

February 11, 2025

Page 1 of 3

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

US Bank National Association,

Case No. _____
Jury trial: Yes

Against

Tracie L. Green;
Cardinal Pines Homeowners' Association, Inc;
Palmetto Citizens Federal Credit Union

Motion for Stay or Injunction Pending Appeal

Pursuant to Federal Rules of Civil Procedure 62, this ProSe Defendant moves for this Court to stay Lexington County Courthouse November 14, 2024 judgement order and January 29, 2025 denial to vacate judgment order to prevent further foreclosure and auctioning activities pending appeal completion. Copies of both orders were previously included with the Notice of Removal on file with this Court.

As discussed in the Notice of Appeal [Second Amendment] submitted to the South Carolina Court of Appeals on February 2, 2025 (2 pages; See **Appendix A**, which also includes Appellant Letter to the Court (9 pages)):

...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

February 11, 2025

Page 2 of 3

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

US Bank National Association,

Case No. _____

Jury trial: Yes

Against

Tracie L. Green;
Cardinal Pines Homeowners' Association, Inc;
Palmetto Citizens Federal Credit Union

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 in forma pauperis status, this court is requested to utilize the pending \$3 million judgement in lieu of the requested two sureties.

The undersigned now understands that a stay is not automatic in this case. However, given the strong, compelling evidence of fraudulent activity detailed in the Notice of Removal, a stay is warranted in the interest of justice. Moreover, financial responsibility is evident, as the contested property, 123 Cardinal Pines Drive, Lexington, South Carolina 29073 (valued at approximately \$230,000, judgement order is for \$150,213.73), is occupied by the undersigned with a strong security system through CPI Security; while the undersigned remains a resident of New York (having left South Carolina for safety concerns). However, as discussed in the Notice of Removal, evidence shows that CPI Security may be involved with the fraud, thus law enforcement has been notified. Therefore, the judgement (i.e. acquisition of said property) is secure and not in danger of loss. Irreparable harm will be done if a stay is not granted halting the acutioning of this property, which has been a home of the undersigned for 18 years. Lastly, granting a stay or injunction is in the best interest of the public as noted in this January 31, 2025 500pm correspondence:

...If this court and plaintiff proceeds with sale despite notice of appeal, its considered theft. Thus danger to public as they would be encouraged to participate in fraudulent activity...

February 11, 2025

Page 3 of 3

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

US Bank National Association,

Case No. _____

Jury trial: Yes _____

Against

Tracie L. Green;
Cardinal Pines Homeowners' Association, Inc;
Palmetto Citizens Federal Credit Union

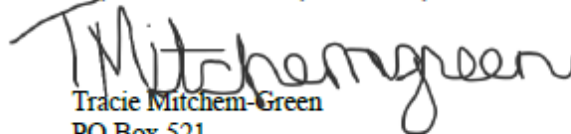
Again, the undersigned now understands that a stay is not automatic. However, despite the February 2, 2025 submission to the Court of Appeals addressing the stay, Lexington County Courthouse still proceeded with the auction on February 3, 2025, now labeling it a preliminary auction, while adding a final auction date for March 2025. It is the duty of this Court to determine if Lexington County Courthouse actions were proper or intended to cause harm and distress given that a stay request had been filed the day prior.

Conclusion

For the foregoing reasons, the United States District Court for the District of South Carolina should grant a stay or injunction to Lexington County Courthouse November 14, 2024 judgement order and January 29, 2025 denial to vacate judgment order to prevent further foreclosure and auctioning activities pending appeal completion.

Certificate of Service

I hereby certify that on this 11th day of February 2025, a copy of the foregoing Motion was mailed, postage prepaid, to Plaintiff US Bank National Association via Counsel Hutchen's Law Firm, PO Box 8237, Columbia, South Carolina 29202; and Co-Defendant Palmetto Citizens Federal Credit Union via Counsel Richardson Plowden, PO Drawer 7788, Columbia, SC 29202.



Tracie Mitchem-Green
PO Box 521
1585 Central Park Ave,
Yonkers, New York 10710
(803) 361-0602, drgreen@myyahoo.com
ProSe Appellant

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

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,	Respondent
v.	
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 in forma pauperis status, this court is requested to utilize the pending \$3 million judgement in lieu of the requested two sureties.