

# THE South Carolina Court of Appeals

---

Jaylin's Properties,

Respondent,

v.

The Estate of Luven E. Rivers, Michelle Evans Jones,  
Individually and as Personal Representative of the Estate  
Of Luven E. Rivers, Shelia Small and Reginald Evans,  
Defendants

Of Whom Reginald Evans is the Appellant.

Appellate Case No. 2021-001407

**RECEIVED**

DEC 07 2021

**SC Court of Appeals**

---

## MOTION FOR STAY PENDING APPEAL

---

COME NOW Reginald Evans PRO SE Appellant, beneficiary of Luven E. Rivers Estate, in the above-captioned Appeal, respectfully moves that this court Grant a Stay of the third Circuit Court Order dated November 30, 2021 Temporary Restraining Order and Plaintiff's Motion for Temporary Injunction pending appellate review of that Order. As explained in more detail in the accompanying attached exhibits, a Stay is appropriate because (i) Defendant's appeal will present serious legal questions: and (ii) absent stay Defendant will irreparable injury. The Appellant who the beneficiary of Luven E. Rivers Estate, has an Amputated Right Leg, Heart Pacemaker, and a number, of other medical problems. The Stay will not cause Respondent Jaylin's Properties, LLC, that the Appellate reside at the location until the jury decide on the rightful owner.

# **EXHIBIT A**



Plaintiff's First Cause of Action – Quite Title. The Plaintiff's Complaint is with Sumter County Register of Deeds Office and not with the Defendant. The Plaintiff and Defendant lay claim of title and ownership of two properties located in Sumter South Carolina. The Defendant is the Grantor of 12 East College Street Sumter, South Carolina while Plaintiff is claiming ownership of 10 East College Street College Street Sumter. South Carolina. Therefore, the Plaintiff's Complaint against the Defendant is moot and should be dismiss for Plaintiff claim is against Sumter County. The Pleading presents no facts or evidence of ownership of 12 East College Street. Therefore, is Court having no jurisdiction. The Plaintiff's Complaint page 2 states "Property address 10 or 12 East College Street, Sumter South Carolina. The Defendants are the rightful heirs of Luven E. Rivers; therefore, Plaintiff complaint proper venue is Probate Court.

2. Plaintiff's Complaint warrants dismissal under Rule 12 (b) (2) lack of jurisdiction over the person, because it fails, in its entirety, to satisfy the facts pleading requirements required by case law. The Plaintiff with the aid of counsel intentionally Misled and misinform this court in its statement on page one of the complaint by stating in item 5 "Defendant Reginald Evans is a citizen and resident of the County of Sumter, State of South Carolina when filing the Complaint on November 12, 2021. The Defendants are the rightful heirs of Luven E. Rivers; therefore, plaintiff complaint proper venue is Probate Court.

3. Plaintiff's Complaint warrants dismissal under Rule 12 (b) (3) Improper Venue. Because it fails, in its entirety, to satisfy the facts pleading requirements required by case law. Plaintiff's Second, Third and Fourth Cause of Action- Ejection, Trespassing and Slander of Title proper venue should be the Master of Equity and or Magistrate Court. The Plaintiff in

its pleading presented no facts or evidence that the Defendant a Grantor of 12 East College Street Sumter South Trespass or Slander the Title of 12 East College Street.

The Plaintiff in retaliation and harassment with aid of counsel made a false 911 call to Sumter City Police and eight police officers came on the Defendant's property because the Plaintiff falsely accused the defendant of trespassing. The Police Officer told the Plaintiff that the Defendant was in possession of a Deed Distribution from Sumter County Register of Deeds Office showing that the Defendant was a Grantor of 12 East College and was not committing any crimes. Yet and still the Plaintiff with aid of counsel filed this complaint with this court.

