

**RECEIVED**

**May 28 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas  
The Honorable James E. Chellis  
Master in Equity for Dorchester County

---

Appellate Case No. 2026-000306

---

Reliance First Capital, LLC, Respondent,

v.

Nikia Renee Noisette and Arbor Oaks Homeowners Association, Defendants,

of which Nikia Renee Noisette is the Appellant.

---

RETURN IN OPPOSITION TO APPELLANT'S EMERGENCY MOTION TO STAY  
ENFORCEMENT PENDING APPEAL

---

J. Martin Page (SC Bar No.: 100200)  
BELL CARRINGTON PRICE & GREGG, LLC  
339 Heyward Street, 2<sup>nd</sup> Floor  
Columbia, SC 29201  
Phone 803.509.5078  
mpage@bellcarrington.com  
*Attorneys for Respondent*

## FACTUAL BACKGROUND

This appeal arises from a residential mortgage foreclosure action on the property commonly known as 402 Arbor Oaks Drive Summerville, SC 29485 (“*Subject Property*”) in which Appellant filed a Motion pursuant to Rule 60 of the *South Carolina Rules of Civil Procedure* to vacate the foreclosure action (“*Rule 60 Motion*”).

The Rule 60 Motion was filed after the Subject Property was sold at the judicial sale and deeded to the Respondent.<sup>1</sup> The trial court then denied the Rule 60 Motion and this appeal follows.

The Respondent is the owner of the Subject Property however the Appellant is in possession and resides there.

## ARGUMENT

Rule 241(b)(4) of the *South Carolina Appellate Court Rules* provides:

“(b) Exceptions. The exceptions to the general rule are found in statutes, court rules, and case law. Where specific conditions must be met before the exception applies, those conditions must be strictly complied with. A list of some, but not all, of the exceptions to the general rule is:... (4) Judgments directing the sale or delivery of possession of real property as provided in S.C. Code Ann. § 18-9-170.”

The present appeal of the Rule 60 Motion’s denial is effectively an appeal of the trial court’s Order of Foreclosure and Sale; however, the Appellant has not complied with the requirements of S.C. Code Ann. § 18-9-170.

---

<sup>1</sup> The Master in Equity’s Deed was recorded on May 28, 2025, in Book 15905 at Page 88 in the Dorchester County Register of Deeds Office.

The Respondent is informed and believes that the Appellant should be required to comply with the procedures and requirements set forth in S.C. Code Ann. § 18-9-170 to enjoy the benefits of a stay during the pendency of this appeal.

### **CONCLUSION**

For the reasons described herein, the Court should deny the Appellant's Emergency Motion to Stay Enforcement Pending Appeal and require the Appellant to (1) either comply with S.C. Code Ann. § 18-9-170 or (2) alternatively allow Respondent to recover possession of the Subject Property.

Respectfully submitted this the 28<sup>th</sup> day of May 2026.

/s/J. Martin Page

J. Martin Page (SC Bar No.: 100200)  
BELL CARRINGTON PRICE & GREGG, LLC  
339 Heyward St., 2nd Floor  
Columbia, SC 29201  
803.509.5078  
mpage@bellcarrington.com  
*Attorneys for Respondent*

**RECEIVED**

**May 28 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas  
The Honorable James E. Chellis  
Master in Equity for Dorchester County

---

Appellate Case No. 2026-000306

---

Reliance First Capital, LLC, Respondent,

v.

Nikia Renee Noisette and Arbor Oaks Homeowners Association, Defendants,

of which Nikia Renee Noisette is the Appellant.

---

Certificate of Service

---

I, the undersigned employee of Bell Carrington Price and Gregg, LLC, do hereby certify that on May 28, 2026, I have served Appellant with a copy of Respondent's RETURN IN OPPOSITION TO APPELLANT'S EMERGENCY MOTION TO STAY ENFORCEMENT PENDING APPEAL by mailing it to him/her, at his/her last known address, by depositing it in the U.S. mail, in an envelope with sufficient postage affixed, addressed as follows:

Nikia Renee Noisette  
402 Arbor Oaks Drive  
Summerville, SC 29485

Dated: May 28, 2026

/s/J. Martin Page

J. Martin Page (S.C. Bar No.: 100200)  
BELL CARRINGTON PRICE & GREGG, LLC  
339 Heyward Street, 2<sup>nd</sup> Floor  
Columbia, SC 29201  
803.509.5078

*Attorneys for Respondent*