

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT

W.C. Jennings Company, Inc.,

Case No. 2023-CP-22-00531

Plaintiff,

vs.

**MOTION TO STAY FORECLOSURE
SALE PENDING APPEAL**

Joseph Failla, Renee Failla, and

Anderson Brothers Bank Defendants.

Anderson Brothers Bank,

CounterClaim/Cross-Claim
Plaintiff,

vs.

W.C. Jennings Company, Inc.,

Counterclaim Defendant,

Joseph Failla and Renee Failla a/k/a Renee F.
Failla,

Cross-Claim Defendants.

RECEIVED
May 22 2025
SC Court of Appeals

MOTION TO STAY FORECLOSURE SALE PENDING APPEAL

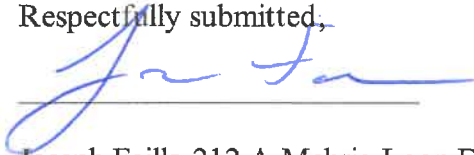
COMES NOW the Defendant, Joseph Failla, acting pro se, and respectfully moves this Honorable Court to stay the foreclosure sale ordered in the Judgment of Foreclosure and Sale filed April 16, 2025, pending the resolution of Defendant's appeal now docketed with the South Carolina Court of Appeals. This motion is made in good faith and pursuant to Rule 62(b) and 62(d) of the South Carolina Rules of Civil Procedure. In support thereof, Defendant states the following:

1. The Master-in-Equity issued an Order and Judgment of Foreclosure and Sale on April 16, 2025.

2. On April 29, 2025 Defendant timely filed a Notice of Appeal to the South Carolina Court of Appeals (Case No. 2025-000850), challenging the foreclosure judgment. The appeal is currently pending.
3. If the sale is allowed to proceed while the appeal is pending, Defendant will suffer irreparable harm, including the loss of homestead rights and title, before appellate review can occur.
4. Defendant is also actively working with a mortgage lender to secure financing to fully satisfy the judgment and avoid foreclosure. Documentation supporting this is available and can be provided upon request.
5. A temporary stay will not unduly prejudice the Plaintiff or the Cross-Claim Plaintiff, and is requested solely to protect Defendant's rights pending appellate review.
6. A true and correct copy of the Notice of Appeal (Case No. 2025-000850) is attached hereto as Exhibit A.

WHEREFORE, Defendant respectfully requests that this Court stay the foreclosure sale of the subject property located at 1120 Crooked Oak Drive, Pawleys Island, SC 29585, until such time as the pending appeal is resolved, and grant such other relief as this Court deems just and proper.

Respectfully submitted,



Joseph Failla 212 A Mchrie Loop Drive Myrtle Beach, SC 29588

Phone: 772-766-1516

[Email:Joerenef@comcast.net](mailto:Joerenef@comcast.net) / Pro Se Defendant Date: _____

EXHIBIT A

Notice of Appeal – Case No. 2025-000850

[Full copy of Notice of Appeal attached separately]

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May 22 2025

SC Court of Appeals

EXHIBIT B

Affidavit of Joseph Failla

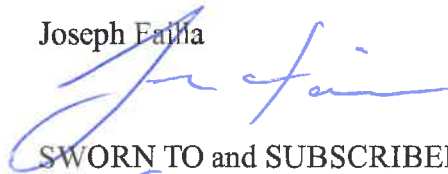
STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

BEFORE ME, the undersigned authority, personally appeared Joseph Failla, who being duly sworn, deposes and says:

1. I am the Defendant in the foreclosure action bearing Case No. 2023-CP-22-00531, pending in the Georgetown County Court of Common Pleas.
2. On or about April 29, 2025, I filed a Notice of Appeal to the South Carolina Court of Appeals, Case No. 2025-000850, challenging the foreclosure judgment entered on April 16, 2025.
3. I am actively and in good faith working with a mortgage company to secure financing to satisfy the judgment amount and prevent the foreclosure sale of my home located at 1120 Crooked Oak Drive, Pawleys Island, SC 29585.
4. I have submitted required documentation and am in regular contact with my loan officer. A payoff is being pursued and I am ready to act promptly upon funding.
5. I respectfully request that the Court stay the foreclosure sale to allow completion of these good-faith efforts and to avoid irreparable harm.

FURTHER AFFIANT SAYETH NAUGHT

Joseph Failla



SWORN TO and SUBSCRIBED before me
this 21ST day of May, 2025.



Notary Public for South Carolina

My Commission Expires: Feb. 15, 2033

EXHIBIT C

Letter from Mortgage Lender

United Mortgage Corp NMLS# 1330
770 South East Indian St Suite 21
Stuart Florida 34997
May 21 ,2025

To Whom It May Concern:

This letter is to confirm that Mr. Joseph Failla has submitted a mortgage application with United Mortgage Corp. for the purpose of refinancing and paying off the outstanding judgment related to the property at 1120 Crooked Oak Drive, Pawleys Island, SC 29585.

Mr. Failla's application is currently in progress, and we anticipate a conditional approval or clear to close within the next [30] days, pending final underwriting.

We are committed to working expeditiously with Mr. Failla toward closing. Please contact our office if additional information is needed.

Sincerely,
Keith Chabot # NMLS #20762 Branch Manager
United Mortgage Corp. 888-981-4376
Kchabot@unitedmortgage.com

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SC Court of Appeals

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing Motion to Stay Foreclosure Sale Pending Appeal by mailing a copy via U.S. Mail, first class postage prepaid, and/or via email on this ___ day of _____, 2025 to the following:

Suzanne Taylor Graham Grigg, Esq.
Maynard Nexsen PC
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Columbia, South Carolina 29202
Email: sgrigg@maynardnexsen.com

Attorney for Anderson Brothers Bank

Robert W. Maring, Esquire
Maring & Moyer, LLC
1130 Highmarket Street
Georgetown, South Carolina 29440
Post Office Box 478
Georgetown, South Carolina 29442
(843) 545-9544

Attorneys for Plaintiff/Counterclaim
Defendant W.C. Jennings Company, Inc.