

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Milton G. Kimpson, Circuit Court Judge

Appellate Case No. 2025-000397

Professional Financial Services,Respondent

v.

Tremaine Golson a/k/a Tremaine D. Golson and Brittney L. Greene
a/k/a Brittney L. Golson Appellants

RESPONDENT’S RETURN TO MOTION TO
WAIVE SUPERSEDEAS BOND

Respondent Professional Financial Services, (“Respondent”), hereby submits its Return to Appellants’ Motion to Waive Supersedeas Bond pursuant to Rule 240 and Rule 241 of the South Carolina Appellate Court Rules and seeks an Order from the Court denying the Appellants’ motion.

BACKGROUND AND PROCEDURAL HISTORY

The within matter concerns an action for breach of a Retail Installment Sales Contract between the Appellants and the Respondent filed in Richland County regarding personal property described as a 2014 GMC Yukon vehicle in the possession of the Appellants, further described in the Complaint, (“Vehicle”). Respondent obtained a judgment granting its causes of action for a monetary judgment and possession of the Vehicle (“Judgment”). This appeal

followed. The Appellants also filed a motion to have the trial court waive the execution on the repossession judgment and possible commercial sale of the Vehicle. The trial court granted the Appellants' motion on the condition that the Appellants post two bonds, each in the amount of \$37,028.00, with counsel for the Respondent and with the Respondent named as the beneficiary of each bond. The bonds are to remain in effect during the pendency of the appeal to pay Respondent's judgment, along with interest, costs and damages, by reason of the appeal. A copy of the trial court's Order is attached hereto as Exhibit A. Thereafter, Appellants filed a Motion to Waive the Supersedeas Bond.

LAW

Rule 241(A), SCACR provides for an automatic stay of matters decided in a civil order, judgment, or decree. Rule 241(b), SCACR contains exceptions to the general rule that matters are subject to an automatic stay upon the filing and service of a notice of appeal.

ARGUMENT


The motion to waive the Supersedeas Bond should be denied pursuant to Rule 241(b)(1) and (b)(2), SCACR. Rule 241(A), SCACR provides for an automatic stay of matters decided in a civil order, judgment, or decree. However, Rule 241(b) provides for a list of exceptions to the automatic stay provisions of Rule 241(a). Among those exceptions are Rule 241(b)(1) which provides for an exception for money judgments as provided in South Carolina Code §18-9-130 and Rule 241(b)(2) which provides for an exception to the general rule in the case of a judgment directing the delivery of personal property as provided in South Carolina Code §18-9-150. The trial court's order specifically references that the Appellants must comply with the bond requirements of South Carolina Code §18-9-130.

Rule 241(c)(2), SCACR discusses that in deciding whether the lower court should consider a Supersedeas, the court should consider if the order is needed to prevent a contested issue from being moot. In the case at hand, the contested issue is the repossession of a 2014 vehicle that the Appellants continue to possess during the pendency of the appeal. Therefore, the vehicle is subject to further depreciation, increased mileage, and possible damage while in the Appellants possession and the Bond is necessary to maintain and protect the status quo. The trial court has considered the matter carefully and rendered its Order requiring the bond in order to protect the Respondent.

CONCLUSION

For the reasons explained herein, the Respondent requests that the Court deny the Appellants' motion to waive the lower court's requirement of a supersedeas bond because to waive the bond requirement subjects the Respondent's claim to further depreciation and possibly being moot if the vehicle is damaged or destroyed while in the Appellants' possession.

Dated: May 22, 2025


s/John S. Kay
John S. Kay, S.C. Bar #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 Professional Financial Services

Professional Financial Services
PLAINTIFF(S)

Tremaine Golson et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

This matter came before the Court pursuant to the Defendants' Motion to Stay Execution of Judgment Pending Appeal (Motion). On March 3, 2025, this Court entered judgement in the amount of \$18,514.00 for the Plaintiff after having granted its Motion for Summary Judgement against the Defendants. The Defendants filed an appeal to the South Carolina Court of Appeals. On May 7, 2025, the Court convened a hearing on Defendants' Motion. The Defendants appeared, pro se. The Plaintiff was represented by its attorney, Greg Wooten.

