

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
Deutsche Bank Trust Company Americas,

Respondent,

v.

Sophia V. Brown,

Appellant.

Appellate Case No. 2026-000925

Lower Court Case No. 2024CP2607321

RENEWED EMERGENCY MOTION FOR STAY PENDING APPEAL

Appellant **Sophia V. Brown** respectfully renews her request for an **Emergency Stay Pending Appeal** per **Rule 241(c), SCACR**, and shows the Court as follows:

I. PROCEDURAL POSTURE

1. The Final Judgment of Foreclosure and Sale was entered on **March 17, 2026**, in the amount of **\$152,503.32**.
2. Appellant timely filed a **Notice of Appeal** on **April 14, 2026**, which was docketed by this Court on the same date.
3. Appellant filed an **Emergency Motion for Stay Pending Appeal** with this Court. On **April 22, 2026**, this Court issued an order **remanding the stay motion to the trial court for an expedited ruling** per Rule 241(c).
4. On **April 27, 2026**, the trial court entered a written order claiming to condition a stay upon Appellant posting a supersedeas bond.
5. The April 27 order **did not grant a stay, did not stay the June 1 sale, and did not impose a legally valid supersedeas bond requirement** under Rule 241 or South Carolina case law.
6. The judicial sale is scheduled for **June 1, 2026**, and enforcement is imminent.

II. THE APRIL 27 ORDER IS NOT A LEGALLY VALID STAY ORDER

Although the April 27 order references a bond, it is **not** a legally sufficient ruling on the stay motion because:

1. The order requires a bond amount of **\$201,125.44**, which exceeds the judgment amount of **\$152,503.32** and includes **36 months of speculative future rent, taxes, insurance, and interest** unsupported by findings of fact.
2. A supersedeas bond under Rule 241 must secure **actual damages from delay**, not **future hypothetical occupancy costs** or **amounts unrelated to the judgment**.
3. The order contains **no findings** explaining why a 36-month projection is reasonable, necessary, or tied to the purpose of a supersedeas bond.
4. The bond requirement is **impossible to satisfy**, rendering the stay misleading and effectively **denying** the stay.
5. South Carolina appellate courts treat **unreasonable, punitive, or unattainable bond requirements** as a **failure to rule** or a **constructive denial** of the stay.
6. Because the April 27 order does not stay the sale unless the impossible bond is posted, enforcement remains active and the sale is proceeding.

Thus, the trial court has **failed to rule meaningfully** on the stay motion within the meaning of **Rule 241(c)**.

III. IRREPARABLE HARM IS CERTAIN AND IMMINENT

1. The judicial sale is scheduled for **June 1, 2026**, and enforcement is imminent.
2. If the sale proceeds, Appellant will suffer **irreparable harm** because the foreclosure sale will:
 - a. transfer title to a third party,
 - b. terminate Appellant's possessory rights,
 - c. create new legal interests in the property, and
 - d. completely alter the legal and factual landscape of the case.
3. **Once the sale occurs, the status quo cannot be restored.** Even if a foreclosure sale can sometimes be reversed under limited circumstances, the appellate courts consistently hold that:
 - a. the loss of possession,
 - b. the transfer of title,
 - c. the attachment of third-party rights, and
 - d. the disruption of the appellate process

constitute **irreparable harm**, because the Court cannot return the parties to the position they occupied before the sale.

4. Allowing the sale to proceed would **moot or severely impair the appeal**, which itself constitutes irreparable harm under South Carolina law.

5. No post-sale remedy can fully restore Appellant's home, possession, or the pre-sale legal posture of the case.

A stay is therefore necessary to preserve the Court's jurisdiction and ensure meaningful appellate review.

IV. THE COURT OF APPEALS HAS AUTHORITY TO ISSUE A STAY

Under **Rule 241(c), SCACR**, this Court may issue a stay when:

- the trial court **refuses to rule**,
- the trial court **fails to rule within a reasonable time**, or
- the trial court **imposes unreasonable conditions**.

All three apply here:

1. The April 27 order is **not a meaningful ruling** because the bond requirement is **unlawful, excessive, speculative, and impossible to satisfy**.
2. The trial court's conditional stay **does not stay the sale**.
3. The trial court's order **effectively denies** the stay.
4. Enforcement is imminent.

