

The South Carolina Court of Appeals

Elizabeth M. Ferraro, James T. Ferraro, Edward J. Przybyl, Marcella Gleie, John E. Gleie, Jr., Thomas Bowes, Connie Bowes, Moataz Alasadi, Virginia Kirkwood, Bob Kirkwood, Paul Vichroski, Nydza Vichroski, James Montellese, Roxann Montellese, Individually, Derivatively, and on Behalf of all the Mount Vintage Homeowners Association Members, Respondents,

v.

LL of SC, LLC, Raiford Topsail Island Investments, LLC, TR Sales Plantation, LLC, and Mount Vintage Plantation Homeowners Association, Inc. a/k/a Mount Vintage Homeowners Association, Inc., Defendants,

of which LL of SC, LLC, Raiford Topsail Island Investments, LLC, and TR Sales Plantation, LLC, are the Appellants.

Appellate Case No. 2024-001510

ORDER

After careful consideration, we find the pending trial on the remaining issues will be affected by this appeal, and therefore grant Appellants' motion to stay the proceedings below pending the resolution of this appeal. *See Tillman v. Oakes*, 398 S.C. 245, 255, 728 S.E.2d 45, 51 (Ct. App. 2012) ("[T]he lower court's power to proceed is determined by whether the issue sought to be litigated in the lower court during the appeal is a 'matter[] affected by the appeal' under Rules 205 and 241(a)."); Rule 205, SCACR ("Nothing in these Rules shall prohibit the lower court, commission or tribunal from proceeding with matters not affected by the appeal."); Rule 241(c)(2), SCACR ("In determining whether an order should issue pursuant to this Rule, the . . . 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.).

There shall be a presumption against granting extensions in this case and it will be placed on the roster as soon as practicable.

A handwritten signature in black ink, consisting of several overlapping loops and lines, positioned above a horizontal line.

FOR THE COURT

Columbia, South Carolina

cc:

Collin Heath Fuller, Esquire

Justin O'Toole Lucey, Esquire

Anna Scarborough McCann, Esquire

Steven Edward Buckingham, Esquire

FILED
Oct 09 2024