The Plaintiff's judgement against Defendants is for money owed on an account. The debt was secured by the Defendants' motor vehicle. Allowing the Plaintiff to execute on the judgment will result in the repossession and sale of the vehicle.

ORDER INFORMATION

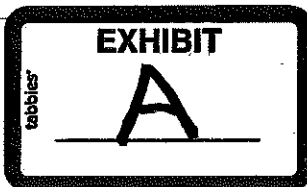
This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 05/07/2025 .

Tremaine D Golson for Tremaine D Golson
Brittney L Golson for Brittney L Golson
Brittney L Golson for Brittney L Golson
Tremaine D Golson for Tremaine D Golson
Brittney L Greene
Tremaine Golson

NAMES OF TRADITIONAL FILERS SERVED BY MAIL



Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

Defendants have shown that they will suffer irreparable harm if their vehicle is repossessed and sold during the pendency of their appeal. The Defendants offer that there is only one vehicle in their household and that they have four children, three of whom are under the age of 18 and in high school. Moreover, the Defendants represent that their one vehicle is their only source of transportation to travel to work. Significantly, one of the Defendants also must engage in frequent travel for medical appointments.

Based on the Defendants' representations, the Court GRANTS their Motion provided they strictly comply with the bond requirements of S.C. Code Ann. 18-9-130(2), which states:

A plaintiff may not enforce a sale of property after a notice of appeal is filed without giving an undertaking or bond to the defendant, with two good sureties, in double the appraised value of the property or double the amount of the judgment, conditioned to pay all damages the defendant may sustain by reason of the sale in case the judgment is reversed. The plaintiff in such a case may not proceed with a sale of defendant's property if the defendant enters into an undertaking, with good sureties, in double the appraised value of the property or the amount of the judgment, to pay the judgment with legal interest and all costs and damages the plaintiff may sustain by reason of the appeal or to produce the property levied on and submit to the sale if the judgment is confirmed. (emphasis added).

Pursuant to this code section, to stay the execution of Plaintiff's judgement and to avoid the repossession and sale of their vehicle, the Defendants must post two bonds, each in the amount of \$37,028.00, with the Plaintiff, Professional Financial Services, named as the beneficiary of each bond. Said bonds must remain in effect during the pendency of Defendants' appeal to pay Plaintiff's judgment, along with interest, costs and damages, by reason of the appeal. After obtaining the bonds, the Defendants must provide the bond documents to Plaintiff's counsel at 240 Stoneridge Drive, Suite 400, Columbia, S.C. 29210, who will notify the Court in the event the bonds are not in proper form.

The Defendants must obtain the bonds in the specified amounts as set forth herein within (10) days of the date of this Order. In the event Defendants fail to do so, the stay of execution will not go into effect and the Plaintiff, after proper notification to the Court, may execute its judgement against the Defendants by engaging in collection activities, to include the repossession and sale of the motor vehicle.



Richland Common Pleas

Case Caption: Professional Financial Services vs Tremaine Golson , defendant, et al
Case Number: 2024CP4003931
Type: Order/Electronic Form 4

IT IS SO ORDERED.

s/Milton G. Kimpson 2783

RECEIVED

May 22 2025

SC Court of Appeals

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The Hon. Milton G. Kimpson, Circuit Court Judge

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Trial Court Case No. 2024-CP-40-03931

Professional Financial ServicesRespondent,

v.

Tremaine Golson a/k/a Tremaine D. Golson and Brittney L. Greene
a/k/a Brittney L. Golson Appellants.

PROOF OF SERVICE

I certify that I have served Respondent’s Return to Motion to Waive Supersedeas Bond on the Appellants listed below on May 22, 2025 by depositing the same in the United States Mail, postage prepaid and addressed as follows

Tremaine Golson
7628 Stone Street
Columbia, S.C. 29209

Brittney L. Golson
7628 Stone Street
Columbia, S.C. 29209

May 22, 2025

Columbia, SC



s/John S. Kay
John S. Kay SC Bar # 7914
Hutchens Law Firm LLP
Post Office Box 8237
Columbia, S.C. 29202
P: 803-726-2700
john.kay@hutchenslawfirm.com
Attorneys for Respondent
Professional Financial Services