

ATTACHMENT - 1

Final Judgement Order from Appeals Court Judges

January 16, 2026

# 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

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## ORDER

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After careful consideration of the motion to reinstate, which we construe as a petition to rehear the dismissal, the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

H. Bruce Wilcox C.J.

Paula O. Thomas J.

Kristi Curtis J.

Columbia, South Carolina

**RECEIVED**

JAN 20 2026

**FILED**

**Jan 16 2026**

S.C. SUPREME COURT

cc:

Judith-Ann Kelly

Sean Matthew Foerster, Esquire

John Judson Hearn, Esquire

Matthew Todd Carroll, Esquire

ATTACHMENT - 2

Order of the Court of Appeals dated December 3, 2025

# 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

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## ORDER

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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, this court remanded 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.

On November 14, 2025, the special referee issued an order. On November 17, 2025, Appellant provided the special referee's November 14, 2025 order to this court, which found trustee Judith Ann Kelly, as a non-attorney, was not permitted to represent the Judith Ann Kelly Family Trust and denied the motion to stay. It further set the amount of the bond in the event Judith Ann Kelly retained counsel for the Judith Ann Kelly Family Trust and pursued a similar motion; however, it provided that the order of foreclosure and sale "shall not be stayed unless" a bond

in the amount of \$66,000.00 with two good and valid sureties was filed or \$66,000.00 was deposited with the Lexington County Clerk of Court no later than November 26, 2025. Finally, the order provided that if no party filed the bond or deposited its cash equivalent by November 26, 2025, the enforcement of the judgment of foreclosure and sale, including the December 1, 2025 foreclosure sale, may proceed.

After careful consideration, Appellant's motion to stay, filed in this court on October 31, 2025, is denied.

Further, our court has held that a trust cannot be represented by someone not authorized in the practice of law. *See 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). Accordingly, Appellant shall, within thirty days of the date of this order, provide the court with the name of the attorney who will be representing the trust in this matter. Failure to provide this information within the time allotted will result in this appeal being dismissed.

  
FOR THE COURT

Columbia, South Carolina

cc:  
Judith-Ann Kelly  
Sean Matthew Foerster, Esquire  
John Judson Hearn, Esquire  
Matthew Todd Carroll, Esquire

**FILED**  
**Dec 03 2025**

ATTACHMENT - 3

Order of the Court of Appeals dated December 9, 2025

# 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

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## ORDER

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On October 31, 2025, Appellant filed a notice of appeal from an order of foreclosure and sale and a motion to stay the October 30, 2025 order pursuant to Rule 241 of the South Carolina Appellate Court Rules.

On November 10, 2025, this court remanded 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. Shortly after the issuance of this order, Appellant filed a document titled "Emergency Motion for Reconsideration and Renewal of Stay Pending," which we construe as a petition for a panel review of this court's November 10, 2025 order. *See* Rule 241(d)(2), SCACR ("Upon the issuance of a final order by an individual judge or justice, an aggrieved party may petition the full appellate court for review of that decision.").

After careful consideration, the petition is denied.

Stephanie P. McDonald J.  
3/2/21 J.  
[Signature] J.

Columbia, South Carolina

cc:  
Judith-Ann Kelly  
Sean Matthew Foerster, Esquire  
John Judson Hearn, Esquire

**FILED**  
**Dec 09 2025**

ATTACHMENT - 4

Letter from the Clerk of the Court of Appeals December  
22, 2025



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

December 22, 2025

Judith-Ann Kelly  
408 Connongate Court  
Lexington SC 29073

Re: PennyMac Loan Services, LLC v. Judith A. Kelly  
Appellate Case No. 2025-002221

Dear Ms. Kelly:

We are in receipt of your petition for rehearing filed on December 19, 2025. This Court is unable to review this petition for rehearing pursuant to Rule 221(c) and 219(b) ("If a suggestion for rehearing en banc is to be made, it shall be included in the petition for rehearing."). Therefore, no further action will be taken on your petition for rehearing filed on December 19, 2025.

Very truly yours,

*Jasmine D. Smith, Deputy*

CLERK

cc: Sean Matthew Foerster, Esquire  
John Judson Hearn, Esquire  
Matthew Todd Carroll, Esquire

## ATTACHMENT - 5

Letter from the Clerk of the Court of Appeals January 2,  
2026



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

January 2, 2026

Judith-Ann Kelly  
408 Connongate Court  
Lexington SC 29073

Re: PennyMac Loan Services, LLC v. Judith A. Kelly  
Appellate Case No. 2025-002221

Dear Ms. Kelly:

We are in receipt of your amended petition for rehearing filed on December 23, 2025. For the reasons stated in our December 22, 2025 letter, no further action will be taken on your amended petition for rehearing.

Very truly yours,

*Jasmine D. Smith, Deputy*

CLERK

cc: Sean Matthew Foerster, Esquire  
John Judson Hearn, Esquire  
Matthew Todd Carroll, Esquire

ATTACHMENT - 6

Order of the Court of Appeals dated January 6, 2026

# 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

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## ORDER

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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. On November 4, 2025, Appellant filed an "Emergency Motion for Writ of Supersedeas and Stay of Foreclosure Sale Pending Appeal."

On November 10, 2025, this court remanded 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. Appellant petitioned for reconsideration of this court's November 10, 2025 order, a panel denied this petition on December 9, 2025.

On November 14, 2025, the special referee issued an order. On November 17, 2025, Appellant provided the special referee's November 14, 2025 order to this court, which found trustee Judith Ann Kelly, as a non-attorney, was not permitted

to represent the Judith Ann Kelly Family Trust and denied the motion to stay. It further set the amount of the bond in the event Judith Ann Kelly retained counsel for the Judith Ann Kelly Family Trust and pursued a similar motion; however, it provided that the order of foreclosure and sale "shall not be stayed unless" a bond in the amount of \$66,000.00 with two good and valid sureties was filed or \$66,000.00 was deposited with the Lexington County Clerk of Court no later than November 26, 2025. Finally, the order provided that if no party filed the bond or deposited its cash equivalent by November 26, 2025, the enforcement of the judgment of foreclosure and sale, including the December 1, 2025 foreclosure sale, may proceed.

On December 1, 2025, Appellant filed a request for immediate appellate ruling on her (1) October 31, 2025 motion to stay, (2) "motion for a writ of supersedeas" filed November 4, 2025, (3) petition for reconsideration of this court's November 10, 2025 order, (4) jurisdictional challenges, and (5) challenges to the validity of the lower court's proceedings after the order of reference.

On December 3, this court denied Appellant's motion to stay, filed October 31, 2025, and explained a trust cannot be represented by someone not authorized in the practice of law and ordered Appellant, within thirty days of the date of the order, to provide this court with the name of the attorney who will be representing the trust in this matter or the appeal would be dismissed. On December 9, 2025, the court denied the petition for reconsideration of this court's November 10, 2025 order.

Because Appellant has failed to provide the court with the name of an attorney who would be representing the trust in this matter within thirty days of the December 3, 2025 order, we dismiss the appeal.<sup>1</sup> *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). The remittitur will be sent as required by Rule 221(b) of the South Carolina Appellate Court Rules.

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<sup>1</sup> Additionally, the November 4, 2024 motion for supersedeas is moot because the court ruled on this motion when it addressed the October 31, 2025 motion to stay in its December 3, 2025 order. The court has addressed all outstanding motions in this matter. To the extent Appellant seeks a ruling on the merits prior to briefing in her December 1, 2025 request for immediate appellate ruling, that request is denied.

*Kishleuter*

J.

FOR THE COURT

Columbia, South Carolina

cc:

Judith-Ann Kelly

Sean Matthew Foerster, Esquire

John Judson Hearn, Esquire

Matthew Todd Carroll, Esquire

**FILED**

**Jan 06 2026**