

**RECEIVED**

**Oct 15 2026**

**SC Court of Appeals**

**EX PARTE**

**STATE OF SOUTH CAROLINA  
COURT OF APPEALS**

Marthina Wardlaw,  
Appellant,

v.

Martin Gilliard,  
Respondent.

Appellate Case No.: 2026-002037

Lower Court Case No.: Georgetown County 2026CP2200890

**EMERGENCY EX PARTE VERIFIED MOTION FOR IMMEDIATE INTERIM RELIEF,  
AFFIRMATIVE RELIEF UNDER APPELLATE RULE 241, PROTECTIVE RELIEF,  
AND APPROPRIATE SANCTIONS**

**TO THE SOUTH CAROLINA COURT OF APPEALS AND THE PRESIDING APPELLATE  
JUDGE OR JUSTICE:**

Appellant Marthina Wardlaw, appearing pro se, respectfully requests immediate interim relief in this pending residential eviction appeal. This motion brings together the procedural history surrounding both stays, the prior reports and evidence submitted to the Court, and the additional incidents that have occurred while this matter has remained pending.

Appellant seeks relief necessary to preserve the Court's jurisdiction, prevent the appeal from becoming moot, protect her ability to access her home while the matter is pending, and prevent further harm while the underlying dispute remains unresolved.

This motion is supported by Appellant's sworn statements, the docketed orders and filings, photographs, medical records, lease documents, text messages, recordings, videos, and other documentary evidence identified below, to the extent included with this filing or

previously submitted to the Court.

Appellant requests emergency consideration. To the extent the Court determines that any portion of the requested relief cannot be granted ex parte, Appellant asks that the Court promptly set the matter for the earliest available consideration and grant any interim relief authorized by law.

## **I. EMERGENCY NATURE OF THIS APPLICATION**

1. This is an emergency application arising from an ongoing residential eviction appeal in which Appellant faces continued uncertainty concerning possession of her home and reports repeated incidents affecting her access to the property, physical safety, and ability to rest.

2. Appellant has repeatedly informed the Court of circumstances surrounding the eviction, the condition of the property, her medical limitations, the disputed rent demands, and the conduct of Respondent, Martin Gilliard.

3. The conduct described in this motion did not end when Appellant sought appellate relief. Appellant reports further lockouts, continued failure to provide a working key, removal of furniture she used to rest her injured and swollen leg, and conduct she believes is intended to intimidate her.

4. Appellant has preserved or identified documentary and audiovisual evidence relating to these incidents. She has also previously submitted evidence and updates to the Court. She asks that the Court consider the full chronology rather than view each incident in isolation.

5. Appellant is concerned that loss of access to her home before the appeal is resolved would cause immediate and irreparable harm, potentially leave her without housing while physically vulnerable, and impair the practical value of the relief she seeks on appeal.

6. Appellant therefore requests expedited consideration and such temporary and affirmative relief as the Court determines is authorized and necessary under South Carolina Appellate Court Rule 241 and other applicable law.

## **II. PROCEDURAL HISTORY AND THE TWO STAY PROCEEDINGS**

7. This appeal arises from a residential eviction matter originating in Georgetown County, South Carolina, under lower-court case number 2026CP2200890.

8. On September 10, 2026, an order denied Appellant's request to proceed in forma pauperis and stated that if the filing fee and costs were not paid, the case would be dismissed on September 11 without further order. On September 11, Appellant filed a request for an undertaking to stay execution of ejectment under S.C. Code § 27-40-800.

9. On September 15, 2026, Appellant filed a notice of appeal from the circuit court order denying reconsideration of the denial of her motion to proceed in forma pauperis. Appellant also filed an emergency verified petition for a stay of execution and writ of supersedeas.

10. The first stay proceedings involved an expedited hearing and further proceedings in the lower court. The lower-court judge refused to recuse himself. Appellant specifically clarifies that the judge refused to recuse himself; Appellant is not asserting that the judge recused himself.

11. After the first stay was lifted, Appellant sought a second stay to protect her position while the appeal and related proceedings remained unresolved. On September 30, 2026, the Court entered another non-dispositional order. Appellant understands the later proceedings to have remanded the matter to the lower court for a ruling on the matter returned to it.

12. Appellant does not contend that either stay order expressly listed every act Respondent could or could not perform. Rather, she asks the Court to consider the complete procedural history, the purpose of the requested appellate protection, the unresolved proceedings, and the continuing conduct described below when deciding whether additional affirmative relief is necessary.

