

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

103900

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Charles B. Simmons, Jr., Master-in-Equity

RECEIVED
FEB 04 2025
SC Court of Appeals

Civil Action No. 2023-CP-23-05810

Oriole Properties, LLC., Petitioner.
IN RE:
Castlebrook Homeowner’s Association, Inc., Plaintiff,

Of Whom Castlebrook Homeowner’s Association, Inc., and Oriole Properties,
LLC,..... Respondents,

v.

Ardie C. Gary and Primary Residential Mortgage, Inc., Defendants,

Of Whom Ardie C. Gary,....., Appellant.

EMERGENCY MOTION FOR STAY OF ENFORCEMENT OF JUDGMENT

COMES NOW, Defendant Ardie C. Gary (hereinafter referred to as “Appellant”), and respectfully moves this Honorable Court pursuant to Rule 241 of the South Carolina Appellate Court Rules (SCACR) and applicable case law for a stay of enforcement of the Judgment of Eviction entered in favor of Respondent Oriole Properties, LLC, pending resolution of Appellant’s

appeal to the South Carolina Court of Appeals. In support of this motion, Appellant states as follows:

Likelihood of Success on Appeal.

1. Appellant’s appeal raises substantial and meritorious issues of law, including the trial court’s failure to properly consider the Wham factors and its improper denial of intervention. These errors constitute significant misapplications of the law that violates Appellant Gary’s rights under South Carolina law and applicable procedural rules. Accordingly, there is a strong likelihood that the appellate court will reverse or remand the trial court’s decision.

Irreparable Harm.

2. Absent a stay, Appellant Gary and Mr. Nedwards will suffer irreparable harm through the loss of possession of their primary residence. Enforcement of the Judgment of Eviction, which is scheduled to occur no later than February 14, 2025, will render any appellate relief moot, as the residence will no longer be available to them.

Lack of Prejudice to Opposing Parties

3. A temporary stay of enforcement will not cause substantial prejudice to Respondent, Oriole Properties, LLC. While the stay may delay the execution of the eviction, this delay is outweighed by the equitable considerations and Appellant’s right to appellate review. Moreover, Respondent’s interests in the property will remain protected during the pendency of the appeal.

Public Interest.

4. Granting a stay preserves the status quo and ensures fairness by allowing appellate review before irreversible harm occurs. The public interest is best served by promoting judicial

efficiency and preventing the premature enforcement of orders that may ultimately be overturned or modified on appeal.

CONCLUSION

WHEREFORE, Appellant respectfully requests that this Court enter an order **STAYING** Enforcement of the Judgment of Eviction entered in this matter until the resolution of Appellant's appeal. Appellant further requests such other and further relief as this Court deems just and proper.

Respectfully submitted

Ardie C. Gary
323 Skipton St
Greenville, SC 29605
Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Charles B. Simmons, Jr., Master-in-Equity

Civil Action No. 2023-CP-23-05810

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2025, I served a copy of the forging Motion for Stay via United States Mail, postage prepaid and addressed to:

Babb, Bixler And Dollar
Attn: Alfred Lyon Bixler
505 W. Butler Road
Greenville, SC 29607
Attorney for
Castlebrook Homeowner's Association, Inc.

Womble Bond Dickinson
Attn: Jason D. Wyman
550 S. Main Street, Suite 400
Greenville, SC 29601
Attorney for Oriole Properties, LLC

Primary Residential Mortgage, Inc.
CT Corporation System
2 Office Park Ct. Suite 103
Columbia, SC 29223
Defendant

RECEIVED

FEB 04 2025

SC Court of Appeals

Ardie C. Gary
323 Skipton St
Greenville, SC 29605
Appellant

January 29, 2025

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Oriole Properties, LLC., vs. Ardie C. Gary
Civil Action No. 2023-CP-23-05810

RECEIVED
FEB 04 2025
SC Court of Appeals

Dear Ms. Kitchings:

Enclosed for the filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Money order for filing fees \$250.00; and \$50.00 for motion fees.
- (2) Certificate of service of the notice of appeal on the respondents.
- (3) A copy of the order denying Appellant's motion to set aside the default in the lower court.
- (4) Motion for Stay
- (5) This appeal is being filed with the South Carolina Court of Appeals from a Court Common Plea Master in Equity's order.

Sincerely,

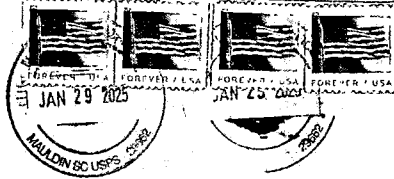
Ardie C. Gary
323 Skipton St
Greenville, SC 29605
Beardedgr8ness@gmail.com

Cc: Babb, Bixler And Dollar
Attn: Alfred Lyon Bixler
505 W. Butler Road
Greenville, SC 29607
Attorney for
Castlebrook Homeowner's Association, Inc.

Womble Bond Dickinson
Attn: Jason D. Wyman
550 S. Main Street, Suite 400
Greenville, SC 29601
Attorney for Oriole Properties, LLC

Primary Residential Mortgage, Inc.
CT Corporation System
2 Office Park Ct. Suite 103
Columbia, SC 29223
Defendant

Ardie Gary
323 Skipton St.
Greenville, SC 29605



RECEIVED
FEB 04 2025
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

