

EXHIBIT C**Supersedeas Authority – Status Quo Pending Appeal**

A writ of supersedeas is designed to maintain the status quo pending appeal and divests the trial court of jurisdiction over the matters on appeal. Any further trial court action on those matters is barred.

Points and Authorities**Rule 241, South Carolina Appellate Court Rules (SCACR)**

Provides that the filing of a supersedeas stays proceedings in the trial court on the matters involved in the appeal.

Ex parte Bowers, 275 S.C. 361 (1980)

Held that a supersedeas maintains the status quo pending appeal and bars further trial court action.

State v. Harris, 268 S.C. 117 (1977)

Confirmed that once an appeal is perfected, the trial court lacks jurisdiction and all subsequent proceedings are void.

Due Process – Mathews v. Eldridge, 424 U.S. 319 (1976)

Due process requires a meaningful opportunity to be heard. Forcing hearings during a supersedeas stay undermines this principle.

Abuse of Process – Huggins v. Winn-Dixie Greenville, Inc., 252 S.C. 353 (1969)

Misusing court procedure to advance an improper purpose constitutes abuse of process. Proceeding despite a supersedeas fits this category.

Conclusion

The law is clear: a supersedeas halts all trial court proceedings on the appealed matters. By scheduling and hearing motions after the supersedeas was filed, the Dorchester County trial court is acting outside its jurisdiction, in violation of Rule 241, SCACR, and established case law.

Rule 205, SCACR – Effect of Appeal

Background: Rule of Appellate Procedure governing what happens once a notice of appeal is served.

Court's Holding: Service of a notice of appeal transfers exclusive jurisdiction of the appealed matters to the appellate court.

Principle: Trial courts are divested of jurisdiction over issues on appeal, and may only act on matters not affected by the appeal.

Application to Wise Lane: Because the appeal concerns Wise Lane's status, Dorchester County could not reclassify or act on the road during appeal.

Estate of Connor #2, 2009-UP-502 (Ct. App. 2009, unpublished)

Background: In a probate case, the appointment of an administrator was appealed. While the appeal was pending, the probate court allowed the administrator to sell assets.

Court's Holding: The Court of Appeals reversed, holding the probate court had no jurisdiction to approve the sale because the administrator's authority was on appeal.

Principle: Lower courts cannot act on issues pending before the appellate court.

Application to Wise Lane: Wise Lane's status was on appeal. Like Connor, any Sept. 2 action is voidable because the County was divested of jurisdiction.

Powell v. Hemelt, 378 S.C. 46, 662 S.E.2d 666 (Ct. App. 2008)

Background: A party argued that the family court lost jurisdiction once an appeal was filed.

Court's Holding: The Court of Appeals confirmed that service of a notice of appeal divests the trial court of jurisdiction over issues on appeal.

Principle: Orders entered on appealed matters are void or voidable.

Application to Wise Lane: The Sept. 2 action touches appealed issues (road status). Under Powell, the County lacked authority to act.

Tillman v. Tillman, 398 S.C. 25, 726 S.E.2d 326 (Ct. App. 2012)

Background: After a family court order was appealed, the lower court attempted to continue issuing substantive rulings.

Court's Holding: The Court of Appeals explained that Rule 205 gives appellate courts exclusive jurisdiction over appealed issues. The trial court retains power only for collateral matters.

Principle: Lower courts may not alter or expand on appealed orders.

Application to Wise Lane: Since Wise Lane's private-road status is the subject of appeal, Dorchester County cannot alter it until appellate review is complete.

Ex parte James, 386 S.C. 318, 688 S.E.2d 133 (2010)

Background: In a custody dispute, the trial court attempted new substantive rulings after notice of appeal was filed.

Court's Holding: The Supreme Court held that jurisdiction passes to the appellate court. The trial court cannot modify or create new rulings on appealed issues.

Principle: Trial courts may only enforce existing orders while appeal is pending.

Application to Wise Lane: The Sept. 2 action was a new ruling on Wise Lane's status, barred under Ex parte James.

Rule 241, SCACR – Supersedeas / Stays

Background: Rule authorizing stays to preserve appellate jurisdiction and prevent issues from becoming moot.

Court's Holding: The rule allows appellate courts to halt lower-court action to protect the appeal.

Principle: Supersedeas preserves the status quo while the appeal is decided.

Application to Wise Lane: Allowing Dorchester County to treat Wise Lane as public during appeal moots your case. Rule 241 prevents this outcome.

