

The South Carolina Court of Appeals

Eastman Credit Union, Respondent,

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, Defendants,

of which Michael Gilbert a/k/a Michael L. Gilber is the Appellant and Hammond School, Founders Federal Credit Union, Woodcreek Farms Homeowners Association and South Carolina Department of Revenue are the Respondents.

Appellate Case No. 2024-001011

ORDER

After careful consideration, Appellant's petition for supersedeas is denied. Appellant asks this court to stay the sale and execution of a writ of possession pending appeal. However, Appellant failed to appeal the underlying foreclosure action; this court cannot stay an order that is not properly before it. Moreover, Appellant argues that this court must stay the writ of possession to prevent the appeal from becoming moot, but our supreme court has recognized that the transfer of the subject property does not moot the appeal of a motion to vacate the foreclosure sale. *See Wachesaw Plantation E. Cmty. Servs. Ass'n, Inc. v. Alexander*, 414 S.C. 355, 360, 778 S.E.2d 898, 901 (2015) ("Based on the above-cited cases, it is clear that the issuance of a deed does not moot the appeal of a foreclosure sale and an appellate court may reach the merits."); Rule 241(c)(2), SCACR ("In determining whether an order should issue pursuant to this Rule, the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court should consider whether such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot.").



FOR THE COURT

Columbia, South Carolina

cc:

Kenneth Allen Davis, Esquire
Tierney Felicia Goodwyn, Esquire
Dean Anthony Hayes, Esquire
Kiera Courtney Dillon, Esquire
Robert Julian Thomas, Jr., Esquire
Kyle Aaron Brannon, Esquire
Walter B. Todd, Jr., Esquire
Shaun W. Cranford, Esquire

FILED
Jun 17 2024
