

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Apr 20 2026

SC Court of Appeals

APPEAL FROM AIKEN COUNTY

Court of Common Pleas

The Honorable M. Anderson Griffith, Master-In-Equity

Appellate Case No. 2025-002452

Civil Case No. 2024-CP-02-0067

Fuse 10, LLC,

Respondent,

v.

Turner Development, LLC, a/k/a Turner Development LLC, a/k/a Turner
Development, LLC,

Tracey D. Turner,

The Case Company of SC LLC,

South Carolina Department of Revenue,

South Carolina Department of Employment and Workforce,

W. Melissa Oden and James H.R. Oden, Sr., as Trustees, or their successors in
trust, under the W. Melissa Oden Revocable Trust, u/a/d April 30, 2016, a/k/a W.

Melissa Oden Revocable Trust, Opportunities Afforded Plus, LLC,

Ansermo L. Arthur, Parry Colbert, and Necole Allen,

Defendants.

**REPLY IN SUPPORT OF
SUGGESTION OF BANKRUPTCY AND
MOTION TO STAY APPEAL**

Appellant Tracey D. Turner, appearing pro se in his individual capacity only, respectfully submits this Reply in further support of his Suggestion of Bankruptcy and Motion to Stay Appeal and in response to the Return of Respondent W. Melissa Oden.

PRELIMINARY STATEMENT REGARDING APPELLANT’S PRO SE STATUS

Appellant is an individual party to this appeal and appears only on his own behalf. He does not purport to represent Turner Development, LLC or any other entity. He respectfully brings to the Court’s attention the legal effect of the pending Chapter 11 bankruptcy case on Turner Development, LLC and its property. The automatic stay under 11 U.S.C. § 362(a) operates by statute and is not dependent on counsel

status. Separately, Appellant invokes this Court's independent discretion under Rule 220(b), SCACR, to stay or hold this appeal in abeyance.

I. THE CHAPTER 11 FILING AUTOMATICALLY STAYS THIS APPEAL AS
TO TURNER DEVELOPMENT, LLC AND ITS PROPERTY

Turner Development, LLC is a Chapter 11 debtor in the United States Bankruptcy Court for the District of Columbia, Case No. 26-00077. The foreclosure judgment on appeal is entered against Turner Development, LLC, and orders foreclosure and sale of real property titled in the LLC's name in Aiken County.

The Chapter 11 filing triggered the automatic stay under 11 U.S.C. § 362(a), which stops judicial proceedings against the debtor and its property. As a matter of federal law, further action in this appeal cannot go forward as to Turner Development, LLC or the Aiken property unless and until the bankruptcy court grants relief from the stay. Oden does not dispute this.

II. RESPONDENT ODEN MISSTATES THE LEGAL STANDARD – AND THE
CASE SHE CITES ACTUALLY SUPPORTS A STAY

Oden argues that actions against a non-debtor may only be stayed if the action would affect the bankruptcy estate, citing *In re W.R. Grace & Co.*, 591 F.3d 164 (3d Cir. 2009). Appellant accepts that standard. In *W.R. Grace*, the court denied a stay precisely because the action against the non-debtor would have no effect on the bankruptcy estate. Here, the opposite is true.

This appeal directly affects the bankruptcy estate. It seeks review of orders that determine the validity, scope, and priority of liens on the debtor’s primary asset – the Aiken County property. The outcome of this appeal will have a direct and immediate impact on the estate without the need for any additional lawsuit. Under the very test Oden invokes, a stay is appropriate.

Moreover, Appellant is not relying solely on the automatic stay. This Court has independent authority under Rule 220(b), SCACR, to stay an appeal or hold issues in abeyance to prevent irreparable harm and to preserve the effectiveness of its own review. Oden’s Return ignores this entirely.

III. THE APPEAL RAISES LEGITIMATE ISSUES – AND WITHOUT A STAY,
FLAWED MORTGAGE DOCUMENTS MAY BE RECORDED BEFORE ANY
APPELLATE REVIEW

Oden characterizes the motion as a dilatory tactic. The record says otherwise. The appeal challenges the scope of the relief granted to Ms. Oden, which requires Tracey D. Turner and Turner Development, LLC to execute and record mortgage documents drafted to encumber the entire Weeping Willows project, even though the Joint Venture Agreement was expressly limited to Phases I and II. The Master-in-Equity ordered a mortgage that gives Oden far more security than the Joint Venture ever provided.

Appellant has complied with that order by executing the promissory note and mortgage under protest and depositing the originals with the Aiken County Clerk under S.C. Code Ann. § 18-9-150, expressly preserving his appellate rights. The documents are marked “UNDER PROTEST” on their face.

If this appeal proceeds without a stay, Oden may seek to have those flawed mortgage documents released from the Clerk and recorded while the appeal is pending. That would encumber the debtor’s primary asset with a mortgage that

exceeds the parties' agreement – potentially mooting the appeal or causing irreparable harm before this Court can rule. That is precisely the kind of injury a stay is designed to prevent.

Significantly, both Fuse 10, LLC and The Case Company of SC, LLC have stated in their returns that they do not object to a stay of these appellate proceedings. The primary judgment creditor sees no prejudice. Oden's claim of delay is isolated and unsupported by any showing of concrete harm.

IV. ODEN'S CLAIM THAT APPELLANT'S ARGUMENT IS "BALD" IS
REFUTED BY THE RECORD

Oden asserts that Appellant "does no more than baldly claim that the issues are inextricably intertwined." That is incorrect. Appellant has provided specific facts:

- The Joint Venture Agreement was limited to Weeping Willows Phases I and II.

- The court-ordered mortgage covers the entire Weeping Willows project.
- Appellant executed the mortgage under protest and deposited it with the Clerk.
- Fuse 10 has waived any deficiency judgment against Appellant personally.
- Fuse 10 and The Case Company do not oppose a stay.

These are not bald claims. They are record-based facts demonstrating that the appeal directly affects the bankruptcy estate and that a stay will not prejudice respondents.

V. REQUEST FOR RELIEF

Accordingly, Appellant respectfully requests that the Court:

1. Recognize and enforce the automatic stay by staying all further proceedings in this appeal as to Turner Development, LLC and as to any aspect of the judgment that enforces, alters, or determines rights in the Aiken County property owned by the debtor; and

2. In addition, hold in abeyance all remaining appellate issues that turn on the validity and scope of the liens on that property, including the issues relating to the Oden mortgage and any related personal liability of Tracey D. Turner, pending further order or guidance from the United States Bankruptcy Court in Case No. 26-00077.

This limited approach respects both the state appellate process and the federal bankruptcy framework, while preserving this Court's ability to proceed when doing so will not interfere with the bankruptcy court's administration of the estate.

VI. CONCLUSION

For these reasons, and those stated in the original Suggestion of Bankruptcy and Motion to Stay Appeal, Appellant respectfully asks the Court to grant the requested relief.

Respectfully submitted,

Tracey D. Turner
Tracey D. Turner

Appellant, Pro Se (in his individual capacity only)

2901 North Capitol Street, NW

Washington, D.C. 20002

(202) 288-2128

traceyturner@turnerdevelopmentllc.com

RECEIVED

Apr 20 2026

SC Court of Appeals

Dated: April 20, 2026

CERTIFICATE OF SERVICE

I certify that on April 20, 2026, I served the foregoing Reply in Support of Suggestion of Bankruptcy and Motion to Stay Appeal on all counsel and parties of record by email pursuant to Rule 262(c)(3), SCACR.

Tracey D. Turner
Tracey D. Turner