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Mar 14 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM OCONEE COUNTY
Court of Common Pleas
Steven C. Kirven, Master in Equity

Case No. 2023-CP-37-00620

Appellate Case No. 2025-000223

Ex Parte: Christopher A. Pierce, Appellant,

Foxwood Hills Property Owners Association, Respondent,

v.

Michael D. Jewell, Lori R. Marsengill, and South Carolina Department
of Transportation, Defendants,

of which Michael D. Jewell is an Appellant.

Return of Respondent Foxwood Hills Property Owners Association
to Appellant, Michael D. Jewell's Motion for Emergency Stay

NOW COMES Respondent, Foxwood Hills Property Owners Association in response to
the Motion for Emergency Stay filed by the Appellant, Michael D. Jewell and requests the Court
deny the motion for the reasons shown below.

Appellant has requested that the Court issue a Stay of the pending foreclosure sale case until such time as the Appeal is concluded. On January 5, 2025, the Master in Equity for Oconee County issued a Master's Order and Judgment of Foreclosure and Sale in the case and the property is scheduled for a foreclosure sale on Monday, April 7.

Appellant claims that Rule 241(a) of the South Carolina Appellate Court Rules provides for an automatic stay upon the filing of the appeal. However, Rule 241(b)(4) SCACR provides that an exception to the general rule provided in Rule 241(a) SCACR is made for judgments directing the sale of real property as provided in S.C. Code §18-9-170 (S.C. Code Ann. 2024). §18-9-170 provides that the

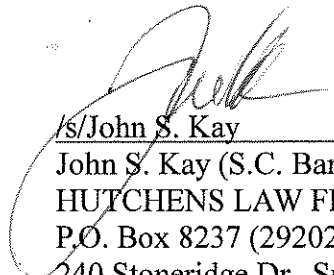
“execution of the judgment shall not be stayed unless a written undertaking be executed on the part of the appellant, with two sureties, to the effect that during the possession of such property by the appellant, he will not commit or suffer to be committed any waste thereon and that if the judgment be affirmed he will pay the value of the use and occupation of the property.”

S.C. Code §18-9-170 further provides if the judgment directs the sale of land to satisfy a mortgage or other lien, as we have in this case, that

“When the judgment directs the sale of land to satisfy a mortgage thereon, or other lien, the undertaking shall provide that in case the judgment appealed from be affirmed and the land be finally sold for less than the judgment debt and costs, 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 sale.”

The Appellant has not yet provided a written undertaking, with two sureties, in this matter as required by statute. Therefore, the automatic stay of Rule 241(a), SCACR is not applicable until such time as the Appellant files the required undertaking with the Master in Equity for Oconee County.

For the reasons set forth above, Respondent, Foxwood Hills Property Owners Association requests that the Court deny the Emergency Motion filed by the Appellant, Michael D. Jewell, on March 12, 2025.



/s/John S. Kay

John S. Kay (S.C. Bar No. 7914)

HUTCHENS LAW FIRM

P.O. Box 8237 (29202)

240 Stoneridge Dr., Suite 400

Columbia, SC 29210

(803) 726-2700

john.kay@hutchenslawfirm.com

Attorney for Respondent Foxwood Hills Property Owners Association.

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Columbia, South Carolina

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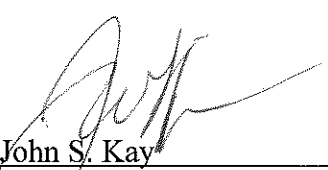
Michael D. Jewell, Lori R. Marsengill, and South Carolina Department
of Transportation, Defendants,

of which Michael D. Jewell is an Appellant.

PROOF OF SERVICE

I hereby certify that I have served the Return of Respondent to Appellant's Motion for Emergency Stay on Michael D. Jewell by depositing a copy of it in the United States Mail, postage prepaid, on March 14, 2025, addressed to Michael D. Jewell at 428 Odessa Avenue, Westminster, South Carolina 29693 and on Christopher A. Pierce at 605 White Owl Lane,

Seneca, South Carolina 29678


/s/John S. Kay

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Columbia, SC 29210

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Attorney for Respondent Foxwood Hills Property Owners
Association.

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Columbia, South Carolina