

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Eastman Credit Union,

Plaintiff,

v.

Michael Gilbert a/k/a Michael L. Gilbert,  
Hammond School, Founders Federal Credit  
Union, Woodcreek Farms Homeowners  
Association and South Carolina Department  
of Revenue,

Defendant(s).

IN THE COURT OF COMMON PLEAS FOR  
THE FIFTH JUDICIAL CIRCUIT

Case No. 2023-CP-40-00090

**MOTION TO SET BOND AND STAY WRIT  
OF POSSESSION PENDING BOND  
HEARING**

**RECEIVED**

**Jun 17 2024**

**SC Court of Appeals**

**TO: THE HONORABLE JOSEPH M STRICKLAND, MASTER IN EQUITY  
FOR RICHLAND COUNTY**

**COMES NOW** Defendant Michael Gilbert a/k/a Michael L. Gilbert, by and through his undersigned counsel, Kenneth A. Davis, and respectfully moves this Honorable Court pursuant to Rule 241(c) of the South Carolina Appellate Court Rules to impose a supersedeas on the judgment in this case, including the sale and execution of the writ of possession, pending appeal in order to preserve the jurisdiction of the Court of Appeals and avoid the mootness of the appeal.

In the alternative, Defendant Gilbert moves for a stay of the execution of the Plaintiff's Writ of Possession that was issued on May 17, 2024 that orders the Richland County Sheriff's Department to "remove all Defendant(s) and all of their possessions from their residence on June 17, 2024 at 1:00 p.m. until after a hearing on the supersedeas and bond hearing held pursuant to S.C. Code Ann. § 18-9-170. The bond amount required by Section 18-9-170 is not self-executing and requires a hearing to determine the amount.

WHEREFORE, Defendant Michael Gilbert prays that this Honorable Court immediately enter an order granting a supersedeas of the judgment in this case pending resolution of the appeal

or, in the alternative, staying the execution of Plaintiff's Writ of Possession until after a hearing on the supersedeas or the bond hearing required by Section 18-9-170.

Respectfully submitted,

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Attorneys for Defendant Michael Gilbert, a/k/a  
Michael L. Gilbert

June 17, 2024  
Columbia, South Carolina