13. Appellant has submitted prior status updates and evidence concerning retaliation, property conditions, and the dispute over possession. The appellate docket includes, among other entries, a September 22, 2026 update regarding retaliation and alleged violation of the stay, a September 29 status update, and a September 30 emergency status update.

14. Appellant asks the Court to consider those existing filings together with this motion and its supporting exhibits. She is not seeking to replace or rewrite her previously completed informational update.

15. Appellant further reports that the lower-court matter remains procedurally unresolved in important respects. She requests relief that preserves the appellate proceeding while the lower court addresses the matter remanded to it.

16. On October 9, 2026, Respondent served a paper described as a proof of service asserting that Appellant failed to provide court-requested documents within a deadline. Appellant disputes that assertion. She states that no such documents had been requested from her by the court, that she had been advised the deadline had not been missed, and that court personnel had indicated no action was warranted because the deadline had not been missed. Appellant further states that the appellate court had already been informed of the stay proceedings. She asks that the Court review the actual docket and orders rather than rely on disputed assertions in a service paper.

17. Appellant reports that when she contacted the court about a court date, she was told that there was no court date because an attorney was out of town for approximately two weeks. Appellant states that she was not aware of any court order requiring the documents Respondent claimed were overdue.

18. Appellant requests that the Court consider the procedural history and existing record in determining what relief is available and necessary to preserve the appeal and prevent further harm while the proceedings remain unresolved.

### **III. CONTINUED FAILURE TO PROVIDE A WORKING KEY**

19. On July 21, 2026, Appellant notified Respondent that the entrance lock was difficult to operate and had bent her key. She warned that continued attempts to use the key could cause it to break inside the lock.

20. Respondent instructed Appellant to use another resident's key and indicated that he would have another key made. That arrangement did not provide Appellant with dependable access because the other resident's schedule differed from hers.

21. Appellant repeatedly advised Respondent that she still lacked a reliable working key. According to Appellant, the problem remained unresolved despite those notices.

22. Appellant also has a recording of a house meeting in which Respondent discussed the cost of the lock and stated words to the effect that it was "nothing but 30 bucks" and that he would get it when Appellant was gone or had left. Appellant will identify the recording and its date as accurately as possible before filing it.

23. Appellant relies on this history to show that the access problem was not a single unexpected malfunction. She had notified Respondent in advance, explained the

consequences, and requested a practical solution before the later lockouts occurred.

24. Appellant respectfully requests an order requiring Respondent, if he controls the locks and has authority to provide the key, to provide her with a properly functioning key and reliable means of access consistent with the Court's orders and the parties' legal rights.

#### **IV. REPEATED LOCKOUTS AND THE OCTOBER 13 TEXT EXCHANGE**

25. On October 2, 2026, Appellant returned from CVS after obtaining blood pressure medication and found herself unable to enter the home. She reports knocking and beating on the door for approximately thirty minutes before another occupant opened it.

26. Appellant asked why the door had not been opened sooner and reports being told that an occupant had been instructed to lock the door and not let anyone in.

27. On October 6, 2026, at approximately 5:14 p.m., Appellant reports being locked out again.

28. On October 13, 2026, after returning from work exhausted and walking on a swollen foot in the heat, Appellant again found that she could not enter the home. She reports knocking for approximately thirty minutes without being let inside.

29. Because Respondent had blocked Appellant's main telephone number, she contacted him using another telephone. Her message stated:

*"I just got off from work and I'm hit tired and aggravated and I need to get in the house  
I'm sick of this shit u know I don't have a key so this is just me warning you"*

30. Respondent replied:

*"Please don't threaten me I gave you a key when you moved in."*

31. Appellant disputes that her message was a threat. She states that she was communicating that she was locked out and needed access to her home.

32. Appellant then sent Respondent the following message:

*"U know my muthafuckin key don't mutha fuxkin work and h ain't never gave me  
another key, and might I add u stood yo ass out here when u had to lil group meeting  
and said a lock wasn't nothing but 30 bucks and u would get it when im gone I  
RECORDED YOU, YOU ARE WELL AWARE THAT I DONT HAVE A KEY."*

33. Respondent replied:

*"Please don't text me anymore"*

34. Appellant replied:

*"If I had a key I wouldn't have to text you ass but it's noted"*

35. Appellant states that Respondent came to the property after she sent the messages. She believed he had come to provide the working key she needed. Instead, Respondent raised the windows of his truck and sent messages while sitting in the yard. Appellant states that he could have let her into the residence but did not do so.

