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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
SC Court of Appeals

U.S. Bank Trust Company, National
Association, as Trustee for Velocity
Commercial Capital Loan Trust 2023-1,

PLAINTIFF,

vs.

V&M Properties of S.C. LLC; Deshandria
Cruse; V&M S.C. LLC; Point Arcadia
Horizontal Property Regime, Inc.; Palmetto
Citizens Federal Credit Union; Nancy
Cooper fka Nancy Vance Ashmore,

DEFENDANTS.

CASE NO.: 2024-CP-40-05584

**ORDER DENYING DR. MICHAEL A.
ADDISON'S RULE 59(E) MOTION TO
ALTER OR AMEND WRIT OF
ASSISTANCE AND SETTING BOND ON
APPEAL**

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SC Court of Appeals

This matter came before the Court for hearing on June 23, 2026, pursuant to the Rule 59(e) Motion to Alter or Amend Writ of Assistance ("Motion") filed by Non-Party Occupant, Dr. Michael A. Addison ("Dr. Addison") on June 10, 2026. Present at the hearing were Dr. Addison, the non-party occupant, Alan M. Stewart, attorney for Plaintiff and the Court Reporter. Based upon a review of the case file, South Carolina statutory and case law, and arguments of Non-Party Occupant, Dr. Addison and counsel for the Plaintiff, the motion filed by Non-Party Occupant, Dr. Addison, to Alter or Amend Writ of Assistance issued by this Court on May 16, 2026, is denied based upon the following:

Procedural History

1. Foreclosure sale was held on August 8, 2025, with Plaintiff being the highest bidder. The deficiency sale commenced on September 3, 2025, with sale results being final back to Plaintiff.
2. Notice to Vacate addressed to occupants at the property address was mailed November 20, 2025.

Exhibit A

3. Plaintiff filed a Petition and Rule to Show Cause on April 13, 2026, followed by its Rule to Show Cause Order on August 14, 2026.

4. On May 1, 2026, several pleadings and motions were filed by non-party occupants which include:

- Affidavit of Angela T. Franks,
- Affidavit of Michael A. Addison,
- Verified Response and Objection to Rule to Show Cause and Petition for Writ of Assistance,
- Motion for Plenary Evidentiary Hearing and to Deny or Continue the Petition for Writ of Assistance,
- Motion to Require Proof of Service and Preserve Due Process, and
- Motion to Intervene

5. The Court filed its Writ of Assistance on May 13, 2026, denying Dr. Addison's pending motions and objections at that time.

6. On June 10 and 12, 2026, several pleadings and motions were filed by non-party occupants which include:

- Notice of Appeal,
- Rule 59(e) Motion to Alter or Amend Writ of Assistance Order
- Motion for Stay and Supersedeas Pending Rule 59 and (e) and Appeal, and
- Michael A. Addison's Motion to Set Undertaking Amount and Approve Form of Supersedeas Security,

7. On June 23, 2026, a hearing was held on all pending Motions and the Court ruled in favor of Plaintiff.

Findings of Fact and Conclusions of Law

The Court treats the Non-Party Occupant's Motion to Alter or Amend Writ of Assistance Order as a motion filed under Rule 59(e) of the South Carolina Rules of Civil Procedure ("SCRCP").

The party filing a motion under Rule 59(e), should only be granted relief if the Court finds that there has been an intervening change of controlling law, that new evidence has become available, or that there is a need to correct a clear error to prevent manifest injustice. "A party cannot use Rule 59(e), SCRCP, to present to the trial court an issue the party could have raised prior to judgment but did not." *Crary v. Djebelli*, 321 S.C. 38, 467 S.E.2d 128, 131-132 (Ct. App. 1995) *reversed on other grounds*, 329 S.C. 385 496 S.E.2d 21 (1998).

At the hearing on June 23, 2026, there was no intervening change of controlling law in this matter, and that no new evidence has become available since the petition for Rule to Show Cause was filed on April 13, 2026. Therefore, the only basis for granting the Non-Party Occupant's Rule 59(e) motion is if there is a need to correct a clear error to prevent manifest injustice. Therefore, there is no basis for granting relief under Rule 59(e) and the Motion to Alter or Amend Writ of Assistance Order filed by Non-Party Occupant Dr. Addison is denied.

The Court reiterates its previous finding that Dr. Addison was not a necessary or proper party to the underlying foreclosure action and that his intervention at this stage of this proceeding is untimely and improper under Rule 24. Dr. Addison was also not a signatory to the buy/sell agreement entered into in October 2024, nor was he a signatory to the lease agreement entered into in May 2024, both of which have in any event expired under their own terms and neither of which was recorded with the Register of Deeds. The occupants of the property were provided with notice on November 20, 2025 as required by the Protection of Tenants at Foreclosure Act, so the 90 day

notice to potentially protected tenants at will, which Dr. Addison appears at best to be, has been provided.

Based on the foregoing, it is hereby ORDERED, ADJUDGED, AND DECREED that the Non-Party Occupant's Motion to Alter or Amend Writ of Assistance Order and to stay the eviction are DENIED.

Furthermore, in the event of the filing of an appeal of this Order with the South Carolina Court of Appeals, the amount of the surety bond that must be obtained by appellant in the name of the Plaintiff is \$70,644.96. This amount is based on a proportional amount of the debt as established in the Master's Order and Judgment of Foreclosure and Sale filed on June 12, 2025. This bond must be obtained from a licensed provider of such surety instruments and must be provided to counsel for the Plaintiff before any actions will be stayed on appeal.

MASTER IN EQUITY'S SIGNATURE PAGE TO FOLLOW



Richland Common Pleas

Case Caption: U S Bank Trust Company National Association Trustee , plaintiff, et al
vs V&M Properties Of S C Llc , defendant, et al
Case Number: 2024CP4005584
Type: Order/Other

IT IS SO ORDERED that:

Stephanie N. Lawrence