

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

<b>Christopher Jones</b>	)	
<b>Appellant</b>	)	<b>APPEAL CASE #2024-000417</b>
<b>Vs.</b>	)	
	)	<b>MOTION TO EXTEND</b>
	)	<b>AUTOMATIC STAY</b>
<b>D&amp;B Real Estate Ventures, LLC</b>	)	<b>Pursuant To Rule 241, SCACR</b>
<b>Respondent</b>	)	

The Appellant, Christopher Jones hereby make notice to the parties, that this appeal and Notice of Appeal subjected the Greenville County Common Pleas proceedings to the automatic stay at the filing of the Notice of Appeal pursuant to Rule 241.

In fact, Rule 241 states in pertinent part:

**(a) General Rule.** As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision. This automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court, the administrative tribunal, appellate court, or judge or justice of the appellate court. The lower court or administrative tribunal retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed by the appeal.

**(b) Exceptions.** The exceptions to the general rule are found in statutes, court rules, and case law. Where specific conditions must be met before the exception applies, those conditions must be strictly complied with. A list of some, but not all, of the exceptions to the general rule is:

Further, Pursuant to Rule 240 S.C. Appeals Court Rule, the Appellant hereby submit this Motion to Extend Stay pending Appeal (hereinafter “Motion”). Appellant ask this Court to extend the automatic stay pursuant to Rule 241 S.C. A.C.R for the

duration of the appeal. The *Appellant* respectfully submits that the factors governing whether to issue a stay pending appeal all weigh heavily for a stay to preserve the status quo. Specifically because:

1. The Honorable Court erred in granting Defendants' Motion to Dismiss because Defendant's Motion to Dismiss was defective and did not meet the standard for dismissing the Complaint. The Complaint involved multiple Causes of Action, for which should have been considered by the Court. The Appellant is likely to succeed on the merits of the case.
2. Defendant's motion should not have been granted because the Motion To Dismiss was to be converted to a Motion to for Summary Judgment. Defendant's motion for summary judgement was also defective under Rule 56 SCRCF, standards and ultimately the Judge should not have allowed the "affidavit" into the Record because the "affidavit" is not a valid South Carolina affidavit.
3. The only Contract at issue in the case, favors the Appellant on review. By dismissing the case, denied Appellant the opportunity to present facts and evidence for which a jury was to decide. The Court ignored the guiding Contract document in the case.
4. This Stay of Execution of Judgment is requested by this Appellant until this matter is fully adjudicated by the South Carolina Court of Appeals in order to minimize the harm and damages being sustained by the Appellant.
5. The Court abused its discretion in considering all motions filed by Appellant prior to issuing the Order to dismiss. Appellant's motions were filed before the hearing took place and was not heard by the Court.

Established precedent favors the Automatic Stay upon the basis that “A four-part test governs stays pending appeal: “(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987). Given applicable precedent and the reasons outlined above, the Appellant believes the Automatic Stay is sufficiently justified.

WHEREFORE, PREMISES CONSIDERED the Appellant, prays for the extension of the automatic stay and having provided sufficient cause for the Court of Appeals to grant an Automatic Stay of Execution of Judgment pending the outcome of all relevant matters, so as to maintain the status quo and avoid further any additional unnecessary harm and damages.

April 9, 2024

Respectfully submitted,

s/Christopher Jones  
309 Perry Avenue  
Greenville, SC 29601  
Appellant