

Form 1
NOTICE OF APPEAL IN A CIVIL CASE
[Second Amendment]

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals [In The Supreme Court]
APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas
James O. Spence, Master-In-Equity

Case No. 2022-CP-32-00784

John Kay, et al as Personal
Representatives of the Estate of US Bank National,
v.

Respondent

Tracie L. Green;
Cardinal Pines Homeowners' Association, Inc;
Nelson Weston, as Personal Representative of the
Estate of Palmetto Citizens Federal Credit Union

Appellant

NOTICE OF APPEAL [Second Amendment]

Tracie L. Green [Mitchem-Green] appeals the order denying motion to vacate judgement order of the Honorable James O. Spence dated January 29, 2025. Appellant received written notice of entry of this order denying motion to vacate judgement order on January 30, 2025. Staying Judgement for Sale or Delivery of Land: Pursuant to SC Code 18-9-170 (2023), the below signed appellant, during the possession of such property, will not commit or suffer to be committed any waste thereon and if the judgment be affirmed, 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. When the judgment directs the sale of land to satisfy a mortgage thereon or other lien, the undertaking shall prove that in case the judgment appealed from be affirmed and the land be final sold for less than the judgment debt and costs then the appellant shall pay for any waste committed or suffered to be committed on the land and shall pay a reasonable rental value for the use and occupation of the land from the time of the execution of the undertaking to the time of the sale, but not exceeding the amount of such deficiency, which sum shall be duly entered as a payment on the judgement; and in case the land shall be unimproved land, then in any action or proceedings now pending or hereafter begun in any of the courts of this State the undertaking shall further provide for the payment by appellant, if the judgment be affirmed, or any taxes due at the time of the appeal or already paid by the mortgagee, or becoming due during the pendency of the appeal, and also for the payment by appellant of the interest on the debt falling due during the pendency of such appeal. Due to the presence of criminal activity occurring and this Defendants inform a pauperis status, this court is requested to utilize the pending \$3 million judgement in lieu of the requested two sureties.

February 2, 2025

s/ Tracie L. Mitchem-Green
Tracie Mitchem-Green
PO Box 521
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Yonkers, New York 10710
(803) 361-0602
drgreen@myyahoo.com
ProSe Appellant

Other Counsel of Record:

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Attorney's for Respondent

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Enclosures [Appellant Letter to the Court]

Form 7
PROOF OF SERVICE OF A NOTICE OF APPEAL
[Second Amendment]

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v.

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Appellant

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PROOF OF SERVICE

I certify that I have served the following documents on the parties below on February 2, 2025:

- 1) Letter to the Appellate Court Clerk, Filing the Notice of Appeal
- 2) Proof of service of the notice of appeal on the respondents.
- 3) A copy of the November 14, 2024 and January 29, 2025 order [s] [judgment] which are to be challenged on appeal. [NOTE: These judgments are now available online.]
- 4) Verification of my informia pauperis status and a copy of the \$250 filing fee. NOTE: Please return to \$250 filing fee if this court will honor my informia pauperis status, as I cannot afford any legal fees.
- 5) Documents delivered electronically to respondents and Lexington County Courthouse on February 2, 2025:
 - a. Form 9 LETTER TO CLERK OF LOWER COURT FILING NOTICE OF APPEAL [SECOND AMENDMENT].
 - b. Form 1 NOTICE OF APPEAL IN A CIVIL CASE [Second Amendment]
 - c. Appellant Letter to the Court
 - d. Form 7 PROOF OF SERVICE OF A NOTICE OF APPEAL [Second Amendment]

Lexington County Courthouse, 205 E. Main Street, Ste 146, Lexington, South Carolina 29072

Hutchens Law Firm, PO Box 8237, Columbia, South Carolina 29202

Richardson Plowden, PO Drawer 7788, Columbia, SC 29202

February 2, 2025

s/ Tracie L. Mitchem-Green
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