

# The South Carolina Court of Appeals

Sherry Felder-Allen and Aliyah Cribb, Defendants,

v.

Ralph Ogburn, Respondent,

Of Whom, Sherry Felder-Allen is the Appellant.

Appellate Case No. 2020-000326

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## ORDER

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Appellant has filed a Motion and Affidavit for Emergency Hearing, which we construe as a motion to stay the writ of ejectment. After careful consideration, the motion to stay is denied. *See* Rule 241(d)(1), SCACR ("Except where extraordinary circumstances make it impracticable, an application for an order lifting the automatic stay or for supersedeas must first be made to the lower court or administrative tribunal which entered the order or decision on appeal."); S.C. Code Ann. § 27-37-130 (providing to stay ejectment, a tenant shall give an appeal bond in an amount fixed by the magistrate, and "[i]n the event the tenant shall fail to file the bond herein required within five days after service of the notice of appeal such appeal shall be dismissed by the trial magistrate"); S.C. Code Ann. § 27-40-800(b) ("It is sufficient to stay execution of a judgment for ejectment that the tenant sign an undertaking that he will pay to the landlord the amount of rent, determined by the magistrate in accordance with § 27-40-780, as it becomes due periodically after the judgment was entered.").

  
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FOR THE COURT J.

Columbia, South Carolina

**FILED**

*February 27, 2020*

cc:

Sherry J. Felder-Allen

Ralph Ogburn