

The South Carolina Court of Appeals

Shaftesbury Green Property Owners Association, Inc.,
Respondent,

v.

Cedric Javus Browne, Michelle Eblen, Nationstar
Mortgage, LLC, American Express National Bank, Bank
of America NA, TD Bank USA, N.A., and Portfolio
Recovery Associates, LLC, Defendants.

of which Cedric Javus Browne is the Appellant.

Appellate Case No. 2026-001570

ORDER

On July 16, 2026, Appellant filed a notice of appeal from two orders issued by the master-in-equity. The first order issued on April 22, 2026, is the master's report and order of foreclosure and sale. The second order issued on June 29, 2026, denied Appellant's motions to alter or amend the judgment, set aside the judgment, and stay the execution of the judgment pending appeal.

On July 16, 2026, Appellant also filed an "emergency petition for writ of supersedeas," asking this court to stay the orders on appeal pending resolution of his appeal. Appellant indicated the judicial sale of the property was set for August 3, 2026. On July 17, 2026, he filed an affidavit in support of his petition for writ of supersedeas. On July 21, 2026, Respondent filed a return, arguing this court should deny Appellant's petition for writ of supersedeas because Appellant failed to post a written undertaking as required by section 18-9-170 of the South Carolina Code (2014). Respondent also stated the judicial sale had been delayed until September 8, 2026. On July 22, 2026, Appellant filed a reply in which he agreed "that South Carolina law requires a written undertaking . . . to stay the sale of real property directed by a judgment satisfying a mortgage or other lien." He noted an

amount of the undertaking or the manner of satisfaction had not be established; thus, he was unable to comply with section 18-9-170.

A review of the public index shows Appellant's motion to stay filed with the master included a request to "waive, reduce, or narrowly tailor any bond or security requirement after giving [Appellant] an opportunity to be heard." According to the master's order denying Appellant's motion to stay, the master determined Appellant failed to show good cause to support the motion. There is no indication in the order that the master considered section 18-9-170 or Appellant's request to waive, reduce, or narrowly tailor any bond or security requirement.

Accordingly, after careful consideration, we grant a temporary stay and remand this case to the master for an expedited hearing on Appellant's petition for writ of supersedeas, including consideration of Appellant's statement of his willingness to execute a written undertaking. *See* Rule 241(d), SCACR (explaining an application for supersedeas must first be made to the lower court which entered the order on appeal); Rule 241(b)(4), SCACR (providing that a judgment directing the sale or delivery of possession of real property is not automatically stayed by the service of the notice of appeal); § 18-9-170 ("If the judgment appealed from direct[s] the sale or delivery of possession of real property, the execution of the judgment shall not be stayed unless a written undertaking be executed on the part of the appellant, with two sureties, to the effect that during the possession of such property by the appellant he will not commit or suffer to be committed any waste thereon and that if the judgment be affirmed he will pay the value of the use and occupation of the property from the time of the execution of the undertaking until the delivery of possession thereof pursuant to the judgment, not exceeding a sum to be fixed by a judge of the court by which judgment was rendered and which shall be specified in the undertaking.").

Appellant shall provide this court with status updates in writing every thirty days until the master rules on his petition for writ of supersedeas. Further, Appellant shall provide this court with a copy of the master's written order regarding the petition for writ of supersedeas within ten days of receiving notice of the ruling. Appellant's failure to provide this court with status updates every thirty days or to notify this court of the master's ruling within ten days of receiving notice of the ruling will result in dismissal of this appeal.

Finally, on July 16, 2026, Appellant also filed a motion to proceed *in forma pauperis*. After careful consideration, we deny Appellant's motion. *See Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995) (explaining the right to proceed *in*

forma pauperis must rest upon a statute or a fundamental constitutional right). Within fifteen days of the date of this order, Appellant shall pay the notice of appeal filing fee. Failure to pay the notice of appeal filing fee will result in dismissal of this appeal.

This appeal will not be held in abeyance pending the outcome of the remand.

Krista Carter J.
FOR THE COURT

Columbia, South Carolina

cc:

Cedric Javus Browne
Mark Andrew Nappier, Esquire
Honorable Alan D. Clemmons
Renee Elvis

FILED
Jul 22 2026