36. Appellant states that Respondent knew her key did not work and that he had never given her another working key. During a house meeting, Respondent said that a lock was "nothing but 30 bucks" and that he would get it when Appellant was gone. Appellant states she recorded the meeting and maintains that Respondent was fully aware that she did not have a functioning key.

37. Appellant further states that another occupant's girlfriend has a key despite not living at the residence or paying bills there, while Appellant herself did not have a functioning key.

38. Appellant states that Respondent did not call 911 during the October 13 incident. Instead, he went to the police station and returned with an officer he knew.

39. Appellant states that Respondent used his key to let the officer into the residence to see whether Appellant was there and how she had entered. Respondent allegedly told the officer words to the effect that if he was no longer on the porch, Appellant had kicked the door in.

40. The officer treated the visit as a welfare check, although Appellant had not called for an officer and was trying to explain that she had been locked out. Appellant states that the officer walked away and made a peace sign. Appellant asks the Court to consider this incident in the context of the ongoing access dispute and the prior reports.

## **V. CONTINUING RETALIATION, INTIMIDATION, HOSTILE ENVIRONMENT, AND REMOVAL OF FURNITURE**

41. Appellant reports that Respondent sits outside the residence and follows her in ways she experiences as intimidation. She states that she has video of Respondent following her and has already submitted videos to the Court.

42. Appellant states that Respondent removed furniture from the house and placed it outside after an adverse court ruling. This included a chair she used to elevate and rest her injured and swollen leg. Appellant has video of the furniture removal and states that the removal deprived her of a place to rest comfortably.

43. Appellant reports that Respondent told a roommate that Appellant had said she was going to put him in jail, but he would not identify the roommate. Appellant states that afterward Respondent repeatedly addressed her using insults, including "bitch," and said he could not wait until "Marty got my ass out of here."

44. Appellant alleges that Respondent has engaged in sexual harassment and has helped create a hostile living environment. She further alleges that he has weaponized other occupants, spread accusations about her, and contributed to verbal abuse and threats. Appellant asks the Court to consider these allegations with the videos, messages, and other evidence she has submitted.

45. Appellant states that whenever Respondent does not get his way, he acts a plum fool. Appellant is tired and sick of the repeated behavior, stress, intimidation, and disruption. She believes the conduct intensifies when Respondent is unhappy with a court decision or when Appellant asserts her rights.

46. Appellant has previously reported repeated lockouts and incidents she believes were intended to provoke or portray her as threatening. For accuracy, Appellant clarifies that Respondent did not call 911 during the October 13 incident; she states he went to the police station and returned with an officer.

47. Appellant alleges that Respondent's conduct has continued notwithstanding her requests for assistance and the pending court proceedings. She asks the Court to address the cumulative pattern rather than treat each reported incident as unrelated.

48. Appellant states that on an earlier occasion, after working a shift of approximately thirteen hours, she was unable to get inside the residence because occupants did not answer her calls. She reports that occupants laughed while she was outside and that she ultimately crawled through a bedroom window to enter. She states that Respondent had previously indicated he would replace the key or address the lock after she was gone.

49. Appellant further reports that the hostile environment became so distressing that on one occasion she hid in a closed closet while on the telephone with appellate court staff awaiting emergency fax transmission because she feared wrongful arrest or eviction.

50. Appellant requests that the Court consider the evidence of Respondent following her, the removal of furniture, the ongoing access problems, the text messages, and the alleged harassment in deciding whether interim protective relief is warranted.

## **VI. PROPERTY CONDITIONS, HEALTH LIMITATIONS, AND RENT DISPUTE**

51. Appellant has reported property and safety concerns, including a hallway water leak, a loose metal door latch, and a thermostat enclosed in a plastic lockbox during hot weather. She states she has photographs, screenshots, or other evidence concerning these conditions, including a screenshot notification before a fall or slip.

52. Appellant has reported significant medical limitations, including Graves' disease, severe muscle weakness, swelling and injury affecting her ability to stand or walk for long periods, a history of blood clots and Protein S deficiency, and the need to take blood thinners. Appellant relies on these limitations to explain why being locked out, denied a working key, and deprived of furniture used to rest her leg presents particular hardship.

53. Appellant has reported a wound near her groin requiring gauze packing, swelling in her feet, and a bruised arm. She has photographs or medical documentation relating to these conditions. Appellant provides this information to explain her vulnerability and the practical harm caused by repeated lockouts and removal of furniture, not to ask the Court to determine medical issues.

