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Nov 17 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Joseph Kershaw Spong, Special Referee

Case No. 2023-CP-32-02327

Appellate Case# 2025-002221

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,

Appellant.

****NOTICE OF FILING OF SPECIAL REFEREE'S ORDER
AND REQUEST FOR IMMEDIATE REVIEW****

Appellant Judith-Ann Kelly respectfully submits the attached Special Referee's Order dated November 14, 2025, in compliance with this Court's directive in its Order of November 10, 2025.

This filing satisfies the Court's requirement that the lower court "rule on the motion to stay and

trust-representation issue” before this Court considers the Appellant’s pending Motion for Stay Pending Appeal and Emergency Motion for Writ of Supersedeas.

REQUEST FOR IMMEDIATE APPELLATE REVIEW

Appellant respectfully requests that the Court now proceed with review of:

1. Appellant’s Motion for Stay Pending Appeal (Rule 241, SCACR)
2. Emergency Motion for Writ of Supersedeas
3. Appellant’s Emergency Motion for Reconsideration
4. All filings concerning trustee-representation authority and jurisdiction

PRESERVATION OF APPELLATE JURISDICTION

For clarity and preservation of the record, Appellant notes:

- The lower court’s November 14 order was issued by a Special Referee whose appointment remains under jurisdictional challenge due to an ultra vires referral under Rule 53(b), SCRCPP, a defect that renders all subsequent actions void ab initio under long-standing South Carolina precedent.
- The foreclosure sale is presently scheduled for December 1, 2025, creating imminent and irreparable harm absent immediate appellate intervention.
- Appellant continues to proceed in her own right as the borrower and obligor under the Note and Mortgage, with standing independent of the Trust.

Respectfully submitted this 16th day of November 2025.

s/ Judith Ann Kelly
Judith Ann Kelly, Co-Trustee and Beneficiary
JUDITH ANN KELLY FAMILY TRUST
408 Cannongate Ct
Lexington, South Carolina 29073
(678) 790-8425
Appellant

Other Counsel of Record:
Sean M. Foerster, Esq.
John J. Hearn, Esq.
Rogers Townsend, LLC
1221 Main Street, 14th Floor
Columbia, South Carolina 29201
Attorney for Respondent

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FORM 7

PROOF OF SERVICE OF A NOTICE OF APPEAL

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[In The Supreme Court]

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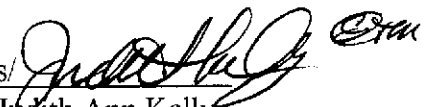
Appellant.

PROOF OF SERVICE

I certify that I have served a copy of the **NOTICE OF FILING OF SPECIAL REFEREE'S ORDER** upon counsel for Respondent by depositing the same in the United States Mail, **Certified Mail No. 9589 0710 5270 1721 1448 27**, first-class postage prepaid, addressed as follows, on **November 16, 2025**:

Sean M. Foerster, Esq.
John J. Hearn, Esq.
Rogers Townsend, LLC
1221 Main Street, 14th Floor
Columbia, South Carolina 29201

November 16, 2025

s/ 
Judith Ann Kelly
408 Cannongate Ct
Lexington, South Carolina 29073
(678) 790-8425 Appellant