

# The South Carolina Court of Appeals

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

v.

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

Appellate Case No. 2023-001054

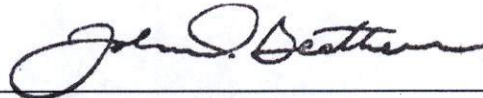
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## ORDER

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After careful consideration, Appellant's petition for supersedeas, filed December 21, 2023, is denied. Appellant has failed to comply with section 18-9-170 of the South Carolina Code. *See* S.C. Code Ann. § 18-9-170 (providing "[i]f the judgment appealed from direct[s] the sale or delivery of possession of real property, the execution of the judgment shall not be stayed unless" the appellant executes a writing, with two sureties, guaranteeing the property will not be wasted while the appeal is pending). The undertaking of Ernest E. Yarborough, filed by Appellant, is insufficient to satisfy the statute. Moreover, Respondent has demonstrated to this court that it publicly advertised the sale of the property at issue.

Accordingly, the master-in-equity's judgment of foreclosure is not stayed, and the sale may proceed.



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FOR THE COURT

Columbia, South Carolina

**FILED**  
**Jan 16 2024**

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cc:

Glenn Walters, Sr., Esquire

B. Lindsay Crawford, III, Esquire

Jason Mark Hunter, Esquire

Christopher Brian Lusk, Esquire

Theodore von Keller, Esquire

The Honorable Joseph M. Strickland