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Dec 28 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland, Master-in-Equity

Case No. 2023-001054

Wells Fargo Bank, National Association, not in its individual banking capacity,
but solely as Trustee on behalf of Green Tree Mortgage Trust 2005-
HE1.....Respondent,

vs.

James E. Turner, a/k/a James Turner, Sr.....Appellant

**MOTION FOR EXPEDITED CONSIDERATION OF
APPELLANT’S EX PARTE
EXIGENT CIRCUMSTANCES
APPELLANT’S SECOND
PETITION FOR WRIT OF SUPERSEDEAS and RENEWAL OF
APPELLANT’S FIRST PETITION FOR SUPERSEDEAS**

NOW COMES APPELLANT, James E. Turner, Sr., by and through the undersigned attorney, under emergency time constraints, Petitioning this Honorable Court for an *ex parte* Writ of Supersedeas to stay the enforcement of Judgment of Foreclosure of Sale that was entered by the

Honorable Joseph M. Strickland on June 15, 2023. This is Appellant's Second Petition for Writ of Supersedeas.

The grounds for this Motion are as follows:

1. On December 21, 2023, I filed an *Ex Parte Emergency Petition for Writ of Supersedeas* to prevent Mr. Turner's property from being sold on January 2, 2023. Thereafter, the Court issued a letter to opposing counsel to file a return not later than December 29, 2023.
2. The Court's request for a return by December 29, 2023, could defeat the purpose of the *Ex Parte Partion* that has been filed in this matter. For example, if the Respondent files the Return after the Court closes on the 29th, this will mean that the Court would not consider the Writ until January 2, 2023, the day of the sale. The 30th is a weekend, the 31st is a weekend, and the 1st of January is a holiday, of course.
3. To that end, Appellant requests that the Court decide the Writ, *ex parte*, if necessary, pending the receipt of the return—like it did for the first Writ of Supersedeas to prevent the sale of his property on January 02, 2024.
4. Appellant incorporates by reference the Second Petition for Writ of Supersedeas within this Motion as if the same is fully set out herein.

WHEREFORE, the Appellant request that his *Ex Parte* Second Petition for Supersedeas be resolved by this Court not later than the close of business on December 29, 2023, in order to allow him additional time to take any other further legal action, including filing bankruptcy, in order to prevent his property from being sold on January 2,2024. Appellant further seeks an further relief as requested in the Second Petition for Writ of Supersedeas.

[Only the Signature Block is contained on this page].

December 28, 2023

At Orangeburg, SC

/s/ Glenn Walters, Sr., Esquire

1910 Russell Street (29115)

Post Office Box 1346

Orangeburg, SC 29116

Ph: 803 531-8844

Fax: 803 531-3628

glennwalterspa@gmail.com

Attorney for Appellant

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PROOF OF SERVICE

I, Glenn Walters, Sr., certify that I have served the **APPELLANT’S MOTION FOR EXPEDITED CONSIDERATION OF APPELLANT’S SECOND PETITION FOR WRIT OF SUPERSEDEAS and RENEWAL OF APPELLANT’S FIRST PETITION FOR SUPERSEDEAS** on Respondent Wells Fargo Bank, National Association, and Judge Strickland, by depositing a copy of it in the United States Mail, postage prepaid, December 28, 2023, addressed to its attorneys of record as follows: **Lindsay B. Crawford, III, Esquire, PO Box 4216, Columbia SC 29240** and **The Honorable Judge Joseph M. Strickland Richland County Judicial Center, 1701 Main Street, Room 212, Columbia, SC 29201**

I also served the following Defendants, whether they appeared in the action or not:

William E. Bird, Esquire For: Willie Henry, Willie Sr
Bird And Smith PA & Estate of Willie Henry, Sr.
1712 St Julian Pl., Ste. 102
Columbia SC 29204

George John Conits, Esquire For: IRS
US Attorney's Office
55 Beattie Place, Suite 700
Greenville SC 29601

Ukeba Henry
1039 Thessallian Lan
Indian Trail, NC 28079

Kelley Y. Woody, Esquire
P.O. Box 6432
Columbia, SC 29260

E.B. "Trey" McLeod, III, Esquire
SC Dept. of Employment and Workforce
P.O. Box 8597
Columbia, SC 29202

ADT Security Services, Inc.
c/o CT Corporation System, as registered agent
2 Office Park Court, Suite 103
Columbia, SC 29223

South Carolina Department of Social Services
Office of General Counsel
300-A Outlet Pointe Blvd.
Columbia, SC 29210

Cynthia McGriff
528 Koon Store Road
Columbia, SC 29203

Kenyon Henry
3113 Scottcrest Way
Waxhaw, NC 28173-7476

Akeem Henry
Inmate #324823
Marion Unit-B Wing
Cell #260
Broad River Correctional Facility
4460 Broad River Road
Columbia, SC 29212

Estate of Mrs. Mary Louise Turner
3650 US Highway 321
Winnsboro, SC 29180

Emergent Mortgage Corporation
55 Beattie Place
Greenville, SC 29607

Wells Fargo Bank, National Association fka
Wachovia Bank National Assoc.
Corporation Service Company, as registered agent
1703 Laurel Street
Columbia, SC 29201

Lisa Washington
148 Brewers Oak Lane
West Columbia, SC 29169

At Orangeburg, SC

December 28, 2023

/s/ Glenn Walters, Sr.
Glenn Walters, Sr.