

The South Carolina Court of Appeals

PennyMac Loan Services, LLC, Respondent,

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; and South Brook Community Association, Inc., Defendants,

of which Judith-Ann Kelly as co-trustee of Judith Ann Kelly Family Trust is the Appellant.

Appellate Case No. 2025-002221

ORDER

On October 30, 2025, the special referee issued an order of foreclosure and sale. On October 31, 2025, Appellant filed a notice of appeal from the order of foreclosure and sale and a motion to stay the October 30, 2025 order. Respondent filed a return, indicating Appellant had filed a motion to stay with the special referee and a hearing had been scheduled on the motion for November 13, 2025. Appellant filed a reply.

After careful consideration, we remand to the special referee for consideration of (1) the motion to stay currently pending before the special referee and any bond pursuant to section 18-9-170 of the South Carolina Code (2014) and (2) whether the Judith Ann Kelly Family Trust is properly represented in the matter. *See Brown v. Coe*, 365 S.C. 137, 142, 616 S.E.2d 705, 708, order clarified, 365 S.C. 664, 620 S.E.2d 323 (2005) (finding a person "not admitted to the practice of law, cannot represent [an] estate in court"); *Real Est. Unlimited, LLC v. Rainbow Living Tr.*, Op. No. 2004-UP-019 (S.C. Ct. App. filed Jan. 15, 2004) (holding a non-attorney trustee cannot represent the trust in the court of common pleas). Appellant shall provide this court with a copy of the special referee's order ruling on the motion to stay and trust representation issue within five days of receiving

notice of the order. Appellant's failure to provide this court with the circuit court's ruling within five days of receiving notice of the order will result in dismissal of this appeal. This court will consider Appellant's motion to stay pending before this court upon receipt of the special referee's order ruling on the motion to stay and trust representation issue.



C.J.

FOR THE COURT

Columbia, South Carolina

FILED
Nov 10 2025

cc:

Judith-Ann Kelly

Sean Matthew Foerster, Esquire

John Judson Hearn, Esquire