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Feb 10 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas
William P. Keesley, Circuit Court Judge

Civil Action No. 2023-CP-32-03506
Case No. 2026-000031

Alan J. Baumann and Kayla D. Baumann,

Respondents,

v.

Ivan Chernev and Ignatova Petia Chernev,

Appellants.

PETITION FOR WRIT OF SUPERSEDEAS

This case arose out of a dispute between neighbors over the management of stormwater between the two properties. A jury trial was conducted in August 2025, and the jury returned a verdict in favor of Respondents on their claims for nuisance and trespass. The jury awarded Respondents monetary damages of \$750 in actual damages and \$10,000 in punitive damages. Appellants have paid that judgment in full.

Respondents had also asserted a claim for injunctive relief against Appellants, which was a matter for the trial judge to decide, not the jury. On December 29, 2025, the trial judge issued an order granting an Injunction. It is the grant of this Injunction that Appellants have appealed.

The Injunction would require Appellants, among other things, to remove the following items from their property:

- (a) A berm made of sticks located at the front of Appellants' property;

- (b) A berm made of pavers and dirt located along the property line between Appellants' and Respondents' property; and
- (c) A berm made of sticks located along Appellants' and Respondents' property line.

The Injunction would require Appellants to remove these items within 60 days of the date the Injunction was issued. The Injunction was issued on December 29, 2025, such that the compliance date would be February 27, 2026.

This appeal contests the Injunction's requirement for the removal of these "berms." Requiring Appellants to comply with the Injunction during the pendency of this appeal would moot the appeal. Accordingly, Appellants submit this Petition requesting this court issue a Writ of Supersedeas staying the Injunction during the pendency of this appeal.

GROUND FOR THE PETITION AND LEGAL ARGUMENTS

The filing of an appeal from an order granting an injunction does not automatically stay the effect of the injunction. Rule 241(b), SCACR. However, the trial court has the authority to grant a stay while an appeal is pending. Rule 241(d), SCACR. In fact, the South Carolina Appellate Court Rules direct that the request for imposition of such stay should be made first to the trial court rather than to the Court of Appeals. Rule 241(d), SCACR.

Specifically, Rule 241(c)(2), SCACR provides that the determination of whether to grant a stay pending appeal should be based upon whether "such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot." Our Court of Appeals has held:

[T]he purpose . . . of a supersedeas . . . is to . . . stay proceedings in the trial court, to preserve the status quo pending the determination of the appeal . . . , and to preserve to appellant the fruits of a meritorious appeal where they might otherwise be lost to him."); *Id.* at 497 ("As a rule, a supersedeas . . . does not reverse, annul, or undo what has already been done, or impair the force . . . of the judgment, order, or decision of the trial court"); 83 C.J.S. Supersedeas § 8 at 896 (1953) (a supersedeas suspends the judgment but does not annul the judgment itself).

Graham v. Graham, 301 S.C. 128, 130, 390 S.E.2d 469, 470 (Ct. App. 1990)

In this case, Appellants have appealed the Injunction—it is the contested issue contemplated in Rule 241 and *Graham*. Appellants will lose the possibility of obtaining the “fruits of a meritorious appeal” and the appeal would be moot if they are made to comply with the Injunction while the appeal is pending. This would effectively deny Appellants the right to an appeal.

It is notable that the Injunction was not issued until almost four months after the jury verdict, and the Injunction itself does not require immediate compliance. Instead, it provides two months for Appellants to remove the items from their property. If this was a matter of great urgency, the Injunction could have been issued immediately and would have required immediate compliance. Therefore, staying the Injunction maintains the status quo.

CONCLUSION

Based upon the foregoing, Appellants request that this court issue a Writ of Supersedeas staying the Injunction during the pendency of this appeal.

s/Kathleen McDaniel
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ATTORNEY FOR APPELLANTS

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Columbia, South Carolina

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VERIFICATION

Petia Ignatova

The undersigned, ~~Ivan Chernev~~, being duly sworn, deposes and says that he has read the foregoing Petition for Writ of Supersedeas, has personal knowledge of the contents thereof, and that said Petition for Writ of Supersedeas is true to the best of his knowledge.

Signature: _____

Print name: _____

Petia Ignatova

SWORN to before me this _____

day of February 10, 2026.

Glenda Montgomery
Notary Public for South Carolina
My commission expires: 11-29-2027

GLEND A MONTGOMERY
Notary Public - State of South Carolina
My Commission Expires
November 29, 2027

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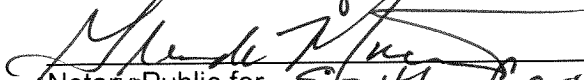
The undersigned, Ivan Chernev, being duly sworn, deposes and says that he has read the foregoing Petition for Writ of Supersedeas, has personal knowledge of the contents thereof, and that said Petition for Writ of Supersedeas is true to the best of his knowledge.

Signature: 

Print name: IVAN CHERNEV

SWORN to before me this _____

day of February 10, 2026.


Notary Public for South Carolina
My commission expires: 11-29-2027

GLEND A MONTGOMERY
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CERTIFICATE OF SERVICE

I do hereby certify that I have caused a copy of the following to be served as indicated hereinbelow via electronic mail and U.S. Mail on the date below addressed to the following:

Document Served: Petition for Writ of Supersedeas and Verification

Parties Served: Anna Williams Yonge
Williams, Stitely & Brink, PC
PO Box 39
Lexington, SC 29071
ayonge@wsblegal.com

s/Kathleen McDaniel
Kathleen McDaniel, Esq.
BURNETTE SHUTT & MCDANIEL, PA

February 10, 2026
Columbia, South Carolina