

THE STATE OF SOUTH CAROLINA

In the 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.

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

**I. INTRODUCTION AND POSTURE**

Appellant Alvin E. Burch, Sr. submits this Reply under Rules 240 and 241, SCACR, to clarify the issues raised in Respondent's opposition. The Petition for Supersedeas seeks to preserve the status quo and to prevent a contested issue from becoming moot in accordance with 241(c)(2), SCACR while the Court determines whether the confession of judgment and ensuing writs and supplemental proceedings are void ab initio for want of jurisdiction and procedural regularity. The appellate record shows that this case is not a routine post judgment enforcement appeal but a direct attack on the validity of the judgment itself under Rule 60(b)(4), SCRPC.

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## **II. THE COURT OF APPEALS HAS JURISDICTION TO ISSUE A STAY UNDER RULE**

### **241(a)**

Respondent's argument that no stay motion was filed in the "proper court" misunderstands Rule 241. Once a notice of appeal is filed, the trial court's jurisdiction ends except for matters not affected by the appeal, and the appellate court in which the appeal is pending may, on motion for good cause shown, stay enforcement of the judgment or order appealed from. Rule 241(a), SCACR. It is crucial to note that the action Respondent filed in Colleton County is affected by the appeal as it is an action to enforce a judgment. Appellant therefore properly invoked this Court's jurisdiction; no duplicate motion in Dorchester County was required.

## **III. STEARNS BANK v. GLENWOOD FALLS, LP DOES NOT CONTROL**

Respondent's reliance on *Stearns Bank Nat'l Ass'n v. Glenwood Falls, LP*, 375 S.C. 423 (2007) is misplaced. *Stearns* concerned a valid, enforceable default money judgment and a debtor who lacked a right to direct appeal. The Supreme Court held only that the creditor could execute because no stay had been granted and the judgment itself had not been appealed. Here, by contrast, Appellant's Rule 60(b)(4), SCRCR (for relief from a void judgment), motion directly challenges the validity of the underlying confession of judgment; and the confession was procured and enforced through equitable mechanisms (orders of reference, writs, and supplemental proceedings) now before this Court. *Stearns* presupposes a lawful, enforceable judgment. A void judgment is a legal nullity and cannot serve as the basis for execution while its validity is under appellate review.

## **IV. THE UNDERLYING JUDGMENT IS VOID AND CANNOT BE ENFORCED**

### **PENDING REVIEW**

A Rule 60(b)(4) motion alleging voidness raises a pure question of law reviewed de novo. See *Huggins v. Huggins*, 280 S.C. 188 (1984). If jurisdiction was lacking when the confession of judgment was filed or enforced, all subsequent writs and discovery orders are void. Because a void judgment confers no legal rights, permitting enforcement before this Court determines validity would cause irreparable harm and risk inconsistent rulings.


**V. THE RELIEF SOUGHT IS EQUITABLE, NOT A “MONEY JUDGMENT” UNDER § 18-9-130**

Section 18-9-130 applies only to judgments for the recovery of money only, which may be stayed by bond. This matter involves equitable relief—vacatur of a void judgment, recall of a premature writ of execution, and suspension of supplemental proceedings affecting real property. Those are quintessentially equitable functions, not enforcement of a simple debt. Accordingly, discretionary supersedeas under Rule 241—not a statutory money-judgment bond—governs here.

**VI. CONCLUSION**

Because Appellant’s Rule 60(b)(4) appeal presents a facial challenge to a void judgment and the relief below is equitable in nature, § 18-9-130 does not bar a stay. Rule 241(a) authorizes this Court to preserve jurisdiction and prevent irreparable harm while validity is determined. Appellant therefore respectfully requests that this Court grant the Petition for Supersedeas, staying all execution, post-judgment discovery, and related proceedings in both Dorchester and Colleton Counties pending resolution of this appeal.

Respectfully submitted,

  
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November 3, 2025  
Summerville, South Carolina

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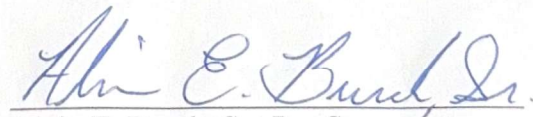
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**PROOF OF SERVICE**

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I, the undersigned, hereby certify that I have this day, November 6, 2025, served a true and correct copy of the **Appellant's Reply to Respondent's Return in Opposition to Appellant's Verified Petition for Writ of Supersedeas and Stay of Proceedings Pending Appeal** upon counsel for the Respondent by depositing the same in the United States Mail, postage prepaid, and properly addressed as follows:

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