

# The South Carolina Court of Appeals

Kevin Penland, Appellant,

v.

Key Largo Mobile Home Park, Respondent.

Appellate Case No. 2022-000513

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## ORDER

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On May 6, 2022, this court temporarily granted Appellant's petition for supersedeas pending this court's receipt and review of a return and reply. After careful consideration of the parties' filings, Appellant's petition for supersedeas is hereby granted. The eviction shall be stayed pending this appeal because Appellant has complied with the requirements of S.C. Code Ann. § 27-40-800 (2007). *See* § 27-40-800(f)(1) ("Upon appeal to the Supreme Court or to the court of appeals, 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 order of the judge of the circuit court, as it becomes due periodically after judgment was entered. The judge of the court having jurisdiction shall order stay of execution upon the undertaking."); § 27-40-800(f)(2) ("The tenant's failure to comply with the terms of the undertaking entitles the landlord to execution of the judgment for possession in accordance with the provisions of subsection (e) of this section."); § 27-40-800(e) ("If the tenant fails to make a payment within five days of the due date according to the undertaking and order staying execution, the clerk, upon application of the landlord, shall issue a warrant of ejectment to be executed pursuant to § 27-37-40 of the 1976 Code.").



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FOR THE COURT

Columbia, South Carolina

cc:

Kevin Penland

Jason Preston Boan, Esquire

Jon A. Ozolins, Esquire

**FILED**  
**May 26 2022**