

**THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

MARTHINA WARDLAW, *Petitioner,*

v.

MARTIN GILLIARD, *Respondent.*

Appellate Case No.: 2026-002037

RECEIVED

Sep 30 2026

SC Court of Appeals

**EMERGENCY PETITION FOR WRIT OF MANDAMUS AND MOTION FOR IMMEDIATE
STAY OF EXECUTION**

**TO THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME
COURT OF SOUTH CAROLINA:**

STATEMENT OF JURISDICTION

Petitioner Marthina Wardlaw brings this action under Rule 245 of the South Carolina Appellate Court Rules (SCACR), invoking the original jurisdiction of this Court to issue extraordinary writs. Direct emergency intervention is necessary because the lower courts have failed to execute mandatory ministerial duties, and standard appellate remedies are entirely inadequate to prevent immediate, irreversible harm.

STATEMENT OF FACTS

1. This matter arises from a landlord-tenant eviction action brought by Respondent Landlord, Martin Gilliard, against Petitioner, Marthina Wardlaw. An appeal of the underlying eviction order was properly and timely filed.
2. On September 17, 2026, the South Carolina Court of Appeals issued an explicit order remanding the issue of the tenant's legal undertaking back to the Circuit Court.
3. Following the remand, a Circuit Court hearing was held. At this hearing, the Circuit Court judge flatly refused to consider or calculate the tenant's legal undertaking, completely ignoring the mandatory instructions issued by the Court of Appeals' remand order.
4. On September 28, 2026, the Circuit Court judge issued an order officially lifting the stay of eviction.
5. On that same day, September 28, 2026, Petitioner immediately filed an emergency motion to reinstate the stay with the Court of Appeals. The Court of Appeals has failed to rule, has failed to answer phone lines, and has left emergency emails completely unanswered for three consecutive days.

6. Petitioner has received a Writ of Ejectment ordering absolute physical removal from her home at 1801 Duke St, Georgetown, SC 29440 tomorrow, Thursday morning at 9:00 AM.

7. Petitioner suffers from a severe medical condition. Forced physical displacement and sudden homelessness under these irregular procedural circumstances will cause severe, life-threatening, and irreparable physical and medical harm.

LEGAL ARGUMENT

Under South Carolina Code § 27-40-800, the Circuit Court possesses a mandatory, non-discretionary statutory duty to consider, calculate, and determine a tenant's legal undertaking upon an eviction appeal. The Circuit Court's explicit refusal to perform this calculation following a direct remand from a higher court constitutes a total failure of a non-discretionary ministerial duty. A Writ of Mandamus is the exact and necessary legal remedy to correct a lower court's refusal to perform a mandatory ministerial act.

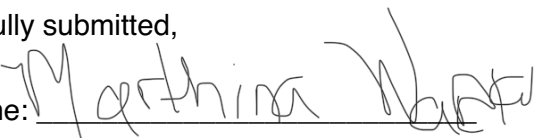
RELIEF REQUESTED

Petitioner respectfully requests that this Court:

1. Issue an immediate interim **Administrative Stay** halting the 9:00 AM eviction execution scheduled for tomorrow morning while this petition is under review.
2. Issue a **Writ of Mandamus** compelling the Circuit Court to immediately comply with the remand order and properly consider the legal undertaking under S.C. Code § 27-40-800.

Dated: September 30, 2026

Respectfully submitted,

Sign Name: 

Print Name: Marthina Wardlaw

Address: 1801 Duke St, Georgetown, SC 29440

Phone: 919-351-2962

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CERTIFICATE OF SERVICE (HON. JUDGE LOVE)

I, Marthina Wardlaw, certify that on September 30, 2026, I hand-delivered a true and correct copy of the Emergency Petition for Writ of Mandamus, Verification, and Motion for Emergency Waiver of Filing Fees to the following party at their respective location:

Magistrate Court Judge:

Hon. Judge Love

Georgetown County Magistrate Court

333 Cleland Street

Georgetown, SC 29440

Sign Name: Marthina Wardlaw

Print Name: Marthina Wardlaw

Date: September 30, 2026

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CERTIFICATE OF SERVICE (RESPONDENT MARTIN GILLIARD)

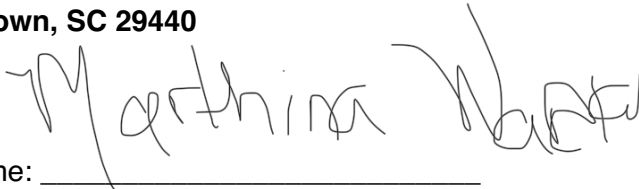
I, Marthina Wardlaw, certify that on September 30, 2026, I hand-delivered a true and correct copy of the Emergency Petition for Writ of Mandamus, Verification, and Motion for Emergency Waiver of Filing Fees to the following party at their respective location:

Respondent Landlord:

Martin Gilliard

2229 Front St

Georgetown, SC 29440



Sign Name: _____

Print Name: Marthina Wardlaw

Date: September 30, 2026

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CERTIFICATE OF SERVICE (HON. BENJAMIN CULBERTSON)

I, Marthina Wardlaw, certify that on September 30, 2026, I hand-delivered a true and correct copy of the Emergency Petition for Writ of Mandamus, Verification, and Motion for Emergency Waiver of Filing Fees to the following party at their respective location:

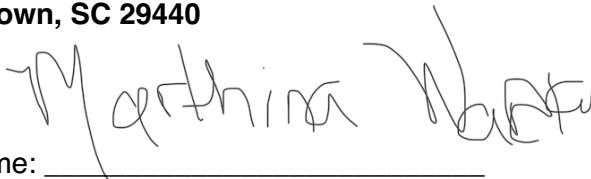
Circuit Court Judge:

Hon. Benjamin Culbertson

c/o Georgetown County Clerk of Court

401 Cleland Street, 1st Floor, Room 115

Georgetown, SC 29440



Sign Name: _____

Print Name: Marthina Wardlaw

Date: September 30, 2026

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VERIFICATION

I, Marthina Wardlaw, verify under penalty of perjury under the laws of the State of South Carolina that the foregoing Emergency Petition for Writ of Mandamus and Motion for Immediate Stay of Execution is true and correct to the best of my personal knowledge.

Sign Name: Marthina Wardlaw

Print Name: Marthina Wardlaw

Date: September 30, 2026