54. Appellant states that she made a safety complaint to fire officials on August 10, 2026, and believes the complaint was forwarded to Respondent and that eviction action followed that same day. She contends the timing supports her retaliation concern.

55. Appellant disputes the rent demands and notices in the underlying matter. She states that the lease provided that rent was due on the 20th, that a five-day notice was issued, and that she attempted to pay a \$250 balance but Respondent demanded \$500 and ended the call.

56. Appellant states that text messages showed half of August rent being added early with July rent and that she offered a \$550 payment plan that Respondent rejected.

57. Appellant contends that the court did not adequately address her arguments under applicable South Carolina landlord-tenant law, including S.C. Code §§ 27-40-710 and 27-40-910. She asks the Court to review the actual record and applicable law rather than treat these factual allegations as already adjudicated.

58. Appellant further reports that another occupant's girlfriend harassed her on Facebook and threatened to get her fired, and that Appellant received a termination text dated June 28 after missing approximately three weeks because of injuries. Appellant states that this sequence caused her concern, while recognizing that the causal connection is her contention.

59. Appellant asks that the Court consider the property conditions, the rent dispute, her health limitations, and the reported retaliation as part of the overall circumstances surrounding the pending appeal.

## **VII. PRIOR ATTEMPTS TO OBTAIN RELIEF AND PRESERVE THE RECORD**

60. Appellant states that she sought assistance concerning a continuance and court-record issues before proceeding pro se. She reports that she was advised to request a continuance but was told by a clerk that the judge would not grant one.

61. Appellant also states that she requested court records twice and was refused. She asks that the relevant docket and filings be reviewed when determining the procedural history.

62. Appellant has submitted prior appellate updates and evidence relating to the stay proceedings, retaliation, property conditions, and possession. She asks the Court to consider those prior submissions together with this motion, rather than requiring her to reproduce evidence already in the record.

63. Appellant has video evidence of Respondent following her and of the removal of furniture. She also identifies the house-meeting recording, text messages, photographs, medical documentation, lease documents, and property-condition evidence as materials that may support her factual assertions.

64. Appellant requests that the Court preserve the pending appeal and consider whether immediate relief is necessary to prevent further harm while the lower-court proceedings remain unresolved.

## **VIII. REQUEST FOR IMMEDIATE RELIEF**

**WHEREFORE**, Appellant respectfully requests that the Court, to the extent authorized by law:

65. Expedite consideration of this emergency motion and preserve the status quo while the appeal and remanded proceedings remain unresolved.

66. Grant appropriate interim relief to prevent further interference with Appellant's lawful access to the residence while the appeal is pending.

67. Direct Respondent, if he controls the locks and has authority to provide a key, to provide Appellant with a properly functioning key and reliable access to the residence consistent with applicable law and court orders.

68. Direct that Respondent not use lockouts, withholding of keys, removal of essential furniture, or other self-help measures to interfere with Appellant's lawful possession or access contrary to applicable law or any operative court order.

69. Consider appropriate protective relief against intimidation, harassment, retaliation, or interference with Appellant's ability to participate in the pending proceedings, to the extent such relief is within this Court's authority.

70. Consider whether Respondent's alleged conduct warrants enforcement, a hearing, sanctions, or other appropriate relief if a violation of an applicable court order is established.

71. Preserve the appellate proceeding and clarify any interim protections necessary while the matter is pending before the lower court on remand.

72. Consider the full chronology, including the first stay proceedings, the second stay proceedings, the judge's refusal to recuse himself, the repeated lockouts, the failure to provide a working key, the October 13 text exchange and police contact, the removal of furniture, and the other conduct described in this motion.

73. Grant expedited consideration because the reported conduct is ongoing and Appellant states that she faces continued hardship and possible loss of access to her residence.

74. Grant such other and further relief as the Court deems just, proper, and authorized by law.

## **IX. IDENTIFICATION OF SUPPORTING DOCUMENTS AND EXHIBITS**

Appellant identifies the following documents and evidence, to the extent attached to this motion or already filed with the Court:

- **Exhibit A:** Relevant appellate and lower-court orders concerning the initial stay, subsequent stay proceedings, and remand.
- **Exhibit B:** Appellant's prior appellate filings and status updates, including the September 22, September 29, and September 30, 2026 submissions.
- **Exhibit C:** July 21, 2026 messages concerning the malfunctioning lock, bent key, and request for a working key.
- **Exhibit D:** Recording or transcript of the house meeting in which Respondent discussed the lock and the cost of replacing it.
- **Exhibit E:** October 2, October 6, and October 13, 2026 text messages and other documentation relating to the reported lockouts.
- **Exhibit F:** Videos or photographs showing Respondent following Appellant and the removal of furniture, including the chair Appellant used to rest her injured leg.
- **Exhibit G:** Photographs, screenshots, and other records concerning the reported property conditions.
- **Exhibit H:** Relevant lease provisions, rent-related messages, notices, and payment-plan communications.
- **Exhibit I:** Medical photographs or records that Appellant elects to submit in support of the hardship and safety allegations.
- **Exhibit J:** The October 9, 2026 proof-of-service paper and any documents bearing on whether a court-ordered deadline existed or had expired.

Appellant asks the Court to consider documents already present in the appellate record and does not intend this exhibit list to imply that every item listed is newly attached. Any exhibit not attached or already in the record should be included only if available and appropriate for filing.

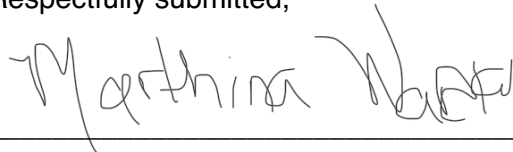
## **X. CONCLUSION**

Appellant respectfully submits that the circumstances described above require prompt attention. She has repeatedly reported that she lacks a functioning key, has been locked out on multiple occasions, and has experienced further conduct that she believes is retaliatory and intimidating while the appeal remains pending.

Appellant is physically limited and reports that the removal of furniture and repeated lockouts have materially worsened her ability to rest and safely access her residence. She has attempted to preserve evidence and inform the Court through prior filings and updates.

Appellant asks the Court to consider the complete chronology and grant appropriate emergency interim relief to preserve the effectiveness of the appeal, prevent further harm, and ensure that any disputes over possession and access are handled through lawful court process rather than unilateral conduct.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marthina Wardlaw", is written over a horizontal line.

**Marthina Wardlaw, Appellant Pro Se**

Date: 10/14/2026

Mailing address: 2409 Prince St, Georgetown SC 29440, United States

Telephone: (919) 351-2962

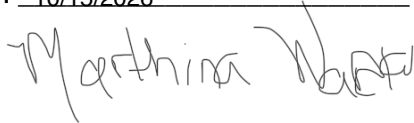
Email: marthinawardlaw@gmail.com

## VERIFICATION

I, Marthina Wardlaw, being the Appellant in this matter, declare that I have read the foregoing Emergency Ex Parte Verified Motion for Immediate Interim Relief, Affirmative Relief Under Appellate Rule 241, Protective Relief, and Appropriate Sanctions. The factual statements concerning my personal knowledge are true and correct to the best of my knowledge and belief. Statements concerning court records, orders, and other documents are based on my review of those materials to the extent available to me. Where I have described what another person said or did, I have identified it as a report or allegation where appropriate. I understand that this motion is submitted to the Court in support of my request for emergency relief.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Date: 10/15/2026

A handwritten signature in cursive script, reading "Marthina Wardlaw", written over a horizontal line.

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**Marthina Wardlaw**

**Marthina Wardlaw**

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_, 2026, I served a copy of this Emergency Ex Parte Verified Motion for Immediate Interim Relief, Affirmative Relief Under Appellate Rule 241, Protective Relief, and Appropriate Sanctions, together with any exhibits actually served, upon:

**Martin Gilliard, Respondent**

Service \_\_\_\_\_ address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Method \_\_\_\_\_ of \_\_\_\_\_ service:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that the information above accurately describes the service completed.

Date: \_\_\_\_\_

\_\_\_\_\_  
**Marthina Wardlaw**

**Marthina Wardlaw, Appellant Pro Se**

**CERTIFICATE CONCERNING REQUEST FOR EX PARTE CONSIDERATION**

Appellant requests emergency ex parte consideration because she reports repeated lockouts, continued lack of a functioning key, removal of furniture used to rest her injured leg, and continuing conduct she believes is intimidating and retaliatory. Appellant requests that the Court consider the urgency of the circumstances and grant only such ex parte relief as is authorized by law. If notice or an opportunity to respond is required for any requested relief, Appellant requests the earliest available consideration consistent with applicable rules.

Appellant understands that a request for ex parte consideration does not itself establish entitlement to relief and that the Court will determine what procedures and relief are appropriate.

Date: 10/15/2026



**Marthina Wardlaw, Appellant Pro Se**

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