

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Master In Equity

Marvin H. Dukes III, Master In Equity For Beaufort County

Appellate Case No. 2013-001412

HSBC Bank USA,, National Association, As Trustee of MLCC 2007-2,  
Respondent,

v.

S. Russell Fielden, Deborah M. Fielden, Coastal States Bank, Defendants

Coastal States Bank, Cross-Claim Plaintiff

vs.

S. Russell Fielden and Deborah M. Fielden, Cross Claim Defendants,

Of whom S. Russell Fielden and Deborah M. Fielden are the Appellants..

**APPELLANT'S MOTION TO REQUEST FOR A STAY OF THE SALE OF  
THE SUBJECT PROPERTY TO A THIRD PARTY DURING APPEAL**

The Pro Se Appellant's S. Russell Fielden and Deborah M. Fielden move to request this Court to consider and grant a stay of the sale of the subject property by the Respondent to a third party during this appeal process. While the pendency of an appeal may likely render the subject's title unmarketable until resolution of the appeal, the Respondent is actively trying to sell the property. There is no assurance that the Respondent or their real estate agents will follow South Carolina

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real estate disclosure law and give a potential purchaser notice that there is a pending legal claim to title.

If the property is now sold to a third party buyer by the Respondent who is not a party to this action, is not given notice of pending legal issues, and who may be afforded protection on reversal, the Appellant's title to the property may be further clouded and potentially cause the Appellant to suffer damages and irreparable harm. The Appellants are asking this court to preserve any rights which may be held by the Appellants as the true beneficial owners of the subject property pending this appeal.

The stay requested by the Appellant would also be in the public interest by allowing the collateral to be held in abaience and under the control of this Court pending a review of foreclosure procedural issues raised in this Appeal and as they may pertain to foreclosure procedures in other South Carolina Equity Courts. This stay would not damage the Respondent.

Respectfully Submitted October 10, 2013

Appellants



S. Russell Fielden Pro-Se

120 Sea Island Parkway

Beaufort, SC 29907

(843) 812-8862

Deborah M. Fielden Pro-Se

120 Sea Island Parkway

Beaufort, SC 29907

(843) 986-7443

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**CERTIFICATE OF SERVICE**

I, S. Russell Fielden and Deborah M. Fielden (Appellants), hereby certify that I placed a true copy of this:

**APPELLANT'S MOTION TO REQUEST FOR A STAY OF THE SALE OF  
THE SUBJECT PROPERTY TO A THIRD PARTY DURING APPEAL**

in first class postage envelope addressed to:

**Counsel Of Record:**

Charles S. Gwynne Jr., Esquire (Attorneys for HSBC BANK USA, as Trustee for MLCC 2007-2 in Case No. 10-CP-07-2927)

Robert P. Davis, Esquire

Rogers Townsend & Thomas, PC

220 Executive Center Drive, Suite 109

Post Office Box 100200

Columbia, SC 29202 (803) 771-7900

Mark S. Simpson, Esquire (Attorneys for Coastal States Bank in Case No. 10-CP-07-2927)

Samuel L. Kirkland, Esquire

Jones, Simpson & Newton, P.A.

18 Pope Avenue

Hilton Head Island, SC 29928 (843) 842-6111

Within first class postage affixed thereto, and placed said envelop in US Post office mails on this 10th day of October 2013.

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