

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS

HON. MARVIN H. DUKES
MASTER IN EQUITY

Case # 2020-CP-07-02301

**GEORGIA HARRISON, BARBARA HARRISON,
JOYCE ELLEN HARRISON, WILLIAM S.
HARRISON, III, STANLEY ROBERTS AND
DIANA MENDHEIM INDIVIDUALLY AND AS
AGENT AND ATTORNEY IN FACT,**

Plaintiffs,

RESPONDENTS

vs.

**STEPHANIE LORRAINE KIRKLAND, GARY
LAMONT KIRKLAND, KIETA NICOLE WHITE,
AND CHERYL KIRKLAND,**

Defendants.

APPELLANTS

EX PARTE:
MOTION FOR ORDER FOR IMMEDIATE STAY AND SUPERSEDES BOND

The Appellants would respectfully move this Court pursuant to Rule 241, SCRAP and particularly under the provisions of 241(c)(1), d(2) and d(6) of this Rule. for an *ex parte* Order of relief.

The ruling of the Master in Equity on September 22, 2022 has not been filed as an order due to the inordinate delay by Respondents' counsels in preparing a proposed order for the Master in Equity to review and file. Appellants would suffer irreparable harm and injury during this prolonged interval if they are compelled to wait upon the prolonged issuance of the order to present to this court as is the normal practice for the reasons set forth herein. The Appellant is prepared and willing to post a supersedes bond under such terms and conditions as this Court may find equitable and just.

Appellants would move this Court for an immediate temporary order staying the proceedings now pending in the lower court, especially the ruling of the Master in Equity issued at a hastily arranged conference meeting on September 22, 2022 (see Exhibit 1 e-mail) denying Appellants' motion for a Supersedes Bond for any amount, authorizing the Respondents to sell the property; and further, that the Master in Equity would convey the unimproved "Heirs Titled "property subject of this action to the Respondents' purported buyer. (An action the Court had previously refrained from doing at the time the Respondents desired to exercise their "Right of First Refusal.)

There was a full hearing upon the motions held before the Master in Equity on September 22, 2022. (See transcript attached as Exhibit 2). The Appellants' Motion for Stay and Supersedes Bond, Exhibit 3; Appellants' Return in Opposition to Respondents'

Motion for Master's Deed, Exhibit 4; Respondents' Return in Opposition to Supersedes, Exhibit 5; Respondents' counsels delay in drafting the proposed order of the Master in Equity.

The urgency for this Court to take jurisdiction immediately and issue a temporary stay until the issue of a supersedeas bond may be fully reviewed by this Court is that if the sale of the property is completed before the ruling of the Master in Equity is embodied into an Order, the Appellants would be left without any remedy and their appeal taking to this Honorable Court may be subject to dismissal on the grounds of mootness, save a collateral action for reformation of the deed be brought in the future. The Respondents' counsels are delaying drafting the Order from the Master in Equity's ruling to the Appellants' detriment. This delay has the strong potential of prevented this court from reviewing the multiple assignments of error of law, the lack of due process of law and the denial of equal protection under the law that have occurred in this case.

Further, this Court issuing a temporary stay would prevent a fraud upon the Court being unjustly rewarded. This action was brought for Partition Sale and to Quiet Title. The Respondents have persuaded the court to issue its final order ending the case upon the intended sale of the property while no proceedings have been held to quiet the title. There exist four non probated estates among the heirs. This will also deprive the Appellants of a valuable property right -i.e. The assurance of receiving a higher price for the property once the title becomes quieted and marketable. The fraud is that the Respondents never intended to clear the title in the name of the heirs. They will wait until the property is sold and the

present heirs interest extinguished and afterward, bring a new action with the intended buyer, Rotunda, as the plaintiff.

The Master in Equity has committed an egregious error of law by not exercising any discretion within the realm of discretion dictated by Rule 241(c) (3) by not exercising any discretion in outright denying any Supersedes Bond. An action that may only be remedied by this Court that it is urgently requested by the Appellants and the Court under the premises considered; would be justified in granting.

Respectfully submitted,

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October 4, 2022
Hilton Head Island, SC