

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

PennyMac Loan Services, LLC,

Plaintiff,

v.

Judith A. Kelly; Judith-Ann Kelly as co-trustee of Judith Ann Kelly Family Trust; Ann Cornell as cotrustee of Judith Ann Kelly Family Trust; South Brook Community Association, Inc.

Defendants.

(516487.1191 SMF)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO.: 2023-CP-32-02327

NOTICE OF MOTION HEARING

**RECEIVED**

**Nov 04 2025**

**SC Court of Appeals**

TO THE DEFENDANTS ABOVE-NAMED:

PLEASE TAKE NOTICE that a virtual hearing on the Motion for Supersedeas Stay Pending Appeal of Defendant Judith-Ann Kelly as co-trustee of Judith Ann Kelly Family Trust has been set for **November 13, 2025, at 3:00 p.m.**, before Joseph Kershaw Spong, as Special Referee, through Microsoft Teams, at which time and place all interested parties should appear. To join the hearing virtually, please use MS Teams Meeting ID 250 817 073 046 88 and passcode ua6mD2Bm. To join by telephone, please dial +1 803-728-2064 and use passcode 724 340 147#.

*s/ Sean M. Foerster*

Sean M. Foerster (SC Bar # 77466)

ROGERS TOWNSEND LLC

1221 Main Street, 14<sup>th</sup> Floor (29201)

P.O. Box 100200

Columbia, South Carolina 29202-3200

(803)771-7900

sean.foerster@rogerstownsend.com

Attorneys for Plaintiff PennyMac Loan Services, LLC

November 4, 2025

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

PennyMac Loan Services, LLC,

Plaintiff,

v.

Judith A. Kelly; Judith-Ann Kelly as co-trustee of Judith Ann Kelly Family Trust; Ann Cornell as cotrustee of Judith Ann Kelly Family Trust; South Brook Community Association, Inc.

Defendants.

IN THE COURT OF COMMON PLEAS

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CERTIFICATE OF SERVICE

**RECEIVED**

**Nov 04 2025**

**SC Court of Appeals**

(516487.1191 SMF)

I, the undersigned, for the law firm of Rogers Townsend LLC, do hereby certify that I have served a copy of the foregoing document upon the below counsel of record and parties on November 4, 2025, at the following address:

**Documents Served:** Notice of Motion Hearing

**Persons served by U.S. Mail, postage prepaid:**

Judith-Ann Kelly  
Individually and as co-trustee of Judith Ann  
Kelly Family Trust  
408 Cannongate Court  
Lexington, SC 29073

Ann Cornell as co-trustee of Judith  
Ann Kelly Family Trust  
408 Cannongate Court  
Lexington, SC 29169

South Brook Community Association, Inc.  
C/O CAMS  
1612 Military Cutoff Road, Suite 108  
Wilmington, NC 28403

*s/ Sean M. Foerster*

Sean M. Foerster (SC Bar # 77466)  
ROGERS TOWNSEND LLC

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**RE: PennyMac v. Kelly - 2023-CP-32-02327**


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**From** Sean Foerster <Sean.Foerster@rogerstownsend.com>

**Date** Tue 11/4/2025 7:36 AM

**To** Rebecca Faulkenberry <rfaulkenberry@robinsongray.com>; J. Kershaw Spong <kspong@robinsongray.com>

**Cc** Brian P. Yoho <Brian.Yoho@rogerstownsend.com>; Judith Kelly <judith\_kelly@yahoo.com>

 1 attachment (26 KB)

Notice of Motion Hearing (filed 11-4-25).pdf;

**RECEIVED**  
**Nov 04 2025**  
**SC Court of Appeals**

Please find attached a filed copy of the hearing notice. This is being served by mail today. Thank you.



**Sean Foerster**

**Member**

Rogers Townsend, LLC  
1221 Main Street 14th Floor  
Columbia, SC 29201

**Direct** 803.744.1855

**Fax** 803.343.7017

**Main** 803.771.7900

**Visit** [rogerstownsend.com](http://rogerstownsend.com)

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**From:** Rebecca Faulkenberry <rfaulkenberry@robinsongray.com>

**Sent:** Tuesday, November 4, 2025 10:07 AM

**To:** Sean Foerster <Sean.Foerster@rogerstownsend.com>; J. Kershaw Spong <kspong@robinsongray.com>

**Cc:** Brian P. Yoho <Brian.Yoho@rogerstownsend.com>; Judith Kelly <judith\_kelly@yahoo.com>

**Subject:** RE: PennyMac v. Kelly - 2023-CP-32-02327

**\*\*External Email\*\***

Please find the Teams link to be used for the hearing below.

