

RECEIVED

Sep 23 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Case No. 2026-001855

2026-CP-42-02464, Magistrate: 2026CV4210500596

Evan C. Rayfield,
Appellant (Tenant),

v.

Kevin Hurd,
Respondent (Landlord).

RESPONDENT'S RETURN IN OPPOSITION TO APPELLANT'S MOTION
FOR EMERGENCY STAY OF EJECTMENT

TO: THE CLERK OF THE SOUTH CAROLINA COURT OF APPEALS AND THE APPELLANT:

The Respondent, Kevin Hurd, acting pro se, respectfully submits this Return in Opposition to the Appellant's Motion for an Emergency Stay of Ejectment. The Respondent requests that this Court immediately deny the Appellant's motion and allow the eviction process to proceed based on the following grounds:

1. STATUTORY RENT REQUIREMENT FOR A STAY

Under S.C. Code Ann. § 27-40-800(b), a tenant seeking to stay the execution of a judgment for ejectment pending appeal is strictly required to sign an undertaking to pay periodic rent as it becomes due after the judgment is entered.

2. APPELLANT'S ARGUMENT IS PROCEDURALLY IMPROPER AND CONTRADICTS STATUTE

The Appellant claims as an error that Kevin Barbato, a party other than the property owner Kevin Hurd, owes Appellant \$40,331.38. This argument fails on two distinct legal fronts: a) Failure to Pay Ongoing Rent Mandated by Law: S.C. Code Ann. § 27-40-800(b) states that a tenant must sign an undertaking to pay periodic rent *as it becomes due after the judgment is entered* to maintain a stay. The Appellant's dispute over past-due amounts or the origin of the debt does not excuse them from their mandatory, statutory obligation to pay current, ongoing rent while occupying the premises. The Appellant has paid zero (\$0.00) dollars in ongoing rent. b) Impermissible Attempt to Re-litigate Facts: An appeal to this Court is limited to reviewing errors of law made by the lower courts. The Appellant is improperly attempting to re-argue the factual findings and underlying debt calculations already verified and ruled upon by both the Magistrate Court and the Seventh Judicial Circuit Court.

3. IRREPARABLE FINANCIAL HARM TO RESPONDENT

Allowing the Appellant an emergency stay of execution while they refuse to pay ongoing periodic rent causes severe and irreparable financial harm to the Respondent. The Appellant is using the state appellate process as a stalling tactic to avoid the lawful orders of both the Spartanburg County Magistrate Court and the Seventh Judicial Circuit Court, forcing the landlord to absorb continuous financial loss without any security or compensation.

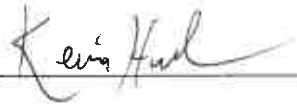
CONCLUSION AND RELIEF SOUGHT

Because the Appellant has failed to meet the absolute statutory requirement of paying periodic rent to sustain a stay under S.C. Code Ann. § 27-40-800, the Respondent respectfully requests that this Court:

- a) DENY the Appellant's Motion for an Emergency Stay of Ejectment; and
- b) ALLOW the Spartanburg County Sheriff's Office to immediately execute the Writ of Ejectment to restore possession of the property to the Respondent.

Respectfully submitted,

Signature: _____



Name: Kevin Hurd

Address: 525 Neighborhood Rd, Wellford SC 29385

Phone Number: 864-350-5571

Email Address: Kevingreenville@Hotmail.com

Date: September 22, 2026

RECEIVED

Sep 23 2026

SC Court of Appeals

CERTIFICATE OF SERVICE

I, Kevin Hurd, hereby certify that on this 22nd day of September, 2026, I served a true and correct copy of the foregoing Respondent's Return in Opposition to Appellant's Motion for Emergency Stay of Ejectment upon the Appellant by placing the same in the United States Mail, first-class, certified mail, postage prepaid, addressed as follows:

Evan C. Rayfield

100 Frazier St. Woodruff, SC 29388

Signature: _____



Kevin Hurd



WELLFORD
1003 MAIN ST
WELLFORD, SC 29385-9998
www.usps.com

09/22/2026

03:38 PM

TRACKING NUMBERS

9589 0710 5270 0941 0393 02

TRACK STATUS OF ITEMS WITH THIS CODE
(UP TO 25 ITEMS)



TRACK STATUS BY TEXT MESSAGE

Send tracking number to 28777 (2USPS)
Standard message and data rates may apply

TRACK STATUS ONLINE

Visit <https://www.usps.com/tracking>
Text and e-mail alerts available

PURCHASE DETAILS

Product	Qty	Unit Price	Price
NCardinal#10R Env	1	\$1.06	\$1.06
First-Class Mail® Letter	1		\$0.82
Woodruff, SC 29388			
Weight: 0 lb 0.60 oz			
Estimated Delivery Date			
Thu 09/24/2026			
Certified Mail®			\$5.55
Tracking #:			
9589 0710 5270 0941 0393 02			
Affixed Postage			-\$0.82
Affixed Amount: \$0.82			
Total			\$5.55

Grand Total: \$6.61

Debit Card Remit \$6.61

Card Name: VISA
Account #: XXXXXXXXXX6027
Approval #: 053846
Transaction #: 208
Receipt #: 000246
Debit Card Purchase: \$6.61
AID: A0000000980840 Contactless
AL: US DEBIT

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

WOODRUFF SC 29388

Certified Mail Fee \$5.55

\$0.00

Extra Services & Fees (check box, add fees to postage)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.82

Total Postage and Fees \$6.37

\$

Sent To

Evan C Rye Field

Street and Apt. No., or PO Box No.

100 Frazier St

City, State, ZIP+4®

Woodruff, SC 29388

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions