

The South Carolina Court of Appeals

Moats Construction, Inc. and The Green Man, LLC,
Appellants,

v.

APB Partnership, LLC, Wesley Edwards, 2916 N. Main,
LLC, W.H. Bass, Inc., Whataburger Restaurants, LLC
and United Community Bank, Respondents.

Appellate Case No. 2025-002012

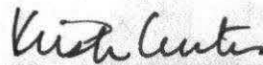
ORDER

Appellants appear to have served and filed multiple mechanic's liens against Respondents and subsequently sought to foreclose on those liens. In a June 17, 2025 order, the circuit court found Appellants failed to foreclose on the liens within the statutory six-month timeframe and ordered the mechanic's liens dissolved and the lis pendens cancelled, directed the Anderson County Clerk of Court to mark the lis pendens cancelled, and dismissed certain causes of action with prejudice. It appears that on the same day, the Anderson County Clerk of Court cancelled the lis pendens. On June 27, 2025, Appellants filed a motion to reconsider, which the circuit court denied on July 3, 2025. Appellants subsequently filed a notice of appeal on August 1, 2025. On August 26, 2025, Appellant's filed a "Memorandum Opposing Premature Release of Lis Pendens," which the circuit court denied on September 4, 2025, and Appellants filed a notice of appeal from that order on October 1, 2025. The two appeals were later consolidated by order dated November 26, 2025.

On March 11, 2026, Appellants filed a motion seeking to reinstate the lis pendens and mechanic's liens during the pendency of the appeal. Respondents filed a return, opposing the requested relief. Appellants filed a reply.

After careful consideration, we deny the motion to reinstate lis pendens and mechanic's liens during the pendency of appeal as unnecessary because the June

27, 2025 order was automatically stayed by the appeal. *See Lebovitz v. Mudd*, 289 S.C. 476, 479, 347 S.E.2d 94, 96 (1986) ("Because the order cancelling the notices of lis pendens is appealable, the appeal acts as an automatic stay of further proceedings upon the order."). Further, the Anderson County Clerk of Court improperly cancelled the lis pendens within ten days of the June 27, 2025 order; the Clerk's cancellation is void and the notices shall remain effective during the pendency of this appeal. *See id.* ("The clerk of the lower court improperly cancelled the lis pendens notices within ten days of the order of cancellation. The clerk's cancellation is void and the notices shall remain effective during the pendency of this appeal." (citation omitted)); *Pond Place Partners, Inc. v. Poole*, 351 S.C. 1, 9, 567 S.E.2d 881, 885 (Ct. App. 2002) (explaining a lis pendens is "not actually dissolved at the time of [a] court's order" and providing "the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree"). Accordingly, the Anderson County Clerk of Court is directed to reinstate the lis pendens upon receipt of this order.



J.

FOR THE COURT

Columbia, South Carolina

FILED
Mar 31 2026

cc:

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The Honorable C. Reena Thomason