

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

The Honorable James E. Chellis, Master-In-Equity

Appellate Case No. 2025-001632

Cornerstone Ventures International, LLC,

.....Respondent,

v.

Alvin E. Burch, Sr.,

.....Appellant,

**RESPONDENT’S RETURN IN OPPOSITION TO APPELLANT’S VERIFIED
PETITION FOR WRIT OF SUPERSEDEAS AND STAY OF PROCEEDINGS PENDING
APPEAL**

Respondent Cornerstone Ventures International, LLC (“Cornerstone”) submits this Return in Opposition to Appellant’s Verified Petition for Writ of Supersedeas and Stay of Proceedings Pending Appeal, pursuant to Rules 240 and 241, SCACR. The Petition should be denied.

This appeal arises from a denial of a Rule 60(b), SCRCP, motion filed by Defendant Alvin E. Burch, Sr. (“Burch”). Burch signed a confession of judgment (the “Confession of Judgment”) in favor of Cornerstone on July, 7, 2023. The Confession of Judgment was subsequently filed with the Dorchester County Clerk of Court on October 2, 2023. Thereafter, supplemental proceedings commenced. After multiple hearings in which Burch, as debtor, failed to make very simple and basic document productions under the post-judgment discovery rules, he filed a Motion to Vacate

Judgment pursuant to Rule 60(b), SCRPC, on March 14, 2025. An evidentiary hearing was held on this motion, as amended, and an order denying the motion was entered on July 28, 2025. This appeal has followed.

Concurrently with the post-judgment discovery process in Dorchester County, Cornerstone has filed an action in Colleton County captioned *Cornerstone Ventures International, LLC v. Sonja Y. Moses and Alvin E. Burch, Sr.*, 2024-CP-15-00659 (the “Colleton Case”), concerning certain real property previously owned by a limited liability company in which Burch had an interest. The real property has since been transferred by the limited liability company to Sonja Y. Moses, the wife of Burch.

Importantly, this matter does not involve the appeal of the underlying judgment. Instead, this appeal concerns the order concerning a Rule 60(b) motion.

The fact pattern in the case at bar closely mirrors those found in *Stearns Bank Nat'l Ass'n v. Glenwood Falls, LP*, 375 S.C. 423, 424 (2007), and the holding therein provides applicable guidance to the instant matter.

In *Stearns Bank*, months after the debtor appealed the denial of its Rule 60(b) motion, it filed a motion in circuit court seeking to stay the underlying default judgment pending disposition of the appeal. The trial court refused the debtor's request that the court stay the creditor's right to execute on the judgment during the Rule 60 appeal, but held that if the creditor wished to do so, it had to post a bond or undertaking pursuant to S.C. Code Ann. § 18-9-130. The Supreme Court held that since no stay was sought pursuant to Rule 62, the creditor was entitled to enforce its judgment despite the pendency and appeal of the debtor's Rule 60 motion. The predicate for the automatic stay available under S.C. Code Ann. § 18-9-130 is that a money judgment had been appealed. The debtor, having a default judgment against it, was barred from a direct appeal, and

instead sought and was denied an opportunity to set that money judgment aside. An order denying the Rule 60(b) motion was not a judgment directing the payment of money.

Regardless, the motion for a stay was filed in the Colleton Case, and such request was denied. No similar motion has been filed in Dorchester County, the court before which this appeal originated. Accordingly, the creditor is entitled to enforce its judgment despite any appeal. The motion before this Court is not properly made and should be denied.

Respectfully submitted,

s/ Lawrence M. Hershon

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November 3, 2025
Charleston, South Carolina

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PROOF OF SERVICE

I, the undersigned, hereby certify that on November 3, 2025, I have served the Return in Opposition to Appellant’s Verified Petition for Writ of Supersedeas and Stay of Proceedings Pending Appeal upon all parties of record via e-mail addressed as follows:

Alvin E. Burch, Sr.
burchschool@gmail.com

s/Lawrence M. Hershon
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