THE STATE OF SOUTH CAROLINA
In the Circuit Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

William McKinnon, Circuit Court Judge

RECEIVED
Sep 23 2026
SC Court of Appeals

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 RECONSIDER DENIAL OF 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 for Reconsideration of Stay and Motion for Remand to Set Undertaking ("Motion").

The Motion seeks this Court to reconsider its Order filed September 15, 2026 denying the motion to stay eviction ("Order"). The Order properly denied the stay as Tenant failed to comply with the express requirements of S.C.Code Ann. § 27-40-800(f)(1).

In its Return, FMHA quoted the requirements of S.C.Code Ann. § 27-40-800(f)(1), notably that "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 . . . ." Rather than submit the affidavit, Tenant filed Respondent's Return to Motion to Stay with voluminous documents *outside of the record* seeking to support her underlying appeal. Next, this Court properly denied the motion to stay in the Order.

"In order to prevail on a petition for rehearing, appellants must demonstrate the Court overlooked or misapprehended their argument. Rule 221(a), SCACR. . . 'The purpose of a petition for rehearing is not to present points which lawyers for the losing parties have overlooked or misapprehended, nor is it the purpose of the petition for rehearing to have the case tried in the appellate court a second time.'" Kennedy v. S.C. Ret. Sys., 349 S.C. 531, 532, 564 S.E.2d 322, 322 (2001) (citations omitted). In the Motion, Tenant submitted proof of finally paying thousands of dollars owed to FMHA in order to stay eviction *during appeal to circuit court*.[1]

[1]Payment does not cure prior defaults and "the acceptance by the landlord of any rent, whether it shall have accrued at the time of issuing such rule or shall subsequently accrue, shall not operate as a waiver of the landlord's right to insist upon ejectment, nor as a renewal or extension of the tenancy, but the rights of the parties as they existed at the time of the issuance of the rule shall control." S.C.Code Ann. § 27-37-150.

However, she failed to demonstrate compliance with S.C.Code Ann. § 27-40-800(f)(1) or that the Court overlooked or misapprehended her argument. The Order properly determined that tenant failed to file the affidavit as mandated by this statute. See also Rule 241(b), SCACR (stating "Where specific conditions must be met before the exception [to stay] applies, those conditions must be strictly complied with").

Tenant defaulted on her lease by failure to follow the rules, resulting in termination of her tenancy. She regrets these defaults as federally subsidized housing has limited supply and substantially lower income-based rent (currently reduced to $192 per month for Tenant). However, Tenant magnified her lease defaults by failure to comply with state law on stays and should not be allowed to tie up a limited supply of subsidized housing during an appeal.

Based on the foregoing, the Court should uphold its decision set forth in the Order and deny the Motion.

Respectfully submitted,

September 23, 2026

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PROOF OF SERVICE

I certify that I have served Respondent's Return to Motion to Reconsider Denial of Motion to Stay on Lakeisha Miles by depositing a copy of it in the United States Mail, postage prepaid on September 23, 2026, addressed to Lakeisha Miles 205 Anderson Street, Fort Mill SC 29745

Respectfully submitted,

September 23, 2026

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