

The Supreme Court of South Carolina

Reverse Mortgage Solutions, Inc., Respondent,

v.

Elvenia Bowens and United States of America, acting by
and through Its Agency, Secretary of Housing and Urban
Development (HUD), Appellants.

Appellate Case No. 2013-002173

ORDER

Elvenia Bowers has filed a Notice of Appeal from an order of the Court of Appeals denying her Emergency Petition for Writ of Supersedeas. Ms. Bowens and her son Marvin Lamar Bowens have also filed an Ex Parte Motion for Joinder of Necessary Parties seeking to add Mr. Bowens as a necessary party to this appeal. The motion to join Mr. Bowens is denied. With regard to the Notice of Appeal, this Court will only review, by way of a petition for a writ of certiorari, a final decision of the Court of Appeals. Rule 242(a), SCACR; *Aiken Speir, Inc. v. Henry*, 326 S.C. 268, 486 S.E.2d 492 (1997). Since the order denying the Emergency Petition for Writ of Supersedeas is not a final decision in this matter, the notice of appeal is dismissed. *Id.*

Ms. Bowers has also filed a document entitled Appeal/Petition to Review Denial on a Writ of Supersedeas in the S.C. Court of Appeals by an Individual Justice and Ex Parte/Emergency Motion for a Temporary Restraining Order or Motion for a Remedial Writ Injunction or Writ of Prohibition or Motion for a Stay of Proceedings During Pendency of Appeal and Injunction Based on Irreparable Harm. As stated earlier, this Court will only review final decisions of the Court of Appeals, and the denial of a petition for a writ of supersedeas is not a final decision. To the extent Ms. Bowers moves for the issuance of an extraordinary writ by this Court pursuant to Rule 245(b), SCACR, to prevent or prohibit the judicial sale from going forward, that motion is denied. S.C. Code Ann. § 18-9-170 (1976) ("If the judgment appealed from direct the sale or delivery of possession

of real property, 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 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."); Rule 241(b)(4), SCACR.


C.J.
FOR THE COURT

Columbia, South Carolina

October 14, 2013

cc:

The Honorable Jenny Abbott Kitchings
Elvenia Bowens
Christopher Stephen Truluck
Marvin Lamar Bowens