MARGARET L BAILEY
DORCHESTER COUNTY
REGISTER OF DEEDS

201 Johnston Street ~ Saint George, SC 29477 (843) 563-0181

*** THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE ***



Instrument #: 2025019694

Receipt Number: 213417

Return To: ATTIA ELBADAWY

Recorded As: AFFIDAVIT/G

Recorded On: September 11, 2025

Recorded At: 12:41:09 PM

Received From: ATTIA ELBADAWY

Recorded By: CB

Parties:

Book/Page: RB 16106: 73 - 75

Direct- ELBADAWY, ATTIA

Total Pages: 3

Indirect- ELBADAWY, ATTIA

*** EXAMINED AND CHARGED AS FOLLOWS ***

Recording Fee: \$10.00

Tax Charge: \$0.00



Margaret Bailey

Margaret Bailey - Register of Deeds


STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
REGISTER OF DEEDS

**AFFIDAVIT OF MERGER AND EXTINGUISHMENT
OF EASEMENT- WISE LANE**

Personally appeared before me, the undersigned, who being duly sworn, deposes and states as follows:

1. My name is Attia Elbadawy, and I am over the age of 18, competent to testify, and the owner of the properties described herein.
2. On April 30, 2018, I purchased Lots 5 and 6, N-Block of the Twin Lakes Subdivision, Dorchester County, South Carolina, from Olah Perry, by deeds recorded in the Dorchester County Register of Deeds (Olah Perry=Deed Book#153, Page#71, and Attia Elbadawy=Deed Book #16, Page#85).
3. Prior to my ownership, a roadway known as Wise Lane was used as an easement to provide access to these properties.
4. By operation of the "Doctrine of Merger", when the same owner (Attia Elbadawy) acquires both the dominant and servient estates, the easement is extinguished by law.
5. Therefore, upon my acquisition of both Lots 5 and 6 in 2018, the easement known as Wise Lane was legally extinguished and has since existed solely as part of my private property.
6. This affidavit is made for the purpose of clarifying the public record and ensuring that Dorchester County's records reflect the extinguishment of the Wise Lane easement.

I certify that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Signature: 
Attia Elbadawy
Wise Lane
493 Wise Road (911/ mailing address)
Summerville, SC 29483
Date: September 11, 2025

Ret:

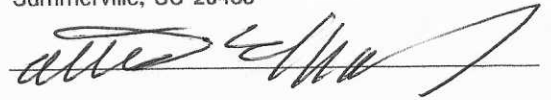
**AFFIDAVIT OF MERGER AND EXTINGUISHMENT
OF EASEMENT- WISE LANE
ATTIA ELBADAWY**

NOTARY ACKNOWLEDGMENT


SWORN TO and SUBSCRIBED before me

Attia Elbadawy
Wise Lane
493 Wise Road (911/ mailing address)
Summerville, SC 29483

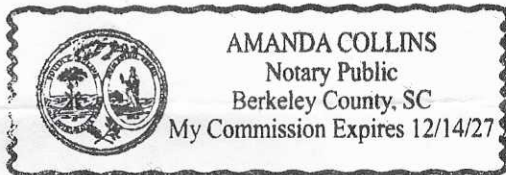
this 11th day of September 2025.



Notary Public for South Carolina



My Commission Expires: 12/14/27



The South Carolina Court of Appeals

Attia Elbadawy and Lynne Chatlos, Appellants,

v.

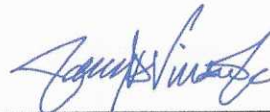
D.R. Horton, Inc., Respondent.

Appellate Case No. 2025-001299

ORDER

On July 18, 2025, Appellants filed a motion to stay the circuit court's May 6, 2025 and June 23, 2025 orders, which respectively denied Appellants' motion for a temporary injunction and/or preliminary injunction and denied Appellants' motion to reconsider the circuit court's order denying Appellant's motion for temporary injunction and/or preliminary injunction. On July 30, 2025, we construed Appellants' motion as a petition for a writ of supersedeas pursuant to Rule 241 of the South Carolina Appellate Court Rules requesting a temporary injunction, to which no return had been filed. The order also imposed a temporary injunction and ordered Respondent to file a return within ten days of the date of the order and a reply to be filed within five days of receipt of the return. Respondent served and filed its return on August 7, 2025. Thus, the reply is due on August 12, 2025.

On August 8, 2025, Appellants filed a motion seeking to extend the time for filing their reply. After careful consideration, Appellants' motion to extend the time for filing the reply is denied. Appellants' reply is due August 12, 2025, or the reply will not be considered.



FOR THE COURT

Columbia, South Carolina

FILED
Aug 08 2025

cc:

Attia Elbadawy

Lynne Chatlos

Mark Anthony Bible, Jr., Esquire

John T. Crawford, Jr., Esquire

The South Carolina Court of Appeals

Attia Elbadawy and Lynne Chatlos, Appellants,

v.

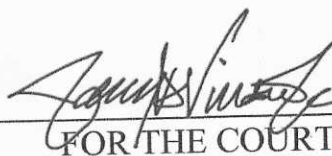
D.R. Horton, Inc., Respondent.

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After careful consideration, we continue the temporary injunction and remand to the circuit court to allow the circuit court to expeditiously review the petition for a writ of supersedeas, return, and reply, and determine whether the exhibits provided in those filings were part of the record before the court at its January 21, 2025 hearing. Appellants shall provide this court with a copy of the circuit court's written order making this determination within ten days of receipt. Following the circuit court's written order making this ruling, this court will consider the petition for a writ of supersedeas.


FOR THE COURT

J.

FILED
Aug 13 2025

Columbia, South Carolina

cc:

Attia Elbadawy

Lynne Chatlos

Mark Anthony Bible, Jr., Esquire

John T. Crawford, Jr., Esquire

The Honorable Maite Murphy

The Honorable Cheryl L. Graham