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SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG IN THE COURT OF COMMON PLEAS (SEVENTH JUDICIAL CIRCUIT)

Circuit Case No.: 2026-CP-42-02464 **Magistrate Case No.:** 2026CV4210500596 **Appellate Case No.:** 2026-001855

Evan Clint Rayfield, *Appellant / Tenant,*
v.
Kevin Hurd, *Respondent / Landlord.*

EMERGENCY MOTION TO SET UNDERTAKING AMOUNT AND STAY WRIT OF EJECTMENT (IMMINENT EVICTION SCHEDULED FOR OCTOBER 6, 2026, AT 9:00 AM)

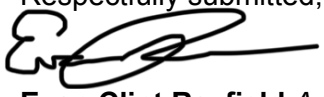
TO THE HONORABLE JUDGE OF THE SEVENTH JUDICIAL CIRCUIT:

Appellant, Evan Clint Rayfield, acting *pro se*, respectfully moves this Court for an immediate Emergency Order establishing the statutory undertaking (rent bond) amount and staying the execution of the Writ of Ejectment scheduled for **Tuesday, October 6, 2026, at 9:00 AM**.

In support of this Emergency Motion, Appellant shows the Court as follows:

1. Procedural Error by the Lower Court: Upon dismissal of the initial appeal to this Court, the Court failed to issue an order determining the specific amount of periodic rent to be paid as an undertaking during the pendency of further appeals, as strictly required by S.C. Code Ann. § 27-40-800.
2. Appellate Court Denial Based on Lower Court Omission: Appellant subsequently appealed to the South Carolina Court of Appeals (Case No. 2026-001855). On August 20, 2026, the Court of Appeals denied Appellant's motion to stay the eviction. The appellate order explicitly cited S.C. Code Ann. § 27-40-800(f)(1), noting that a stay cannot be granted unless the tenant files an affidavit promising to pay the rent amount *"determined by order of the judge of the circuit court."*
3. Imminent Unlawful Execution: Because this Circuit Court never established the undertaking amount, Appellant has been procedurally blocked from fulfilling the statutory requirement to secure an appellate stay. As a direct result of this administrative omission, the Spartanburg Magistrate Region #1 has scheduled a physical set-out for tomorrow, October 6, 2026, at 9:00 AM.
4. Readiness to Pay: Appellant has executed the required statutory affidavit and is ready, willing, and able to pay the required periodic rent into the court registry immediately upon this Court fulfilling its statutory duty to set the amount.
5. Irreparable Harm: If this Court does not immediately intervene to cure this procedural defect, Appellant will suffer the irreparable harm of losing his home tomorrow morning while an active, lawful appeal remains pending before the South Carolina Court of Appeals.
WHEREFORE, Appellant respectfully requests that the Duty Judge immediately review this motion *ex parte*, establish the required undertaking amount, and issue an emergency stay halting the Spartanburg Magistrate's Writ of Ejectment so Appellant may lawfully pay the bond into the court registry.

Respectfully submitted,



Evan Clint Rayfield *Appellant, Pro Se*
100 Frazier St.
Woodruff, SC 29388
Date: October 5, 2026