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Apr 10 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Benjamin C.P. Sapp, Esq, Special Referee

Case No.: 2024-CP-0701407

Estate At Westbury Owners Association, IncRespondent

v.

Jacqueline E. Ard.....Appellant

**NOTICE OF MOTION AND EMERGENCY MOTION TO STAY
FORECLOSURE SALE APRIL 10, 2025, PENDING APPEAL
(Pursuant to SCACR Rule 241 & SCRCP Rule 62)**

PLEASE TAKE NOTICE that Defendant/Appellant, Jacqueline E. Ard, pro se (hereinafter referred to as “Appellant”) respectfully moves this Honorable Court pursuant to Rule 241 of the South Carolina Appellate Court Rules (SCACR) and applicable case law for a stay of enforcement of the Special Referee’s Decree of Final Judgment dated January 29, 2025, entered in favor of Respondent Estate At Westbury Owners Association, Inc, pending resolution of Appellant’s appeal to the South Carolina Court of Appeals. In support of this motion. Appellate states as follows:

Public Interest.

- The foreclosure process should follow all legal standards to prevent abuse
-

CERTIFICATE OF COMPLIANCE

Pursuant to **SCACR Rule 241(c)**, Appellant certifies:

1. This motion is filed **concurrently with the Notice of Appeal.**
2. Opposing counsel **Evan K. Bromley, Esq.** will be served immediate

LEGAL ARGUMENT

I. LIKELIHOOD OF SUCCESS ON APPEAL

- I have strong claims of due process violations, procedural errors, and judicial misconduct

Void Judgment:

- Defective service = **no jurisdiction** (*Bank of N.Y. v. Alderazi*, 900 N.Y.S.2d 821).

Judicial Bias:

- Referee's conflict renders all orders void (*State v. Austin*, 306 S.C. 9 (1991)).

II. IRREPARABLE HARM

- We will lose our property, place of business, and source of income

III. BALANCE OF EQUITIES

- The HOA will not suffer harm by delaying the sale, but I will lose \$219,000 in equity over an inflated claim for 22,625.02 in alleged fines, legal fees, and late fees
- Respondents harm (delayed collection) is outweighed by Appellant's **homelessness risk.**

IV. PUBLIC INTEREST

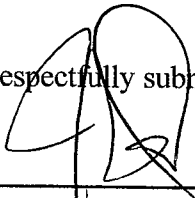
- The foreclosure process should follow all legal standards to prevent abuse

- Courts must prevent **fraudulent foreclosures** (*U.S. Bank N.A. v. Verizon Commc 'ns*, 2012 WL 3034702).

This case is fraught with procedural errors, improper fees, and illegal violations that must be addressed before any foreclosure can proceed. If the Court allows this sale to continue without proper review, it will cause irreparable harm and violate due process. I urge the Court to grant this motion pending the appeal.

WHEREFORE, Appellant respectfully requests that this Court enter an order **STAYING** the Foreclosure Sale dated for Monday April 10, 2025.

Respectfully submitted,



Jacqueline E. Ard, pro se Appellant
239 Beach City Road unit 3218
Hilton Head Island, SC 29926
jacquelineard72@gmail.com
(313) 770-7051

Dated: April 10, 2024

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PROOF OF SERVICE

I certify that on the 10th day of April 2025, I have served the **NOTICE OF MOTION AND EMERGENCY MOTION TO STAY FORECLOSURE SALE DATED APRIL 10, 2025, PENDING APPEAL** upon the Clerk of Court and all counsel of record by depositing a copy in the United States Mail, postage prepaid and addressed to, and via Electronic Mail:

Jerri Ann Roseneau
Clerk of Court Beaufort County
102 Ribaut Rd ste 208
Beaufort, SC 29902

Evan K. Bromley, Esq
Attorney for Respondents
211 Goethe Road, Suite B
Bluffton, SC 29938

Dated: April 10, 2024

Respectfully submitted,



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