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Feb 13 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Court of Common Pleas

The Honorable William P. Keesley, Circuit Court Judge

Alan J. Baumann and Kayla D. Baumann,

RESPONDENTS,

V.

Ivan Chernev and Ignatova Petia Chernev,

APPELLANTS.

APPELLATE CASE NO. 2026-000031
CIVIL ACTION NO. 2023-CP-32-03506

RETURN TO APPELLANTS’ PETITION FOR WRIT OF SUPERSEDEAS

Pursuant to Rules 205, 240, and 241, SCACR, and the Appellate Court’s letter dated February 11, 2026, Respondents, Alan J. Baumann and Kayla D. Baumann, by and through undersigned counsel, respectfully submit this Return to Appellants' Petition for Writ of Supersedeas and show the Court as follows:

MOOTNESS AND RULE 241(c)(2), SCACR

Respondents acknowledge Appellants’ assertion that compliance with the Injunction during the pendency of this appeal could render the appeal moot. Rule 241(c)(2), SCACR, expressly contemplates that a writ of supersedeas may be appropriate where enforcement of the order appealed from would moot the appeal or otherwise substantially impair the appellant’s rights pending review.

Under the circumstances presented, Respondents do not dispute that enforcement of the Injunction prior to appellate review could potentially moot the issues raised on appeal. Respondents therefore defer to the Court's discretion under Rule 241, SCACR, regarding whether supersedeas relief is appropriate.¹

REQUEST FOR BOND PURSUANT TO RULE 241(c)(3), SCACR

Should the Court grant a writ of supersedeas, Respondents respectfully request that such relief be conditioned upon the filing of a bond pursuant to Rule 241(c)(3), SCACR. That rule expressly provides that a stay or supersedeas "may be conditioned upon such terms as the court considers proper, including the filing of a bond or undertaking."

If the Injunction is stayed, the berms at issue will remain in place during the pendency of the appeal. The continued existence of those structures may result in damages, costs, or other prejudice to Respondents. A bond is therefore necessary to secure Respondents against potential harm resulting from the non-enforcement of the Injunction during appellate review.

Conditioning supersedeas upon the posting of an appropriate bond would protect the respective interests of the parties while preserving Appellants' ability to pursue appellate review.

PRESERVATION OF THE STATUS QUO

In addition, Respondents respectfully request that any order granting supersedeas expressly prohibit Appellants from making additions to, or modifications of, the structures that are the subject of the Injunction during the pendency of this appeal.

¹ In response to Appellants' assertion that the injunction must not be "a matter of great urgency," Respondents would note that Respondents' counsel was on maternity leave following the trial on the merits and therefore the post-trial motion hearing could not be heard until she returned from maternity leave. See Exhibit A.

The purpose of supersedeas is to preserve the status quo pending appellate review. See Rule 241, SCACR. Allowing further alterations to the property would not preserve the status quo but would instead materially change the condition of the property and potentially prejudice Respondents' rights or impair the effectiveness of any ultimate relief ordered by this Court.

An express limitation prohibiting further construction or modification would ensure that the existing conditions remain unchanged while this appeal is adjudicated. See Rule 241(c)(3), SCACR. ("Further, where it appears that the . . . issuance of a writ of supersedeas is insufficient to afford complete relief, the lower court . . . may order other affirmative relief upon such terms as are deemed appropriate.")

CONCLUSION

For the foregoing reasons, Respondents respectfully request that, if the Court grants Appellants' Petition for Writ of Supersedeas, it condition such relief upon:

1. The filing of a bond in an amount the Court deems appropriate pursuant to Rule 241(c)(3), SCACR; and
2. An express prohibition against any additions to or modifications of the structures that are the subject of the Injunction during the pendency of this appeal.

s/Anna W. Yonge
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Attorneys for Respondents

February 13, 2026
Lexington, SC

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

Alan J. Baumann and Kayla D. Baumann,

Plaintiffs,

v.

Ivan Chernev and Ignatova Petia Chernev,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE ELEVENTH JUDICIAL CIRCUIT

CASE NO: 2023-CP-32-03506

ORDER OF PROTECTION FROM COURT
APPEARANCE

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SC Court of Appeals

IT APPEARS unto the Court that Anna W. Yonge, attorney at law, practicing with the law firm of Williams, Stitely & Brink, PC, in Lexington, South Carolina, respectfully requests protection from September 8, 2025, through November 28, 2025, for additional maternity leave. Mrs. Yonge already has secure leave from September 1, 2025, through September 5, 2025.

IT FURTHER APPEARS that attorney Anna W. Yonge has requested, and should be granted, for good cause being shown, an Order protecting her from any and all court proceedings, including trials, motions hearing, depositions, roster meetings, bar meetings or any other legal proceedings during the time period of September 8, 2025, through November 28, 2025.

NOW, THEREFORE, it is hereby ordered that Protection is granted by this Court.

Honorable William P. Keesley
Chief Administrative Judge



Lexington Common Pleas

Case Caption: Alan J. Baumann , plaintiff, et al VS Ivan Chernev , defendant, et al

Case Number: 2023CP3203506

Type: Order/Protection from Court Appearance

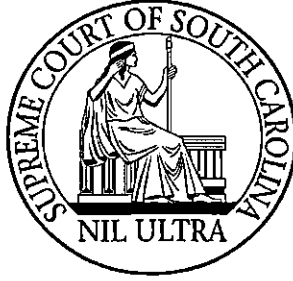
Circuit Judge (Code #2050)

s/ William P. Keesley

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The Supreme Court of South Carolina



Secure Leave Confirmation

Anna Williams Yonge, Bar No. 102407, has requested secure leave for the following weeks:

Secure Leave Date	Request Date
September 01, 2025 - September 05, 2025	5/30/2025 9:30 AM
June 09, 2025 - June 13, 2025	3/24/2025 9:42 AM
January 20, 2025 - January 24, 2025	10/15/2024 10:09 AM
November 20, 2023 - November 24, 2023	8/2/2023 1:51 PM
November 13, 2023 - November 17, 2023	8/2/2023 1:51 PM
November 06, 2023 - November 10, 2023	8/2/2023 1:51 PM

Print or save your Secure Leave Confirmation. In the event a court proceeding is scheduled in error, you will need to transmit this form to the clerk of the relevant court and all other parties in the case.

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CIVIL ACTION NO. 2023-CP-32-03506

PROOF OF SERVICE

I, Anna W. Yonge, certify that I served the Return to Appellants' Petition for Writ of Supersedeas and Exhibit A on the following individuals pursuant to Rule 262, SCACR, and S.C. Sup. Ct. Order 2024-04-24-01:

Kathleen McDaniel
kmcdaniel@burnetteshutt.law

s/Anna W. Yonge
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Attorneys for Respondents

February 13, 2026
Lexington, SC