

The South Carolina Court of Appeals

Oriole Properties, LLC, Respondent,

In re: Castlebrook Homeowner's Association, Inc.,
Respondent,

v.

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

Appellate Case No. 2025-000193

ORDER

On February 4, 2025 and February 5, 2025, Appellant moved for a stay of enforcement of the judgment of ejectment. Respondent Oriole Properties LLC filed a return, which Castlebrook Homeowner's Association, Inc. joined in. Appellant filed a reply, indicating she had requested a stay of ejectment before the circuit court; however, the amount of the undertaking was not addressed. After careful consideration, Appellant's motion to stay the enforcement of the judgment of ejectment is temporarily granted. We remand this case to the circuit court for an expedited hearing for determination of the amount of the undertaking. *See* S.C. Code Ann. § 18-9-170 (2014) ("If the judgment appealed from direct the sale or delivery of possession of real property, the execution of the judgment shall not be stayed unless a written undertaking be executed on the part of the appellant, with two sureties, to the effect that during the possession of such property by the appellant he will not commit or suffer to be committed any waste thereon and that if the judgment be affirmed he will pay the value of the use and occupation of the property from the time of the execution of the undertaking until the delivery of possession thereof pursuant to the judgment, not exceeding a sum to be fixed by a judge of the court by which judgment was rendered and which shall be specified in the undertaking."). Appellant shall provide this court with status updates every thirty days. Further, Appellant shall provide this court with a copy of the circuit court's order ruling on the motion to stay within ten days of receiving notice of the

order. Appellant's failure to provide this court with status updates every thirty days or to provide this court with the circuit court's ruling within ten days of receiving notice of the order will result in dismissal of this appeal.

Additionally, the parties are directed to use the caption above on all future filings.



FOR THE COURT

Columbia, South Carolina

cc:
Ardie C. Gary
Alfred Lyon Bixler, III, Esquire
Jason David Wyman, Esquire
The Honorable Charles B. Simmons, Jr.
The Honorable Jay Gresham

FILED
Feb 13 2025