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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
[IN THE SUPREME COURT]

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SC Court of Appeals

APPEAL FROM THE BERKELEY COUNTY
COURT OF COMMON PLEAS

DALE VAN SLAMBROOK – MASTER-IN-EQUITY

CASE NO. 2018-CP-08-00499

BANK OF AMERICA, N.A.
Respondent

v.

Simone Lambright, The United States of
America acting by and through its agent
The Secretary of Housing and Urban
Development
Appellant

NOTICE OF MOTION FOR STAY ON APPEAL

Appellant asserts that this Court is governed by the Rule 62 of South Carolina Rules of Civil Procedure. Rule 62(d) of the South Carolina Rules of Civil Procedure, further provides that “[w]hen an appeal is taken, a party, by giving a supersedeas bond, may obtain a stay subject to the exceptions contained in subdivision (a) of this rule and the South Carolina Appellate Court Rules. The bond may be given at or after the time of filing the notice of appeal or of procuring the order allowing the supersedeas as the case may be. The stay is effective when the supersedeas bond is approved by the court.” Being that an appeal has been filed and is now pending against Plaintiff, it would be in this Court’s discretion to grant a stay of execution in order for the appeal to take place to preserve the status quo.

1. 10/10/10

10/10/10

10/10/10

Plaintiff did in fact motion the trial court for writ of assistance by order to show cause hearing dated June 23, 2022, Appellant appeared and argued genuine issues of material facts, where the trial court unpronounced to Appellant's knowledge ruled in favor of the Plaintiff, Plaintiff received knowledge of the ruling by notice of the Sheriff's Office to vacate the premises by August 28, 2022. There is no money judgment where the Plaintiff would not be prejudice in any manner, the issue is a title dispute by quiet title action temporarily stop eviction of foreclosure filed sometime in May 2022 by Plaintiff.

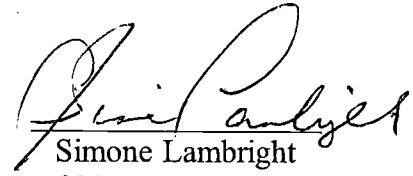
Appellant will suffer irreparable harm on the 8th day of August 2022 by Sheriff enforcement by writ of assistance endorsed by Judge Dale Slambrook of the trial court. Appellant's quiet title is pending until the 8th day of August 2022.

Appellant's relief for stay on appeal of Plaintiff's Motion for writ of assistance attempts to set forth Black Letter Law that only the Presiding Judge can issue the Stay and only when a Supersedeas Bond is posted. While S.C. Code Ann. § 18-9-130 does state that the presiding judge before whom the judgment was obtained can grant the stay of execution, Rule 62(f) of the South Carolina Rules of Civil Procedure provides that the Rules are "cumulative to and not superseding the right of any party to a stay of execution accorded by the statute..." Moreover, Rule 62(g) clearly states that, "[t]he provisions in this rule does not limit any power of an appellate court or a judge or justice thereof to stay proceedings during pendency of any appeal..." An application for such relief should be made to the trial court under Rule 62(c) or (d)..."

The amount of any bond is in the discretion of the Court. The only requirement is that it may not exceed the amount of the Judgment. This Court did not require a Supersedeas Bond.

Appellant seek for the trial court to grant a stay on the appeal without prejudice.

Dated: August 3, 2022

A handwritten signature in black ink, appearing to read "Simone Lambright", written in a cursive style.

Simone Lambright
821 Tee Avenue
Pineville, SC 29468
(347) 965-5322

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AFFIDAVIT IN SUPPORT OF NOTICE OF MOTION FOR STAY ON APPEAL

Affiant, Simone Lambright makes this affidavit in support of notice of motion for stay on appeal, deposes, and affirms that the contents are true and correct to the best of my knowledge and belief as to the following:

1. Affiant asserts that she will suffer irreparable harm by writ of assistance by Sheriff's enforcement of evict or ejection on the 8th day of August 2022. Affiant filed a notice of appeal and did serve the Plaintiff. See Attached Exhibit A.

