



BURNETTE SHUTT MCDANIEL

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BURNETTE SHUTT & MCDANIEL, PA

912 Lady Street | PO Box 1929 | Columbia, SC 29202

O: 803.850.0912 F: 803.904.7910

burnetteshutt.law

Kathleen McDaniel – Partner

803-904-7913

kmcdaniel@burnetteshutt.law

July 7, 2026

Via Email

Jenny Abbott Kitchings

Clerk, Court of Appeals

1220 Senate Street

Columbia, South Carolina 29201

ctappfilings@sccourts.org

**RE: Baumann v. Chernev
Appellate Case No. 2026-000031
BSM File No.: 25781.001**

Dear Ms. Kitchings:

I am writing to provide an update to the Court of Appeals on the status of Appellants' Petition for Writ of Supersedeas being heard by the Lexington County Court of Common Pleas. On June 8, 2026, the Petition for Writ of Supersedeas was heard in the Lexington County Court of Common Pleas. On June 30, 2026, the Honorable Daniel Coble issued the enclosed Order Granting Writ of Supersedeas and Setting Bond, staying the injunction pending the appeal. The Appellants are in the process of obtaining the required bond, and I will provide an update to this Court shortly when that bond has been secured.

Very truly yours,

Kathleen McDaniel

Encl.: Order Granting Writ of Supersedeas and Setting Bond

cc: Anna Williams Yonge (by email only)

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SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS
FOR THE ELEVENTH JUDICIAL CIRCUIT

Ivan Chernev and Ignatova Petia Chernev,

APPELLATE CASE NO: 2026-000031
CIVIL ACTION NO. 2023CP3203506

Appellants,

v.

Alan J. Baumann and Kayla D. Baumann

**ORDER GRANTING WRIT OF
SUPERSEDEAS AND SETTING BOND**

Respondents.

THIS MATTER comes before the Court on Appellants' request for a writ of supersedeas and Respondents response requesting bond. Pursuant to Rule 241, SCACR and consistent with the Court's authority under Rule 62, SCRCP, the Court finds that the relief set forth below is necessary to prevent contested issues from becoming moot, and to prevent continuing harm during the appeal.

IT IS THEREFORE ORDERED:

1. A writ of supersedeas is GRANTED pursuant to Rule 241(c)(1), SCACR. The enforcement of the Permanent Injunction previously ordered by this Court on December 29, 2025 is STAYED to the extent necessary to preserve the status quo pending disposition of the appeal.
2. As a condition of supersedeas and pursuant to the Court's authority to impose terms, including a bond or other appropriate conditions, under Rule 241(c)(3), SCACR, Appellants, and any persons acting in concert with them, are ORDERED not to add to, rebuild, enlarge, relocate, reshape, reinforce, heighten, widen, or otherwise modify the berm at issue in any way, and not to take any action that would alter the current condition of the berm during the pendency of this appeal.

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SC Court of Appeals

3. Nothing in this Order shall prohibit Appellants from removing the berm, in whole or in part, if they so elect, provided that any such removal shall not be used as a means to further disturb, regrade, or otherwise modify the berm or surrounding area beyond what is reasonably necessary to accomplish removal.
4. Pursuant to Rule 241(c)(3), SCACR, Appellants shall post a bond in the amount of Ten Thousand and 00/100 Dollars (\$10,000.00) to secure against continuing damage alleged by Respondents, including alleged continuing damage to Respondents' fence and tree, pending appeal.
5. Any claim against the bond shall be determined only after the appeal is concluded and only following a hearing at which the parties shall have the opportunity to present evidence and argument regarding (a) entitlement to any portion of the bond and (b) the amount, if any, properly payable. This condition is imposed pursuant to the Court's authority to set appropriate terms under Rule 241(c)(3), SCACR.
6. The Court expressly provides that, in any post-appeal hearing regarding a claim against the bond, whether the tree at issue is located on Appellants' property or Respondents' property (and any related property-line, ownership, or boundary issue) may be raised and argued as a defense and for determination at that time. Nothing in this Order shall be construed as a finding on the merits of any boundary, ownership, trespass, or damages issue.

AND IT IS SO ORDERED.

By: _____
The Honorable Judge Daniel Coble

Lexington, South Carolina
June 30, 2026



Lexington Common Pleas

Case Caption: Alan J. Baumann , plaintiff, et al VS Ivan Chernev , defendant, et al

Case Number: 2023CP3203506

Type: Order/Supersedeas

So Ordered

s/ Daniel Coble, 2774