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Apr 07 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

Appeal from Horry County

Court of Common Pleas

Honorable David P. Caraker, Circuit Court Judge

Appellate Case No. 2025-000445

Sam Investment Properties, LLC, n/k/a Archangel Investments, LLC,

Respondent,

v.

Stephanie Hatton and Brandon Deubell,

Appellants.

AMENDED MOTION TO SUSPEND APPEAL AND REMAND TO CIRCUIT COURT

To the Honorable South Carolina Court of Appeals:

The Appellants, Stephanie Hatton and Brandon Deubell, appearing pro se, respectfully move this Court, pursuant to Rule 240, South Carolina Appellate Court Rules (SCACR), for an order suspending this appeal and remanding the case to the Circuit Court of Horry County to rule on a pending Rule 60(b), South Carolina Rules of Civil Procedure (SCRCP), motion. In support of this motion, the Appellants state:

1. Background

On February 4, 2025, the Circuit Court of Horry County entered a judgment in Case No. 2022-CP-26-08003 regarding an eviction dispute. Appellants filed a Notice of Appeal on March 7, 2025, now pending before this Court.

2. Purpose of Amendment

This amended motion replaces the original Motion to Suspend Appeal and Remand filed on March 24, 2025. The amendment corrects procedural errors by removing references to materials not part of the circuit court record, in compliance with Rule 210(c), SCACR.

3. Rule 60(b) Motion Filed

On March 21, 2025, Appellants filed a Motion for Relief from Judgment under Rule 60(b), SCRCP, in the Circuit Court of Horry County, seeking to vacate part or all of the judgment. The motion was served on Respondent by U.S. Mail on March 21, 2025.

4. Need for Remand

Under Rule 60(b), SCRCP, the circuit court has authority to grant relief from a judgment. However, because this appeal is pending, the circuit court lacks jurisdiction to rule on the Rule 60(b) motion without this Court's remand under Rule 240(a), SCACR.

5. Need for Suspension

Suspending this appeal under Rule 240(b), SCACR, prevents conflicting proceedings and conserves judicial resources. The circuit court's ruling on the Rule 60(b) motion may resolve or alter the issues on appeal, potentially rendering portions of this appeal moot.

WHEREFORE, Appellants respectfully request that this Court:

- a. Suspend all proceedings in this appeal per Rule 240(b), SCACR;

b. Remand the case to the Circuit Court of Horry County per Rule 240(a), SCACR, to rule on the pending Rule 60(b) motion; and

c. Grant such other relief as this Court deems just and proper.

Legal Authority

Legal Authorities relied on:

- Rule 60(b), SCRCR Authorizes relief from judgment
- Rule 240(a), SCACR Authorizes Remand to lower court
- Rule 240(b), SCACR Authorizes suspension of Appeal
- Rule 210(c), SCACR Limits Record to Circuit Court

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Date: April 6, 2025

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Certificate of Service

We do certify that the Amended Motion to Suspend Appeal and Remand to Circuit Court

was put in the USPS mail and sent to Respondents Counsel Jay G. Anderson, 4447

Highway 17 Business, PO Box 969, Murrells Inlet, South Carolina, 29576 on April 6,

2025.

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4/6/2025