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Apr 06 2022

SC Court of Appeals

From: Thad Moore <tmoore@postandcourier.com>  
Sent: Thursday, March 24, 2022 2:59 PM  
To: Justin Stoddard  
Subject: RE: SC renters no longer need to pay thousands to appeal evictions, chief justice says

Hi Justin - unfortunately I don't have a copy of the order, but the state's court administration provided me with the language of a memo that was sent to magistrates. This was sent on Aug. 11, 2020:

Upon specific and immediate direction of Chief Justice Beatty, all magistrates are to immediately cease ordering a tenant to post past due rent in a residential eviction in order to stay the eviction on appeal.

Code §27-40-800 (b) of the South Carolina Residential Landlord Tenant Act requires that it is sufficient to stay execution of a judgment for ejection that a tenant sign an undertaking that he will pay the landlord the amount of rent as it becomes due periodically after the judgment was entered. Nowhere in that statute is payment of past due rent required to stay the execution of judgment pending appeal in a residential eviction appeal.

Code § 27-40-790 is not applicable to a residential eviction appeal as it is inconsistent with Code § 27-40-800. Likewise, Code §27-37-130 is not applicable to residential landlord tenant matters as it is also inconsistent with 27-40-800 and applies only to commercial landlord tenant evictions.

Please find attached an amended form Bond to Stay Ejectment On Appeal to be used in lieu of the current form contained in CMS. The attached form removes the language regarding posting of bond for back to rent and requires that the tenant pay rent as it becomes due, or within five days thereafter, pending the outcome of appeal. The current form will be removed from CMS.

From: Justin Stoddard [mailto:jstoddard@loandepot.com]  
Sent: Thursday, March 24, 2022 3:53 PM  
To: Thad Moore <tmoore@postandcourier.com>  
Subject: SC renters no longer need to pay thousands to appeal evictions, chief justice says  
Importance: High

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content is safe.  
Hello Thad-

I desperately need your help. I am in the midst of an eviction where I have appealed and the magistrate judge is requiring that I post over \$11,000 in back rent.

[https://www.postandcourier.com/business/real\\_estate/sc-renters-no-longer-need-to-pay-thousands-to-appeal-evictions-chief-justice-says/article\\_77a27cf4-0f2d-11eb-9422-73d75c9bc9b0.html](https://www.postandcourier.com/business/real_estate/sc-renters-no-longer-need-to-pay-thousands-to-appeal-evictions-chief-justice-says/article_77a27cf4-0f2d-11eb-9422-73d75c9bc9b0.html)  
[linkprotect.cudasvc.com]

I read your article and I have also attempted to find the order that you reference in the article to no avail. Would you be able to provide me with your source information? I have a hearing tomorrow and would like to reference something tangible to show that the article is backed by an order or something tangible.

Thanks,

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