4. Plaintiff's Complaint warrants dismissal under Rule 12 (b) (4) insufficiency of process, because it fails, in its entirety, to satisfy the facts pleading requirements required by case law. The Plaintiff with the aid of counsel intentionally Misled and misinform this court. The Plaintiff complaint not only be dismiss the Defendant prays this honorable court imposes proper sanctions under Title 15 - CHAPTER 36 (e) for Affidavits filed by the Plaintiff and Process Server. Title 15 Chapter 36 (e) states: If a plaintiff files an affidavit which is allegedly defective, and the defendant to whom it pertains alleges, with specificity, by motion to dismiss filed contemporaneously with its initial responsive pleading, that the affidavit is defective, the plaintiff's complaint is subject to dismissal for failure to state a claim, except that the plaintiff may cure the alleged defect by amendment within thirty days of service of the motion alleging that the affidavit is defective. The trial court may, in the exercise of its discretion, extend the time for filing an amendment or response to the motion, or both, as the trial court determines justice requires. The filing of a motion to dismiss pursuant to this section shall alter the period for filing an answer to the complaint in

accordance with Rule 12(a), South Carolina Rules of Civil Procedure. The Affidavit file was concerning 10 East College Street not 12 East College Street owned by the Defendant.

5. Plaintiff's Complaint warrants dismissal under Rule 12 (b) (5) insufficiency of service of process Because it fails, in its entirety, to satisfy the facts pleading requirements required by case law. The Plaintiff with the aid of counsel filed: Notice of Lis Pendens, Summons (Quiet Title Action), (Action to Set Aside Deeds) Complaint on November 12, 2021. Eight days later a Temporary Restraining Order was issued by the Court on November 19, 2021. "At the Plaintiff request a hearing to decide if a preliminary injunction should be issued has been scheduled for the 29<sup>th</sup> day of November 2021 at 4:00 pm. An Extension of Temporary Restraining Order was signed on November 30, 2021, without any notice or service to the Defendant with a schedule hearing for the Plaintiff Motion for a Temporary Injunction for December 3, at 9:30 am Friday. The Plaintiff delayed and finally Served Documents to the Defendant by placing document at the door of 10 East College Street Sumter, South Carolina on December 1, 2021, at 6:30am Wednesday. The court on Wednesday order the Defendant to vacate his property no later than 5:00 pm Monday December 6, 2021. The Defendants is 100% Disable. The Plaintiff Complaint should be dismissed because was never properly served nor given 30 days to Answer.

6. Plaintiff's Complaint warrants dismissal under Rule 12 (b) (6) failure to state facts sufficient to constitute a cause of action. Because it fails, in its entirety, to satisfy the facts pleading requirements required by case law. Plaintiff's FIFTH Cause of Action— TEMPORARY and PERMANENT INJUNCTION should be dismissed because Rule 12 (b) (6) states: A circuit court's "ruling on a 12(b)(6) motion must be based solely upon the

legations set forth on the face of a complaint.” *Stiles v. Oranato*, 318 S.C. 297, 300, 457 S.E.2d 601, 602 (1995). “Viewing the evidence in favor of the plaintiff, the motion must be granted if facts alleged in the complaint and inferences reasonably deducible therefrom do not entitle the plaintiff to relief on any theory of the case.” *Brown v. Theos*, 338 S.C. 305, 309–10, 526 S.E.2d 232, 235 (Ct. App. 1999). A plaintiff “must establish three elements” to obtain a preliminary injunction: (1) irreparable harm, (2) likelihood of success on the merits, and (3) no adequate remedy at law. *Compton v. S.C. Dep’t of Corr.*, 392 S.C. 361, 366, 709 S.E.2d 639, 642 (2011). Whether to grant a preliminary injunction is in a trial court’s discretion. *Scratch Golf Co. v. Dunes W. Residential Golf Props., Inc.*, 361 S.C. 117, 121, 603 S.E.2d 905, 907 (2004). A preliminary injunction “is a drastic remedy,” *id.*, that should “preserve the status quo,” *Poynter Invs., Inc. v. Century Builders of Piedmont, Inc.*, 387 S.C. 583, 586, 694 S.E.2d 15, 17 (2010). It is more drastic when, like here, the movant seeks a mandatory injunction that changes the status quo. See *Wetzel v. Edwards*, 635 F.2d 283, 286 (4th Cir. 1980); *Gantt v. Clemson Agr. Coll. of S.C.*, 208 F. Supp. 416, 418 (W.D.S.C. 1962) (“at the preliminary stage of proceedings,” a mandatory injunction should be granted only “in rare instances in which the facts and law are clearly in favor of the moving party”).

