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**THE STATE OF SOUTH CAROLINA  
In the Court of Appeals**

JUN 26 2023

**APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas**

SC Court of Appeals

**Honorable Mikell R. Scarborough  
Master In Equity for Charleston County**

**Case No. 2010-CP-10-6060**

**Appellate Case No. 2023-000819**

U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust..... Respondent

v.

Johnson D. Koola, First Citizens Bank and Trust Company, Inc. f/k/a First Citizens Bank and Trust Company of South Carolina, and Cambridge Lakes Condominium Homeowners Association, Inc. f/k/a Cambridge Lakes Horizontal Property Regime..... Defendants

Of whom Johnson D. Koola is the Appellant.

**NOTICE OF IMPROPERLY FILED WRIT OF SUPERSEDEAS**

COMES NOW Respondent U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust, by the undersigned counsel and gives notice that, on June 9, 2023, Appellant Johnson D. Koola ("Koola") filed a Motion to Waive the Supersedeas Bond or to Set it at Nominal Amount with the Court of Common Pleas, Ninth Judicial District.

By way of background, following the trial court's entry of summary judgment, on May 30, 2023, the trial court entered an Order setting a Supersedeas Bond of \$75,000.00. On June 5, 2023, the Court entered an order noting the bond had been posted and the matter was stayed pending appeal. Through his instant motion, Koola seeks to have the trial court establish a

different amount for the bond, apparently based on arguments Koola already raised with the trial court at the time the bond amount was set.

Pursuant to Rule 241(d)(2) of the South Carolina Appellate Rules of Court, a challenge to the trial court's decision concerning a bond must be filed with an appellate court, judge or justice:

After the lower court or administrative tribunal has ruled, any party may petition the appellate court where the appeal is pending or an individual judge or justice for review of this order. The individual judge or justice may grant or deny the relief on a temporary basis and refer the matter to the full appellate court to hear and determine the matter, or he or she may issue a final order. Upon the issuance of a final order by an individual judge or justice, an aggrieved party may petition the full appellate court for review of that decision.

SCARC 241(d)(2).

As noted, the lower court has ruled on the request for supersedeas bond. Review of that decision now resides at the appellate level. Koola's filing of a motion seeking to reduce the bond amount rather than seeking review in this Court may lead to confusion and waste of judicial resources. In order to conserve judicial resources, Appellee gives notice of this mis-filed document so that this Court and/or Appellant can take curative action.

This the 21st day of June, 2023.

*T. Richmond McPherson III*  
T. Richmond McPherson, III (SC Bar ID #80432)  
**MCGUIREWOODS LLP**  
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Charlotte, North Carolina 28202  
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*Attorneys for Plaintiff/Respondent*  
*U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust*

CERTIFICATE OF SERVICE

The undersigned attorney for the Plaintiff/Respondent U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust certifies that its **Notice of Improperly Filed Writ of Supersedeas** was served on counsel for Appellant by the South Carolina Court's electronic system and by depositing a copy thereof in the United States Mail, first class, postage prepaid, on June 21, 2023 to the following:

H. Guyton Murrell, Esq.  
Scott and Corley, P.A.  
2712 Middleburgh Drive, Suite 200  
Columbia, SC 29204  
*Attorneys for Plaintiff*

Mr. S. Nelson Weston, Jr. Esq.  
1900 Barnwell Street  
Columbia, SC 29202  
*Attorneys for First Citizens Bank and Trust Co., Inc.*  
*s/b/m to First Citizens Bank and Trust Company of South Carolina*

Ms. Lydia P. Davidson, Esq.  
Krawcheck & Davidson, LLC  
9 State Street  
Charleston, SC 29401  
*Attorneys for Cambridge Lakes*  
*Condominium Homeowner's Association Inc.*

Johnson D. Koola  
1587 Cambridge Lakes Drive  
Mt. Pleasant, SC 29464  
*Pro Se*

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SC Court of Appeals

T. Richmond McPherson III  
T. Richmond McPherson, III (SC Bar ID #80432)

June 21, 2023

VIA U.S. MAIL

Ms. Stormy Falin  
Clerk's Office Team Leader (Civil)  
SC Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

RE: Court of Appeals No. 2023-000819  
U.S. Bank Trust, N.A. v. Johnson D. Koola et al.

Dear Ms. Falin:

Please find enclosed for filing with the South Carolina Court of Appeals the below listed documents in connection with the above-referenced matter.

1. An original and two (2) copies of the Notice of Improperly Filed Writ of Supersedeas;

Please file the original and return the filed stamped certified copy to me in the envelope enclosed for your convenience.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

McGuireWoods LLP

*Chaniese S. Collins*

Chaniese S. Collins  
Senior Litigation Paralegal

cc: H. Guyton Murrell, Esq.  
Mr. S. Nelson Weston, Jr. Esq.  
Ms. Lydia P. Davidson, Esq.  
Mr. Johnson D. Koola, pro se

Enclosures

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SC Court of Appeals

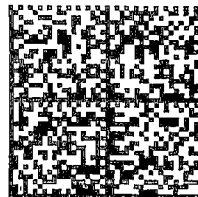
From: Chaniese Collins

# McGuireWoods

201 North Tryon Street | Suite 3000  
Charlotte, NC 28202-2146

To: Ms. Stormy Falin  
Clerk's Office Team Leader (Civil)  
SC Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

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