

# The South Carolina Court of Appeals

Enid A. Garcia, Respondent,

v.

Reggie Jones, Appellant.

Appellate Case No. 2026-000716

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## ORDER

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On April 8, 2025, Respondent filed the underlying action for foreclosure. Appellant failed to answer or otherwise plead, and Respondent filed an affidavit of default. Thereafter, the matter was referred to the special referee and a final hearing was held; Appellant failed to appear, and the special referee issued a judgment of foreclosure and sale, held the sale on the property, and issued the order of sale. Subsequently, Appellant filed motions with the special referee, arguing for relief from judgment on the basis the special referee never acquired personal jurisdiction over him, thus rendering the judgment of foreclosure and sale and subsequent order of sale void *ab initio*. On March 19, 2026, the special referee filed an order denying Appellant's motions and ordering that its October 8, 2025 writ of assistance be reinstated and carried out within ten days of the date of the March 19, 2026 order.

On March 20, 2026, Appellant filed a notice of appeal from the special referee's March 19, 2026 order. Simultaneously with his March 20, 2026 notice of appeal, Appellant filed a motion to stay and a motion seeking a temporary restraining order and injunctive relief.

After careful consideration, we deny as moot Appellant's motion to stay the circuit court's March 19, 2026 order because appeals from Rule 60(b) motions are automatically stayed by an appeal. *See Stearns Bank Nat. Ass'n v. Glenwood Falls, LP*, 375 S.C. 423, 426, 653 S.E.2d 274, 276 (2007) (explaining that appeals from Rule 60(b) motions are automatically stayed by an appeal).

We further deny Appellant's request for a stay of the underlying writ of assistance order because Appellant has failed to provide this court with the argument, authority, or factual circumstances necessary to justify the granting of such extraordinary relief. *Id.* (explaining the denial of a Rule 60(b) motion "grants no relief"; the granting of "no relief" thus "leaves the parties in the exact position they were in before the 60(b) motion and appeal, that is, the original judgment is unaffected. Accordingly, absent the grant of some extraordinary relief to the debtor by the appellate court during the pendency of such an appeal, the creditor is entitled to enforce its judgment."). Finally, we deny Appellant's motion for a temporary restraining order or injunctive relief. *See AJG Holdings, LLC v. Dunn*, 382 S.C. 43, 51, 674 S.E.2d 505, 508 (Ct. App. 2009) ("Generally, for a preliminary injunction to be granted, the plaintiff must establish that: (1) he would suffer irreparable harm if the injunction is not granted; (2) he will likely succeed on the merits of the litigation; and (3) there is an inadequate remedy at law.").



J.

FOR THE COURT

Columbia, South Carolina

cc:  
Reggie Jones  
Robert Campbell Lake, IV, Esquire

**FILED**  
**Mar 24 2026**