

STATE OF SOUTH CAROLINA  
COUNTY OF Berkeley  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP0801635

Vanderbilt Mortgage And Finance Inc  
PLAINTIFF(S)

Kiearra Desire Horton et al  
DEFENDANT(S)

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  
 Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court:

This matter came before the Court on January 26, 2026, on Defendant's motion to stay enforcement and/or emergency stay of execution of writ of possession pursuant to Rule 62 of the South Carolina Rules of Civil procedure. M. McMullen Taylor, Esquire, appeared on behalf of the Plaintiff and Defendant Kierra Horton appeared Pro Se.

**ORDER INFORMATION**

This order  ends  does not end the case.  See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 02/10/2026 .

Kiearra Desire Horton for Kiearra Desire Horton  
Unknown Occupants  
Kiearra Desire Horton for Kiearra Desire Horton

RECEIVED

FEB 20 2026

SC Court of Appeals

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**

## Court Reporter:

**E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.**

This case arises from the purchase of a mobile home through a security agreement between Plaintiff and Defendant. Plaintiff filed suit on June 12, 2024, based on Defendant's failure to pay loan payments. Based upon Defendant's failure to answer the complaint, Plaintiff moved for an order of Default Judgment July 26, 2024, and the motion was subsequently granted by the Honorable Judge McCoy on August 7, 2024. Following multiple filings of bankruptcy and an order of dismissal with prejudice for 180 days by the Bankruptcy Court, Defendant now brings these motions pursuant to Rules 62 and 69 of the South Carolina Rules of Civil Procedure.

Rule 62(b) of the South Carolina Rules of Civil Procedure reads as follows:

In its discretion and on such conditions for the security of the adverse party as are proper, the court may stay the execution of or any proceedings to enforce a judgment pending the disposition of a motion for a new trial or to alter or amend a judgment made pursuant to Rule 59, or of a motion for relief from a judgment or order made pursuant to Rule 60, or of a motion for judgment in accordance with a motion for a directed verdict made pursuant to Rule 50, or of a motion for amendment to the findings or for additional findings made pursuant to Rule 52(b).

As to Defendant's motion pursuant to Rule 62, SCRPC, this motion is improper on its face and must be denied as a matter of law. Defendant's motion, as well as the entirety of the record, make no mention of any motions pursuant to Rules 50, 52(b), 59, or 60 of the South Carolina Rules of Civil Procedure. As stated in the language of Rule 62, SCRPC, Defendant's motion under Rule 62(b) must be brought in tandem with a motion under the four other rules directly listed in Rule 62(b), SCRPC. Therefore, without a counterpart motion under one of the other four rules, this Court cannot issue a stay in favor of the Defendant.

Assuming, arguendo, that Defendant was attempting to make her Rule 62(b) motion in tandem with a Rule 60 motion for relief from Default Judgment, this Court must deny Defendant's motion. Rule 60 of the South Carolina Rules of Civil Procedure lists the grounds for which a party may move the Court to grant relief from a judgment. Because there have been no allegations of Clerical mistakes within the record, this analysis will focus on Rule 60(b), SCRPC only.

Rule 60(b) of the South Carolina Rules of Civil Procedure states;

"On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud, misrepresentation, or other misconduct of an adverse party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application.

The record reflects no allegations that could support a motion under prongs 2, 4 or 5 of Rule 60(b), SCRPC. As to the first prong, Defendant alleges that she was not properly noticed for the hearing on her motion to dismiss and, therefore, was not heard. (Emergency Motion, p. 2). However, the record reflects that Defendant was served notice by mail of the hearing on her motion to dismiss on December 5, 2024. To the extent that the Defendant would allege that this failure to appear constitutes a mistake, surprise or excusable neglect, Defendant was duly noticed for a motion of her own filing and failed to appear. Therefore, this court will not grant relief from judgment pursuant to Rule 60(b)(1), SCRPC. As to the third prong, Defendant alleges, "I have not been provided with sworn or verified proof establishing Plaintiff's lawful standing and authority to enforce the alleged obligation, including an unbroken chain of title or assignment, a complete verified accounting, or proof of actual unreimbursed loss." (SUPPLEMENTAL EQUITY AFFIDAVIT). Contrary to Defendant's claims, as exhibits to its summons and complaint, Plaintiff attached; 1) the consumer loan note and purchase agreement, 2) the lien and title information report for the mobile home, 3) the notice of default and right to cure letter, and 4) an affidavit of verification of the debt. Plaintiff has provided Defendant with all required documentation. At the hearing, Defendant alleged that she has requested and not received a copy of the mortgage on the property. Being that this security agreement was for the purchase of a mobile home not tied to any real property, there is no mortgage in existence for Plaintiff to provide to Defendant. Moreover, the Honorable Judge McCoy has already ruled in favor of the Plaintiff for Default Judgment, thereby finding that Plaintiff has provided the Court with all necessary documents. Therefore, Defendant's assertion of any fraud, misrepresentation or misconduct on part of the Plaintiff fails, as well as any claims under Rules 60 and 62 of the South Carolina Rules of Civil Procedure.

Rule 69 of the South Carolina Rules of Civil Procedure.

Rule 69 of the South Carolina Rules of Civil Procedure reads as follows;

Process to enforce a judgment for the payment of money shall be a writ of execution, unless the court directs otherwise. The procedure on execution, in proceedings supplementary to and in aid of a judgment, and in proceedings on and in aid of execution shall be as provided by law. In the aid of the judgment or execution, the judgment creditor or his successor in interest when that interest appears of record, may examine any person, including the judgment debtor, in the manner provided in these rules for obtaining discovery.

Defendant's motion under rule 69 of the South Carolina Rules of Civil Procedure is misplaced. To the extent Defendant seeks for this Court to direct another method other than writ of execution to enforce this aforementioned judgment, this is not the matter currently before the jurisdiction of this Court. To the extent Defendant seeks to examine Plaintiff (creditor) as to the debt and mobile home, this is improper under the rule. To the extent Defendant (debtor) seeks to be examined by Plaintiff (creditor) under the rule, Plaintiff has moved for no such examination. Therefore, Plaintiff's motion pursuant to Rules 62 and/or 69, SCRPC, is denied. It is so Ordered!



Berkeley Common Pleas

**Case Caption:** Vanderbilt Mortgage And Finance Inc VS Kiearra Desire Horton ,  
defendant, et al  
**Case Number:** 2024CP0801635  
**Type:** Order/Electronic Form 4

IT IS SO ORDERED

Charles J. McCutchen