The harm was done to the Defendant by the Plaintiff by Destroying the Bathroom, removing the fire place, destroying the plumbing and air condition. The Plaintiff is in illegal possession of the estate, Refrigerator, dishwasher, microwave, Stove and oven and light fixtures. The Plaintiff also place an electric meter on 12 East College illegally and illegally deny the Defendant to Sumter City water Service.

7. Plaintiff's Complaint warrants dismissal under Rule 12 (b) (8) another action is pending between the same parties for the same claim. Because it fails, in its entirety, to satisfy the facts pleading requirements required by case law. The Plaintiff and the lower court was well that same claim is pending in the United State District Court.

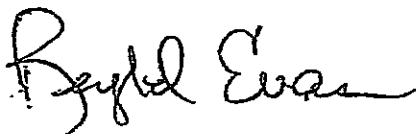
PRAYER FOR RELIEF WHEREFORE, I respectfully pray that this Court do the following:

1. Issuing temporary and permanent restraining order and injunctions preventing any action by the Plaintiffs and amended defendants.
2. Order the Plaintiff to return property and repair damages along stop blocking Defendant access to water and sewage at 12 East College.
3. A declaratory judgment is necessary to declare that the property is titled in his name and to relieve any uncertainty as to the status of the transaction.
4. Awarding Defendant Reginald actual damages, punitive damages, pain and suffering in the amount of ten million dollars and zero cents.

Case No: 2021-CP-43-01882

Page 6 of 6

Respectfully Submit, December 6, 2021



Reginald Evans  
12 East College Street  
Sumter SC 29150  
[reggevans@gmail.com](mailto:reggevans@gmail.com)  
240-416-0575

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and correct copy of this Defendants'

Above Motions was duly served upon Mathew A. Williamson, Esq. 1 Law Range Suite B

Sumter, South Carolina hand delivered on December 6, 2021, by the undersigned.

A handwritten signature in black ink, appearing to read "Reginald Evans". The signature is fluid and cursive, with a long horizontal stroke at the end.

Reginald Evans  
12 East College Street  
Sumter SC 29150  
reggevans@gmail.com  
240-416-0575

## **EXHIBIT B**

STATE OF SOUTH CAROLINA  
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS  
Case No.: 2021-CP-43- 01882

Jaylin's Properties, LLC,

Plaintiff,

vs.

**TEMPORARY RESTRAINING ORDER**

The Estate of Luven E. Rivers, Michelle  
Evans Jones, Individually and as  
Personal Representative of the Estate of  
Luven E. Rivers, Sheila Small, and  
Reginald Evans,

Defendants.

It appears from the specific facts set out in the Complaint and Motion for Temporary Restraining Order (TRO) that immediate or irreparable loss or damage will result to the Plaintiff if the instant TRO is not issued. Accordingly, the Defendants and their family and/or friends are ordered to immediately leave the premises which is the subject of this litigation. According to the Complaint submitted by Plaintiff's attorney, the property is currently being illegally occupied by the Defendants and their family and/or friends.

This TRO expires ten (10) days from the date and time it was granted, but it may be renewed in the form of a preliminary injunction. At the Plaintiff's request, a hearing to decide if a preliminary injunction should be issued has been scheduled for the 29<sup>th</sup> day of November 2021 at 4:00 p.m. in Courtroom 3A of the Sumter County Judicial Center.


