

¹ Several documents filed by Tenant have the undersigned, W. Chaplin Spencer, as Respondent but FMHA is the proper name of Respondent.

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rules and case law. Where specific conditions must be met before the exception applies, those conditions must be strictly complied with." Rule 241(b), SCACR.

Section 241(b)(10) sets forth an exception to the stay for "[e]jectment orders as provided for in S.C. Code Ann. § 27-37-130 and S.C. Code Ann. § 27-40-800." Section 27-37-130 provides as follows:

An appeal in an ejectment case will not stay ejectment unless at the time of appealing the tenant shall give an appeal bond as in other civil cases for an amount to be fixed by the magistrate and conditioned for the payment of all costs and damages which the landlord may sustain thereby. In the event the tenant shall fail to file the bond herein required within five days after service of the notice of appeal such appeal shall be dismissed by the trial magistrate.

Section 27-40-800(f)(1) has specific provisions for appeals to the Supreme Court and Court of Appeals.

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.

Section 27-40-800(c) furnishes a form affidavit for circuit court which sets forth in part: "If tenant fails to make any rental payment within five days of the due date under the agreed terms, upon application of the landlord to whichever court accepted the affidavit in exchange for the stay of ejectment following the initiation of the appeal, the stay of execution shall dissolve, the appeal by the tenant to the circuit court on issues dealing with

possession must be dismissed and the sheriff may dispossess the tenant."

FMHA filed the underlying eviction action because of Tenant's habitual failure to pay rent when due. As noted by the Magistrate Court in its Return, Tenant owed \$4,788 in past due rent and fees on the date of trial and was late more than 63% of the time. Notably, as of the time of filing this Return, Tenant has not paid rent for September 2026. Moreover, Tenant has not filed the affidavit as mandated by S.C. Code Ann. § 27-40-800(f)(1). The conditions of this statute must be met and strictly complied with.

Conclusion

FMHA respectfully requests that this Court deny the Motion or in the alternative, mandate that Tenant comply with S.C. Code Ann. § 27-40-800(f)(1) within five days by filing the proper affidavit agreeing to pay all rent and charges when due and that failure to pay rent within five days of the due date warrants ejectment of Tenant and dismissal of this appeal.

Respectfully submitted,

September 8, 2026

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