The South Carolina Court of Appeals

George Jenkins, Barry Heyward, Ulyssess Heyward, Florence Heyward Pickney and Eric Ramsey, Plaintiffs,

of whom George Jenkins is the Appellant,

v.

Florence Heyward Davis, Respondent.

Appellate Case No. 2024-001929

ORDER

On July 6, 2026, Respondent filed a "motion to dismiss appeal for material defect in service and to cancel *lis pendens*, or in the alternative, to compel an emergency supersedeas bond and expedite consideration." Respondent moved to dismiss the appeal due "[t]he procedural history of this appeal reveal[ing] a continuous, systematic pattern of unexcused delay, deficiency, and procedural failure[s]" by Appellant. Respondent noted the record on appeal served on Respondent was not identical to the record filed in this court. Additionally, Respondent argued the appeal should be dismissed because it lacks merit. In the alternative, Respondent moved this court to cancel, lift, and discharge the lis pendens currently recorded against the real property at issue or to require Appellant to post a $100,000 bond to maintain the appeal. Finally, Respondent moved this court for "appellate damages and costs" related to the appeal.

On August 3, 2026, Appellant filed a return, arguing Respondent failed to establish good cause for dismissal. Notably, Appellant does not deny serving Respondent with an incomplete copy of the record on appeal. Further, Appellant argues against cancellation of the lis pendens, stating "cancellation of the lis pendens would threaten effective appellate relief" because it "could permit a transfer or encumbrance that interferes with effective relief or renders contested issues moot." Similarly, Appellant opposes a bond to maintain the appeal. Finally, Appellant opposes sanctions or appellate damages. No reply was filed.

After careful consideration, we deny Respondent's motion to dismiss the appeal. However, within ten days of the date of this order, Appellant shall (1) serve Respondent with a complete copy of the record on appeal that is identical to the copy filed with this court and (2) file a proof of service with this court. Failure to comply will result in dismissal of this appeal.

Further, we deny Respondent's motion to cancel the *lis pendens* because the *lis pendens* is not before this court. Finally, we deny Respondent's motion to require Appellant to post a bond pursuant to section 18-9-170 of the South Carolina Code because that section only applies to stay a judgment for sale or delivery of land, and this court has not stayed the order on appeal. *See* Rule 241(b)(4), SCACR (explaining a judgment directing the sale or delivery of possession of real property is not automatically stayed by the service of a notice of appeal); § 18-9-170 ("If the judgment appealed from direct the sale or delivery of possession of real property, the execution of the judgment shall not be stayed unless a written undertaking be executed on the part of the appellant, with two sureties, to the effect that during the possession of such property by the appellant he will not commit or suffer to be committed any waste thereon and that if the judgment be affirmed he will pay the value of the use and occupation of the property from the time of the execution of the undertaking until the delivery of possession thereof pursuant to the judgment, not exceeding a sum to be fixed by a judge of the court by which judgment was rendered and which shall be specified in the undertaking."). In fact, this court denied Appellant's motion to stay on December 27, 2024, and his petition to review the denial of his motion to stay on February 12, 2025. This order shall not be construed as limiting Respondent's right to seek alternative or additional remedies available under law.

Kristi Curtis J.

FOR THE COURT

Columbia, South Carolina

FILED
Oct 07 2026

cc:
George Jenkins
Florence Heyward Davis