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Dec 22 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Perry H. Gravely, Circuit Court Judge
Charles B. Simmons, Jr., Master in Equity Judge

Appellate Case No. 2024-002207
Circuit Case No. 2017-CP-2308016

Wells Fargo Bank, N. A. Plaintiff..... Respondent

v.

Michelle Hodges, Individually and as Personal Representative of the Estate
of Ruth Ladson Witherspoon; Stanley Witherspoon; SC Housing Corp.; and
Twin Creeks Homeowners Association, Inc.,.....Defendants,

Of Whom Michelle Hodges, in her Individual capacity, is the Appellant.....Movant

**REPLY IN SUPPORT OF
MOTION FOR STAY
PENDING APPEAL**

REPLY IN SUPPORT OF STAY

Movant, Michelle Hodges, respectfully submits this reply in support of her Emergency Motion for Stay Pending Appeal. This reply addresses the points raised in Respondent Wells Fargo Bank N.A.'s Return to Motion for Stay and clarifies the procedural posture, factual record, and relief sought. Movant does not seek appellate review of the Circuit Court's September 15, 2025 denial of her emergency stay, this motion is solely to preserve the status quo pending appellate consideration. and reversal.

Response to Paragraph 1

Wells Fargo's Return to the Motion for Stay is premised on a misunderstanding of the nature of the relief requested. Movant does not seek appellate review and reversal of the Circuit Court's denial of a stay ; rather, the circuit court's denial, is what enables Movant to seek a stay; from the S. C. Court of Appeals, where her appeal is pending, to preserve the Court of Appeals' jurisdiction and the Movant's status quo. Wells Fargo's return states that

Response to Paragraph 2 (first sentence)

Wells Fargo's Return mentions the December 12, 2024 Foreclosure judgment, noting the alleged default and total debt, and asserts that the Movant's motion failed to comply with South Carolina law and did not demonstrate extraordinary circumstances. The document to which Wells Fargo responds is a rough draft, inadvertently filed, in place of the operative motion. The Rough Draft does state "substantial issues exist that are fundamental to Wells Fargo's entitlement to a Foreclosure and Sale, under the terms and conditions of the note and mortgage". "Maintaining the status quo through a stay here, is essential to prevent irreparable harm and

further enforcement of a judgment that may later be overturned".

However, the Return omits reference to the Court's findings regarding entitlement, and does not address certain gaps in the record. The Movant has therefore filed a motion for leave to submit a proposed amended emergency motion for stay, which includes the certified September 15, 2025 Circuit Court Order denying the Movant's Motion for an Emergency Stay. Finally in relation to whether the motion demonstrates extraordinary circumstances warranting a stay. This assertion is inapplicable under Rule 241(c)(2), SCACR, because the Movant's motion was not filed on an ex parte basis.

Response to Paragraph 2 (last sentence)

1. Wells Fargo alleges that the Movant has made repeated attempts to delay the foreclosure, including filing bankruptcies and appeals, one of which was dismissed.
2. However, the record shows that in January 2024, the death of Ruth Witherspoon was recorded, which occurred before any of the Movant's bankruptcy filings were dismissed.
3. Despite these circumstances, Wells Fargo filed a motion to remove the foreclosure from the docket, and the case has not been actively prosecuted since March 24, 2025.
4. On October 26, 2025, Movant went to the Circuit Court to file a copy of the final hearing transcript and was informed that, pursuant to the October 6, 2025 order, the Clerk's office could no longer accept filings from her.
5. This prompted the Movant to take another look at the Circuit Court's final order, and it was then that she discovered factual, evidentiary, and procedural gaps in the record that needed to be addressed by the Circuit Court before proceeding on appeal.

6. This review led the Movant to file a Rule 60(b) motion with the judge's chambers, which is also attached to the proposed amended emergency motion for the Court's consideration.

7. The Circuit Court ultimately issued an order denying the Movant's emergency motion for stay on September 15, 2025. Note: Wells Fargo attached a copy of the December 27, 2024 Order, denying the stay immediately following the Final Order of Foreclosure and sale. Attached is a certified copy of the September 15, 2025 Order, denying the Movant's Emergency Motion for a stay, after her second bankruptcy and the U. S. Bankruptcy Court determined that there was no stay in place and Movant had received a proof of claim from the IRS exceeding \$18,000.

Response to last 3 paragraphs

1. Wells Fargo's discussion of Rule 241(b)(4) and the bond requirement mischaracterizes the nature of the Movant's requested relief. This motion does not seek appellate review of the circuit court's denial of stay but instead requests a stay in aid of appellate review, which preserves the status quo pending the Court's consideration.

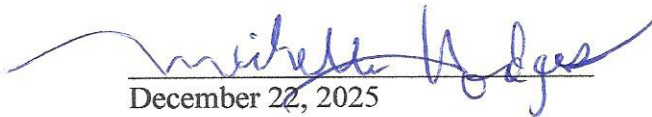
2. While S.C. Code §18-9-170 allows courts to require a written undertaking with two sureties, such a bond is discretionary, not mandatory, and may be conditioned by the Court if it deems appropriate. The record reflects that the Circuit Court previously denied Movant's proposed surety because it was not recognized under South Carolina law; this does not preclude the Court from granting relief in accordance with its discretion.

3. Finally, Wells Fargo's assertion that a foreclosure sale would not prevent resolution of contested issues is inapplicable. The purpose of this motion is to preserve the status quo pending appellate review, ensuring that the prospective issues on appeal are not rendered moot by a

premature sale. Similarly, any claim that extraordinary circumstances must exist is inapplicable because the motion was not filed on an ex parte basis, and the factors enumerated in

Rule 241(c)(2) — preservation of jurisdiction or avoidance of mootness here appear to be satisfied.

Respectfully submitted,



December 22, 2025

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