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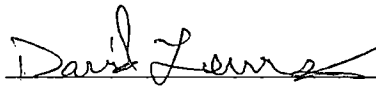
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2. Affiant asserts that Plaintiff will not be prejudice or harm for judgment was granted in favor of the Plaintiff and that Plaintiff in fact purchased Affiant's real estate for \$150,000.00 by the Master-in-Equity.
3. Affiant did in fact, filed for quiet title action for the reason that there was a defective assignment of mortgage, and the estate of Henrietta Lambright was established by the probate court who granted Affiant Letters of Administrative on 2016, however, the Plaintiff claim hold of the Mortgage/Note Assignment February 20, 2018.
4. Affiant contends that Plaintiff failed to make its claim at probate court during the time Henrietta Lambright deceased, this causes a defective assignment of mortgage, the decease cannot transact any sell or transfer assignment by a decease estate.

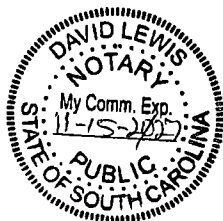
Wherefore Affiant respectfully request of the Court to grant stay on the appeal and what the Court deem just and proper.

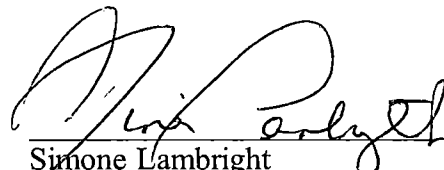
State of South Carolina }
 Berkeley County }SS.:

Before me personally appeared Simone Lambright the undersign on the 3rd day of August 2022.


 Notary Public

Commission Expired 11-15-2027




 Simone Lambright
 821 Tee Avenue
 Pineville, SC 29468
 (347) 965-5322

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA

**IN THE COURT OF APPEALS
[IN THE SUPREME COURT]**

**APPEAL FROM THE BERKELEY COUNTY
COURT OF COMMON PLEAS**

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Appellant

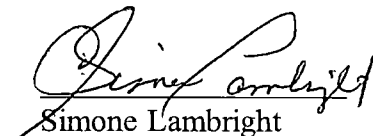
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PROOF OF SERVICE

STAY AND NOTICE OF APPEAL

I, certified that I have serve the Notice of Motion to Stay on Appeal on Counsel of Record Brook Dangerfield SC Bar #77912, BROCK & SCOTT, PLLC, 3800 Fernandina Road, Suite 110, Columbia, SC 29210, by depositing a copy of it in the United States Mail postage prepaid on August 3, 2022.

August 3, 2022



Simone Lambricht

821 Tee Avenue

Pineville, SC 29468

(347) 965-5322

Counsel of Record
Brook Dangerfield SC Bar #77912
BROCK & SCOTT, PLLC
3800 Fernandina Road, Suite 110
Columbia, SC 29210
Phone (844) 856-6646
Attorney for Plaintiff

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Sheriff S. Duane Lewis

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SPECIAL NOTICE
BERKELEY COUNTY SHERIFF'S OFFICE

Please take notice that the **Berkeley County Sheriff's Office** will be at this address 821 Tee Ave Pineville SC 29468 to take possession of the listed property under Court Order.

Property: 821 Tee Ave Pineville SC 29468

Bank of America VS Simone Lambright

This order authorizes the breaking and entering by the Officer if necessary to take the property.

Please have someone present on August 7, 2022 at 10 AM to avoid the necessity of forced entry.

This order has been issued by the Common Pleas Court.

Officer: Cpl D. D.
Berkeley County Sheriff's Office
Call 843-719-4417

Administration Office
223 N. Live Oak Drive
Moncks Corner, SC 29461
- Sheriff -
Office (843) 719-4414
Fax (843) 719-4274

Hill—Finklea Detention Center
300 California Avenue
Moncks Corner, SC 29461
Office (843) 719-4390
Fax (843) 719-4592

Law Enforcement Division
223 N Live Oak Drive
Moncks Corner, SC 29461
- Patrol & Investigations -
Office (843) 719-4412
Fax (843) 719-4337