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NGM5Mzc1YjltOGFhYi00OTQ3LWI5NjQtM2FmZDAyOTY2YTlh%40thread.v2/0?context=%7b%22Tid%22%3a%228a8b56f2-5542-4664-b983-daa3c8bfa7d0%22%2c%22Oid%22%3a%22d9e59720-bc00-4173-8f44-1a3d98f1aff8%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NGM5Mzc1YjltOGFhYi00OTQ3LWI5NjQtM2FmZDAyOTY2YTlh%40thread.v2/0?context=%7b%22Tid%22%3a%228a8b56f2-5542-4664-b983-daa3c8bfa7d0%22%2c%22Oid%22%3a%22d9e59720-bc00-4173-8f44-1a3d98f1aff8%22%7d)

---

**Microsoft Teams** [Need help?](#)

**[Join the meeting now](#)**

Meeting ID: 250 817 073 046 88

Passcode: ua6mD2Bm

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**Cc:** Brian P. Yoho <[Brian.Yoho@rogerstownsendsend.com](mailto:Brian.Yoho@rogerstownsendsend.com)>; Judith Kelly <[judith\\_kelly@yahoo.com](mailto:judith_kelly@yahoo.com)>; Rebecca Faulkenberry <[rfaulkenberry@robinsongray.com](mailto:rfaulkenberry@robinsongray.com)>  
**Subject:** RE: PennyMac v. Kelly - 2023-CP-32-02327

**\*\*External Email\*\***

The hearing can be scheduled for either Thursday Nov 13 at 10 am or 3 pm . I would like to do it by Zoom or Teams Video conferencing . thanks



**JOSEPH KERSHAW SPONG MEMBER**

DIRECT 803.227.1101

[VCARD](#) [VIEW BIO](#)

[ROBINSONGRAY.COM](http://ROBINSONGRAY.COM)

2151 Pickens Street

Suite 500

PO Box 11449 (29211)

Columbia, SC 29201



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[Supporting Green](#) print wisely.

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**From:** Sean Foerster <[Sean.Foerster@rogerstownsendsend.com](mailto:Sean.Foerster@rogerstownsendsend.com)>

**Sent:** Monday, November 3, 2025 4:41 PM

**To:** J. Kershaw Spong <[kspong@robinsongray.com](mailto:kspong@robinsongray.com)>

**Cc:** Brian P. Yoho <[Brian.Yoho@rogerstownsendsend.com](mailto:Brian.Yoho@rogerstownsendsend.com)>; Judith Kelly <[judith\\_kelly@yahoo.com](mailto:judith_kelly@yahoo.com)>

**Subject:** RE: PennyMac v. Kelly - 2023-CP-32-02327

Dear Judge Spong –

I am in receipt of the attached Notice of Appeal and Motion for Supersedeas Stay from Ms. Kelly. As you know, under S.C. Code Ann. § 18-9-170, Ms. Kelly is not entitled to a stay of the foreclosure sale pending the appeal absent the filing of a supersedeas bond with two sureties at an amount set by this Court or absent depositing its cash equivalent with the Clerk of Court's office.

I am writing to respectfully request a hearing date on the Motion for Supersedeas Stay in order to set the amount of the bond that Ms. Kelly will be required to file in order to stop the December sale. In advance of the hearing, I intend to submit a Memorandum of Law with PennyMac's position as to what would be a fair and reasonable bond amount for Ms. Kelly's use and occupation of the property during the appeal. Thank you.



Sean Foerster  
Member  
Rogers Townsend, LLC  
1221 Main Street 14th Floor  
Columbia, SC 29201

Direct 803.744.1855  
Fax 803.343.7017  
Main 803.771.7900  
Visit [rogerstownsend.com](http://rogerstownsend.com)

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