

The South Carolina Court of Appeals

Cornerstone Ventures International, LLC, Respondent,

v.

Alvin E. Burch, Sr., Appellant.

Appellate Case No. 2025-001632

ORDER

On August 14, 2025, Appellant filed a notice of appeal from a master-in-equity's order denying a motion to vacate a judgment entered in a Dorchester County case pursuant to Rule 60(b)(4) of the South Carolina Rules of Civil Procedure.¹ *See* Rule 60(b)(4), SCRCP ("On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding [when] the judgment is void."); Rule 60(b), SCRCP ("A motion made under this subdivision (b) does not affect the finality of a judgment or suspend its operation.").

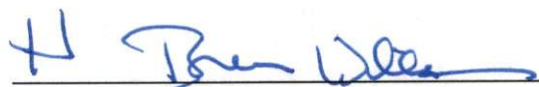
On October 20, 2025, Appellant filed a motion to stay "all further proceedings in the related matter of Cornerstone Ventures International, LLC v. Sonja Y. Moses and Alvin E. Burch, Sr., C.A. No. 2024-CP-15-0659," a case pending in the Colleton County circuit court, until "final disposition of this appeal." According to Appellant, the Colleton County action seeks to satisfy the Dorchester County judgment through a transfer of real property. Appellant argues "[i]f the Colleton [County] matter proceeds to a sale, any subsequent reversal or modification by this [c]ourt in the Dorchester [County] appeal would be rendered meaningless, as the property could not be restored to its pre-sale condition" effectively rendering this appeal moot and depriving this court of jurisdiction.

¹ The Dorchester County judgment is a confession of judgment in which Appellant confessed judgment in favor of Respondent in the amount of \$100,000.

On November 3, 2025, Respondent filed a return, opposing Appellant's request to stay the Colleton County case. Respondent notes this appeal "does not involve the appeal of the underlying judgment"; rather, it concerns an order denying a motion made pursuant to Rule 60(b) of the South Carolina Rules of Civil Procedure. To this end, Respondent notes no stay has been issued concerning the Dorchester County judgment.

On November 6, 2025, Appellant filed a reply, arguing his appeal is "not a routine post judgment enforcement appeal but a direct attack on the validity of the judgment itself." Appellant asserts his appeal concerns a challenge to the validity of the underlying confession of judgment; Appellant contends the underlying judgment is void and cannot be enforced while his appeal is pending.

After careful consideration, we deny Appellant's motion to stay the Colleton County action. *See Stearns Nat. Ass'n v. Glenwood Falls, LP*, 375 S.C. 423, 425, 653 S.E.2d 274, 275 (2007) (stating that because a party did not seek to stay enforcement of a judgment pursuant to Rule 62(b) of the South Carolina Rules of Civil Procedure pending the disposition of a motion for relief made pursuant to Rule 60(b), the opposing party was entitled to enforce its judgment despite the pending Rule 60 motion); *C-Sculptures, LLC, No. 3 v. Brown*, 393 S.C. 27, 31, 709 S.E.2d 705, 707 (Ct. App. 2011) (explaining "the execution of a judgment is not generally stayed by the denial of a Rule 60(b) motion because the denial of such a motion grants 'no relief' to the movant so there is nothing to stay"); Rule 67, SCRCF ("In an action in which any part of the relief sought is a judgment for a sum of money or the disposition of a sum of money or the disposition of any other thing capable of delivery, a party, upon notice to every other party, and by leave of court, may deposit with the court all or any part of such sum or thing, whether or not that party claims all or any part of the sum or thing."); Rule 241(b)(1), SCACR (explaining that a money judgment is an exception to the general automatic stay rule); S.C. Code Ann. § 18-9-130(A)(1) (2014) ("A notice of appeal from a judgment directing the payment of money does not stay the execution of the judgment unless the presiding judge before whom the judgment was obtained grants a stay of execution. If the presiding judge grants a stay of execution and requires a bond or other surety to guarantee the payment of the judgment pending the appeal, the amount of the bond or other surety may not exceed the amount of the judgment . . .").



FOR THE COURT C.J.

FILED
Nov 12 2025

Columbia, South Carolina

cc:

Alvin E. Burch, Sr.

Lawrence Michael Hershon, Esquire