

The South Carolina Court of Appeals

Bank of America, NA, Respondent,

v.

The Estate of Mary Westbrooks a/k/a Mary Y. Westbrooks, and John Doe and Richard Roe, as Representatives of all heirs and devisees of Mary Westbrooks a/k/a Mary Y. Westbrooks, deceased, and all persons entitled to claim under or through them; also, all other persons, corporations or entities unknown claiming any right, title interest in or lien upon the subject real estate described herein, any unknown adults, whose true names are unknown, being a class designated as John Doe, and any unknown infants, persons under disability, or person in the Military Service of the United States of America whose true names are unknown, being a class designated as Richard Roe, Aubrey Schultz, Kadeem Gaddist, The United States of America acting by and through its agent the Secretary of Housing and Urban Development, South Carolina Department of Motor Vehicles, CIT Group Consumer Finance, N/K/A CIT Loan Corporation, Defenants,

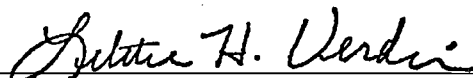
Of Whom Audrey Schultz and Kadeem Gaddist are the Appellants.

Appellate Case No. 2023-001509

ORDER

On October 18, 2023, this court temporarily granted Appellants' motion to stay, allowing ten days for Respondent to file a return to the motion and for Appellants to comply with section 27-40-800 of the South Carolina Code (2007). Appellants have failed to serve and file a written undertaking pursuant to § 27-40-800, as

required by this court's order. *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."). Accordingly, the motion to stay is denied.



FOR THE COURT

Columbia, South Carolina

cc:

Kadeem Gaddist

Aubrey Schultz

Kelly M. Barco, Esquire

Chad Wilson Burgess, Esquire

Brook Dangerfield, Esquire

James Martin Page, Esquire

FILED
Oct 27 2023