

STATE OF SOUTH CAROLINA )  
COUNTY OF LEXINGTON )

FILED  
2026 MAY -5 AM 8:53

IN THE COURT OF COMMON PLEAS  
ELEVENTH JUDICIAL CIRCUIT  
CASE NO.: 2024-CP-32-01094

THE BANK OF NEW YORK MELLON )  
F/K/A THE BANK OF NEW YORK, AS )  
SUCCESSOR IN INTEREST TO JPMORGAN )  
CHASE BANK, N.A., AS TRUSTEE FOR )  
NOVASTAR MORTGAGE FUNDING TRUST, )  
SERIES 2004-1, NOVASTAR HOME EQUITY )  
ASSET-BACKED CERTIFICATES, SERIES )  
2004-1, )  
Plaintiff, )  
v. )  
TIMOTHY NUNALLY and )  
MARK NUNNALLY, )  
Defendants. )

LISA M. JONER  
CLERK OF COURT

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**May 05 2026**  
**SC Court of Appeals**

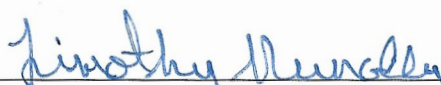
**NOTICE OF APPEAL**

PLEASE TAKE NOTICE that Defendants Timothy Nunally and Mark Nunnally, appearing pro se, hereby give notice of appeal as follows:

1. Defendants appeal to the South Carolina Court of Appeals from the Final Order signed by the Honorable James O. Spence, Master-in-Equity for Lexington County, on or about April 23, 2026, and entered in the above-captioned matter.
2. Defendants appeal from the Final Order in whole, including all findings, conclusions, rulings, and relief granted therein that adversely affect Defendants' rights, interests, defenses, title-related interests, possession-related interests, appellate rights, and rights concerning the real property commonly known as 1759 Willow Creek Drive, Columbia, South Carolina 29212.

3. This Notice of Appeal is filed and served to preserve meaningful appellate review of the trial record, admitted evidence, governing law, and issues preserved before the Court.
4. Defendants state that this appeal is taken in good faith and is not taken for purposes of delay.
5. Defendants seek appellate review of whether the Final Order is supported by the record, the law, and the preserved issues presented in this matter.
6. Because the Final Order concerns foreclosure-related relief affecting real property, Defendants are also filing, contemporaneously or promptly herewith, Defendants' Emergency Motion to Stay Enforcement of Final Order Pending Appeal and Petition for Writ of Supersedeas.
7. Defendants seek stay/supersedeas relief so that appellate review remains practical and meaningful, not merely theoretical after enforcement has altered the property rights at issue.
8. Defendants submit that meaningful appellate review requires that the same procedural and evidentiary standards invoked against them be applied equally to all parties.
9. Defendants reserve all rights, arguments, defenses, objections, and appellate issues available under South Carolina law and the South Carolina Appellate Court Rules.

Respectfully submitted,

  
\_\_\_\_\_  
Timothy Nunally, Pro Se Defendant  
5681 Grande River Rd  
College Park, GA 30349  
markannally@gmail.com

  
\_\_\_\_\_  
Mark Nunnally, Pro Se Defendant  
5681 Grande River Rd  
College Park, GA 30349  
markannally@gmail.com

Date:   MAY 5  , 2026  
Lexington County, South Carolina

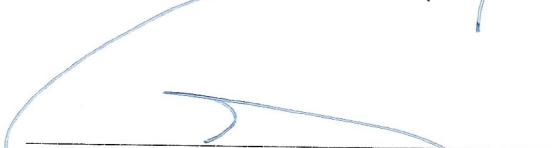
**CERTIFICATE OF SERVICE**

I hereby certify that I have served a true and correct copy of the foregoing **Notice of Appeal** upon counsel of record by electronic mail and/or U.S. Mail as follows:

Chad Burgess, Esq.  
Brock & Scott, PLLC  
Chad.Burgess@brockandscott.com  
3800 Fernandina Rd., Suite 110  
Columbia, SC 29210

Attorney for Plaintiff

This 5<sup>th</sup> day of May, 2026.

  
\_\_\_\_\_  
Mark Nunnally, Pro Se Defendant  
5681 Grande River Rd  
College Park, GA 30349  
markannally@gmail.com

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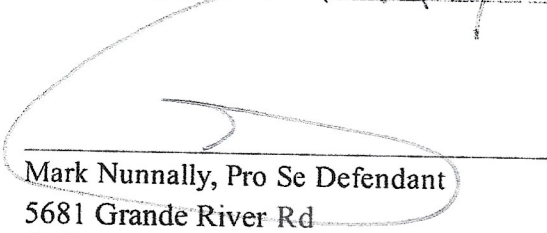
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Brock & Scott, PLLC  
Chad.Burgess@brockandscott.com  
3800 Fernandina Rd., Suite 110  
Columbia, SC 29210

Attorney for Plaintiff

This 5<sup>th</sup> day of MAY, 2026.

  
\_\_\_\_\_  
Mark Nunnally, Pro Se Defendant  
5681 Grande River Rd  
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Branch: Scott, PLLC c/o Chad Burgess  
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