

The South Carolina Court of Appeals

Alan J. Baumann and Kayla D. Baumann, Respondents,

v.

Ivan Chernev and Ignatova Petia Chernev, Appellants.

Appellate Case No. 2026-000031

ORDER

On January 2, 2026, Appellants filed a notice of appeal from a December 29, 2025 order granting Respondents an injunction that requires Appellants to (1) remove the existing berms within sixty days of the date of the order and (2) refrain from constructing, placing, or maintaining obstructions that divert surface water onto Respondents' property. On February 10, 2026, Appellants filed a petition for a writ of supersedeas, seeking a stay of the December 29, 2025 order and arguing that compliance with the injunction order would moot the appeal. Respondents filed a return, acknowledging that compliance could render the appeal moot and deferring to this court on whether supersedeas relief is appropriate. Respondents argue that if supersedeas relief is granted, Appellants should be required to post a bond and Appellants should also be expressly prohibited from making additions to, or modifications of, the structures that are the subject of the injunction.

After careful consideration, we temporarily grant the petition for a writ of supersedeas. *See* Rule 241(c)(2), SCACR ("In determining whether an order should issue pursuant to this Rule, the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court should consider whether such an order is necessary to preserve jurisdiction of the appeal *or to prevent a contested issue from becoming moot.*" (emphasis added)). We remand to the circuit court for a hearing to consider Appellants' request to stay the December 29, 2025 order and determination of (1) any bond and (2) whether an express prohibition against any additions or modifications of the berms is appropriate. *See* Rule 62, SCRCP ("When an appeal is taken from an interlocutory or final judgment granting, dissolving, or denying an injunction, the court in its discretion

may suspend, modify, restore, or grant an injunction during the pendency of the appeal upon such terms as to bond or otherwise as it considers proper for the security of the rights of the adverse party."). Appellants shall provide this court with status updates every thirty days. Further, Appellants shall provide this court with a copy of the circuit court's order ruling on the motion to stay and determination of any appeal bond within ten days of receiving notice of the order. Appellants' failure to provide this court with status updates every thirty days or to provide this court with the circuit court's ruling within ten days of receiving notice of the order may result in dismissal of this appeal. The appeal will not be held in abeyance.



C.J.

FOR THE COURT

Columbia, South Carolina

FILED
Mar 05 2026

cc:

Anna Williams Yonge, Esquire
Kathleen McColl McDaniel, Esquire
James Edward Bradley, Esquire
Sierra Carini Hartley, Esquire