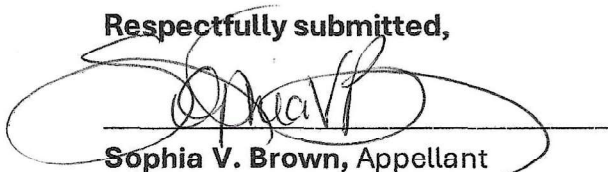
Therefore, this Court has full authority to issue an emergency stay.

V. REQUEST FOR RELIEF

Appellant respectfully requests that this Court:

1. **Issue an immediate Emergency Stay Pending Appeal** staying the June 1, 2026 judicial sale and all enforcement proceedings;
2. **Vacate or suspend the April 27, 2026 conditional bond requirement** as unreasonable and unsupported;
3. **Grant any further relief necessary** to preserve the status quo and protect the appellate court's jurisdiction.

Respectfully submitted,



Sophia V. Brown, Appellant

1140 Woodruff Rd. Ste. 106-155 | Greenville, SC 29607

864-325-6354 | Newcandy2010@gmail.com | **May 20, 2026**

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May 20 2026

SC Court of Appeals

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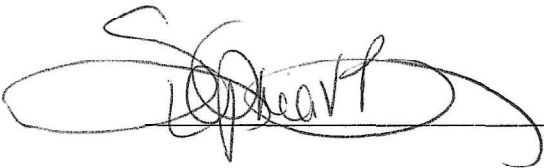
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AFFIDAVIT OF IRREPARABLE HARM

PERSONALLY appeared before me, the undersigned, **Sophia V. Brown**, who being duly sworn, deposes and states as follows:

1. **My name is Sophia V. Brown.** I am the Appellant in the above-captioned matter. I make this affidavit based on my personal knowledge.
2. A Final Judgment of Foreclosure and Sale was entered on **March 17, 2026**, and the judicial sale of my home is scheduled for **June 1, 2026**.
3. I have filed a timely appeal, which was docketed by the South Carolina Court of Appeals on **April 14, 2026**. I have also filed a Renewed Emergency Motion for Stay Pending Appeal per Rule 241(c), SCACR.
4. **If the June 1, 2026 foreclosure sale proceeds, I will suffer immediate and irreparable harm.** Specifically:
 - a. I will lose possession of my home.
 - b. Title to the property will transfer to a third party.
 - c. New legal interests will attach to the property.
 - d. I will be displaced from my residence.
 - e. My ability to obtain meaningful appellate review will be severely impaired or rendered moot.
5. **Once the sale occurs, the status quo cannot be restored.** Even if a foreclosure sale can sometimes be reversed under limited circumstances, the loss of possession, the transfer of title, and the attachment of third-party rights cannot be undone in a way that restores the pre-sale conditions.

6. The harm I will suffer if the sale proceeds **cannot be compensated by money damages** and cannot be remedied after the fact. No post-sale remedy can restore my home, my possession, or the legal posture of the case prior to the sale.
7. I am unable to post the supersedeas bond required by the trial court's April 27, 2026 order. The bond amount of **\$201,125.44** exceeds the judgment amount of **\$152,503.32**, includes speculative future amounts unsupported by findings, and is impossible for me to satisfy. As a result, the conditional stay is unattainable and provides no protection from the imminent sale.
8. I respectfully request that the Court of Appeals issue an immediate stay of the June 1, 2026 judicial sale to preserve the status quo and protect the Court's jurisdiction to hear my appeal.



Sophia V. Brown

Appellant

SWORN to and subscribed before me

this 20 day of May, 2026.

Notary Public for South Carolina



My Commission Expires: 4-13-2027

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May 20 2026

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CERTIFICATE OF SERVICE

I, **Sophia V. Brown**, hereby certify that on **May 20, 2026**, I served the following documents:

1. **Notice of Intent to File Rule 210(c) Statement of Evidence**; and
2. **Renewed Emergency Motion for Stay Pending Appeal (Rule 241(c), SCACR)**

upon the following counsel of record by depositing true and correct copies in the United States Mail:

Kevin Ted Brown, Esq.

Chad Wilson Burgess, Esq.

Brook Dangerfield, Esq.

Mary Winter Clark Dawson, Esq.

I further certify that a copy of the Notice regarding the transcript was served on:

South Carolina Office of Court Administration

1220 Senate Street, Suite 200 Columbia, SC 29201

I also certify that a copy of the **Notice of Intent to File Rule 210(c) Statement of Evidence** was submitted to the **South Carolina Court of Appeals** per the Court's instructions.


Sophia V. Brown

Appellant

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