

IN THE SOUTH CAROLINA COURT OF APPEALS

Case No. 2025-002221

Judith-Ann Kelly, Co-Trustee,
Judith Ann Kelly Family Trust,) Appellant,
)
v.)
)
PennyMac Loan Services, LLC,) Respondent.
_____)

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SC Court of Appeals

**MEMORANDUM OF LAW IN SUPPORT OF EXCLUSIVE APPELLATE JURISDICTION
AND STAY OF LOWER-COURT PROCEEDINGS**

I. Introduction

Appellant submits this Memorandum of Law to clarify that, under the South Carolina Appellate Court Rules and controlling precedent, the Lexington County Court of Common Pleas is divested of jurisdiction over all matters affected by the appeal docketed as Case No. 2025-002221. Any hearing or order entered by that court after October 31, 2025, concerning the appealed foreclosure judgment or supersedeas issues, is void ab initio.

II. Governing Law

A. Rule 205, SCACR – Effect of Appeal

“Upon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal; the lower court or administrative tribunal shall have jurisdiction to entertain petitions for writs of supersedeas as provided by Rule 241. Nothing in these rules shall prohibit the lower court ... from proceeding with matters not affected by the appeal.”

Once the Notice of Appeal was filed on October 31, 2025, jurisdiction over the foreclosure judgment and any related enforcement actions—including bond, sale, or possession—transferred exclusively to this Court.

B. Rule 241, SCACR – Stay of Proceedings and Supersedeas

Rule 241 reinforces that a stay applies automatically to matters 'affected by the appeal,' and any further enforcement or collateral hearings require authorization from the appellate court, not the trial court.

III. Controlling South Carolina Case Law

Ditech Financial, LLC v. Snyder, 2022-UP-308 (S.C. Ct. App.) – The Court held that the master 'erred in ordering the judgment of foreclosure and sale while Snyder's appeal was pending.' Demonstrates that once an appeal is pending, all foreclosure enforcement and sale actions are stayed.

Belle Hall Plantation HOA v. Murray, 419 S.C. 605, 799 S.E.2d 310 (Ct. App. 2017) – The Court reaffirmed that appellate jurisdiction attaches upon the filing of the notice of appeal and divests the trial court of authority over appealed issues.

Carolina Springs Academy v. S.C. DSS, 385 S.C. 23, 682 S.E.2d 1 (2009) – Held that actions by a lower court after jurisdiction has transferred to the appellate court are 'null and void.'

State v. Thompson, 420 S.C. 386, 803 S.E.2d 44 (Ct. App. 2017) – Clarified that once an appeal is filed, 'the trial court is without authority to act further except to effect the appeal.'

S.C. Supreme Court Order, (May 20, 2013) – Confirmed that the appellate court has exclusive jurisdiction after notice of appeal, and any lower-court action on the appealed matter is improper.

IV. Application to Present Appeal

- Judgment entered: October 30, 2025.
- Notice of Appeal filed: October 31, 2025.
- Court of Appeals docketed: November 1, 2025 (Case No. 2025-002221).
- Emergency Motion for Writ of Supersedeas filed: November 4, 2025.
- Trial court hearing noticed: November 4, 2025 for November 13, 2025.

Because the foreclosure judgment and stay issues are 'affected by' this appeal, the lower court lacks jurisdiction to conduct any bond or supersedeas hearing. Any such hearing or order entered would be ultra vires and void for lack of jurisdiction.

V. Conclusion

Appellant respectfully requests that this Court:

1. Confirm that jurisdiction over stay, bond, and foreclosure enforcement matters lies exclusively with the South Carolina Court of Appeals;
2. Direct the Lexington County Court of Common Pleas to refrain from holding the scheduled November 13, 2025 hearing; and
3. Grant or maintain a stay of all foreclosure enforcement pending final disposition of this appeal.

Respectfully submitted,

 11/4/2025

Judith-Ann Kelly

Co-Trustee, Judith Ann Kelly Family Trust

408 Cannongate Court

Lexington, South Carolina 29073

Appellant Pro Se

CERTIFICATE OF SERVICE

I certify that I have served a true and correct copy of the foregoing *Memorandum of Law in Support of Exclusive Appellate Jurisdiction and Stay of Lower-Court Proceedings* upon counsel for Respondent by depositing the same in the United States Mail, first-class postage prepaid, Certified Mail 9589 0710 5270 1721 1447 59 addressed as follows:

Sean M. Foerster, Esq.
Rogers Townsend, LLC
1221 Main Street, 14th Floor
Columbia, South Carolina 29201
Attorney for Respondent PennyMac Loan Services, LLC

Dated: November 4, 2025



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Pro Se Appellant

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