I order that no security be given by the Plaintiff for the issuance of this TRO.

[Signature Page Follows]

After providing this information, Mr. Williamson asked again that the Temporary Injunction to be granted, or in the alternative due to the Defendants evading service, for the Temporary Restraining Order to be extended and for service to be accomplished by posting all pleadings on the door of the property in question. After a short deliberation, the Court denied the Motion for the Temporary Injunction but granted the Motion to Extend the Temporary Restraining Order and the Motion to allow for service by posting. Therefore,

IT IS HEREBY ORDERED that the Temporary Restraining Order entered on November 19, 2021, shall remain in effect until December 3, 2021, at 9:30 a.m. at which time this Court will reconvene to hear the Plaintiff's Motion for Temporary Injunction.

AND IT IS SO ORDERED!

  
Hon. R. Kirk Griffin  
Presiding Circuit Judge

November 30, 2021  
Sumter, South Carolina

STATE OF SOUTH CAROLINA,

RECORDED

IN THE COURT OF COMMON PLEAS

COUNTY OF Sumter

2021 DEC -3 AM 10:20

JUDICIAL CIRCUIT

Jaylin's Properties, LLC

C. CAMPBELL

Plaintiff )  
CLERK OF COURT )  
SUMTER COUNTY )  
**PROCEED IN FORMA PAUPERIS**

vs. )

Reginald Evans et al

Defendant. )

FILE NO. 2021-CP-43-01882

I, Reginald EVANS being duly sworn, state that I am the Plaintiff and that

I do not have the funds available to pay the costs of filing and service in the present matter. I

hereby request that the complaint be filed and service made without costs.

CERTIFIED TRUE COPY  
OF ORIGINAL FILED

Drew H. How  
DEPUTY CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

Sworn to and Subscribed before me  
this 3 day of December, 2021

Notary Public for South Carolina

My Commission expires \_\_\_\_\_

Reginald Evans

Signature of Plaintiff or  
Person Filing Complaint on Behalf of  
Plaintiff

**ORDER**

Leave is *granted* to proceed in forma pauperis without payment of the filing fee.

Leave is granted to proceed in forma pauperis without payment of the service cost.

Leave is *denied* to proceed in forma pauperis.

Dated: December 3, 2021  
Sumter, South Carolina

R. Campbell  
JUDGE/CLERK OF COURT

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

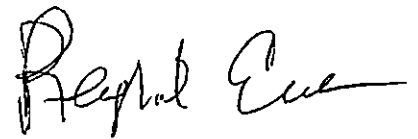
In the alternative, in the event the Court denies this Motion, Defendant respectfully requests that the date of compliance with the Third Court November 30 and December 3 (not published to date) Order be extended to Appellant to present his Stay request to the Court of

Appeals and still have time to comply with the November 30, 2021, Order, if necessary,

Appellant therefore respectfully request extension of the December 6, 2021, deadline for 60 days.

Respectfully Submit,

December 7, 2021



Reginald Evans, Pro Se  
Beneficiary of Luven E. Rivers Estate,  
12 East College  
Sumter, SC 29150  
(240) 416-0575  
Appellant Pro Se

Other Counsel of Record:  
Matthew A. Williamson  
1 Law Range, Suite B  
Sumter, SC 29150  
Attorney for Respondent  
(803) 774-5026

**RECEIVED**


DEC 07 2021

**SC Court of Appeals**

\_\_\_\_\_  
PROOF OF SERVICE  
\_\_\_\_\_

I certify that I have served the Notice of this Motion by personally delivering a copy of it to his attorney of record, Matthew A. Williamson, at his office at 1 Law Range, Suite B, Sumter, South Carolina 29000, on December 7, 2021.

December 7, 2021



Reginald Evans, Pro Se,  
Beneficiary of Luven E. Rivers Estate,  
12 East College  
Sumter, SC 29150  
(240) 416-0575  
Appellant Pro Se