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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Hon. Charles B. Simmons, Jr., Circuit Court Judge

Case No. 2025-CP-23-08229

Lakeview Loan Servicing, LLC,
Respondent,

v.

Wendell Don Cooper,
Appellant,

Shellbrook Plantation HOA of SC, Inc.;
and Regions Bank,
Defendants.

PRIORITY MATTER
EMERGENCY CONSIDERATION REQUESTED BEFORE AUGUST 6, 2026

Wendell Don Cooper, Pro Se
117 Palm Springs Way
Simpsonville, South Carolina 29681
Telephone: 864-230-7049
Appellant, Pro Se

**APPELLANT'S VERIFIED EMERGENCY PETITION FOR TEMPORARY STAY,
SUPERSEDEAS, PRESERVATION OF THE STATUS QUO, AND DETERMINATION
THAT THE AUGUST 6, 2026, SUMMARY-JUDGMENT PROCEEDING IS A MATTER
AFFECTED BY THE PENDING APPEAL**

INTRODUCTION AND EMERGENCY REQUEST

Appellant, Wendell Don Cooper, appearing pro se, respectfully petitions the South Carolina Court of Appeals pursuant to Rules 205, 240, and 241, SCACR, for immediate temporary relief preventing the lower court from conducting or deciding Respondent's August 6, 2026, summary-judgment proceeding, entering a foreclosure judgment or order of sale, or taking any other action that would impair this Court's appellate jurisdiction before this Petition can be fully considered.

Appellant requests immediate temporary relief because the scheduled hearing is imminent, Appellant first requested substantially the same relief in the lower court, and the lower court has not entered a written order granting the requested protection. Proceeding to final foreclosure judgment before this Court has an opportunity to consider Appellant's request would risk adjudicating matters affected by the pending appeal and substantially impair meaningful appellate review.

This Petition does not ask this Court to decide the ultimate merits of the foreclosure action. Rather, Appellant requests only that the status quo be preserved while this Court determines whether the proposed August 6, 2026, summary-judgment proceeding is a matter affected by the pending appeal and whether temporary supersedeas or other affirmative relief is necessary to protect this Court's jurisdiction and prevent the issues presented on appeal from becoming ineffective or moot.

RELIEF REQUESTED

Appellant respectfully requests that this Court immediately enter an Order:

1. Staying the August 6, 2026, summary-judgment hearing;
2. Prohibiting the lower court from conducting or deciding Respondent's Motion for Summary Judgment while this Petition is pending;
3. Prohibiting the entry or enforcement of any foreclosure judgment, judgment of foreclosure and sale, order of sale, or other order authorizing foreclosure while this Petition is pending;
4. Prohibiting Respondent, its attorneys, agents, representatives, servicers, and all persons acting in concert with them from advertising, scheduling, conducting, confirming, or completing any foreclosure sale or delivering any deed while this Petition is pending;
5. Preserving the property and the parties' respective positions as they existed upon the filing and service of Appellant's Notice of Appeal;
6. Determining that the August 6, 2026, summary-judgment proceeding is a matter affected by the pending appeal within the meaning of Rule 205, SCACR; and
7. Granting such additional temporary or affirmative relief as this Court deems necessary and proper to preserve its jurisdiction and protect Appellant's right to meaningful appellate review.

FACTUAL AND PROCEDURAL BACKGROUND

1. Respondent commenced this foreclosure action against Appellant concerning Appellant's residence located in Greenville County, South Carolina.
2. The underlying action is Lakeview Loan Servicing, LLC v. Wendell Don Cooper, et al.. Civil Action No. 2025-CP-23-08229.

3. On June 15, 2026, Respondent filed a one-page Notice of Motion and Motion for Summary Judgment stating generally that Respondent would rely upon the pleadings, affidavits, and applicable case law.
4. The filing did not identify the complete affidavits, payment records, account histories, loss-mitigation records, USDA records, exhibits, or other evidentiary materials upon which Respondent intended to rely.
5. Appellant timely objected to proceeding with summary judgment without receipt and identification of Respondent's complete evidentiary submission.
6. Appellant also sought discovery material concerning the foreclosure claim, the amount allegedly due, loss mitigation, USDA servicing compliance, payment crediting, arrearage calculations, and satisfaction of foreclosure prerequisites.
7. At the June 24, 2026, hearing, as Appellant recalls and expects the requested transcript to confirm, the lower court recognized that discovery was incomplete.
8. Appellant timely ordered and paid for the transcript of the June 24, 2026, hearing, but the transcript has not yet been provided.
9. On July 7, 2026, the lower court entered an Order denying Appellant's Motion for Summary Judgment, requiring Appellant to complete and return a new loss-mitigation package, and providing that Appellant's remaining claims and defenses would be denied if he failed to complete and return that package.
10. A Form 4 was signed on July 9, 2026, and entered on the docket on July 10, 2026.
11. The Form 4 treated Appellant's remaining pending motions as "abandoned and/or denied."

12. Appellant did not abandon his Motion to Compel, Motion to Stay, objections, claims, defenses, jury demand, counterclaim-related requests, or any other pending matter.
13. Appellant timely filed and served his Notice of Appeal challenging the July 7, 2026, Order and the Form 4 entered July 10, 2026.
14. The Notice of Appeal challenges the portions of those orders:
 - a. Treating Appellant's pending motions as abandoned or denied;
 - b. Requiring Appellant to complete and return a new loss-mitigation package;
 - c. Threatening denial of Appellant's remaining claims and defenses;
 - d. Disposing of or affecting Appellant's outstanding discovery and Motion-to-Compel issues; and
 - e. Establishing the procedural and substantive foundation upon which Respondent now seeks final foreclosure judgment.
15. The South Carolina Court of Appeals received Appellant's Notice of Appeal on July 24, 2026.
16. The appeal has not been dismissed.
17. No remittitur has issued.
18. On July 27, 2026, after Appellant filed his Notice of Appeal, Respondent filed a Notice of Hearing scheduling its Motion for Summary Judgment for August 6, 2026.
19. Respondent seeks through that proceeding a final adjudication of its claimed right to foreclose upon and sell Appellant's residence.

20. The proposed proceeding necessarily depends upon or implicates the rulings presently on appeal, including the treatment of Appellant's pending motions, the incomplete discovery record, the loss-mitigation requirement imposed upon Appellant, and the threatened disposition of Appellant's claims and defenses.
21. Material discovery necessary to oppose Respondent's foreclosure request remains outstanding, incomplete, disputed, or insufficiently identified, including:
- a. The complete payment history;
 - b. The complete servicing notes;
 - c. USDA target-payment and affordability calculations;
 - d. USDA servicing-waterfall worksheets and results;
 - e. Verified-income analyses and supporting records;
 - f. Interest-rate and term-extension analyses;
 - g. Mortgage Recovery Advance analyses;
 - h. Complete arrearages, escrow, fee, cost, suspense, and credit accounting;
 - i. Final loss-mitigation determinations and supporting calculations;
 - j. Any alleged withdrawal, abandonment, declination, or noncooperation determination;
 - k. Applicable decision, review, reconsideration, and appeal-rights notices;
 - l. Communications with USDA concerning Appellant's loan; and
 - m. Foreclosure-compliance and conditions-precedent documentation.

22. Those records concern the alleged default, the amount allegedly due, loss mitigation, servicing compliance, foreclosure prerequisites, and Respondent's asserted entitlement to final foreclosure judgment.
23. Appellant cannot fully test Respondent's accounting, loss-mitigation assertions, servicing compliance, or asserted right to foreclose without that evidence.
24. Appellant filed and served in the lower court a Verified Emergency Motion requesting a written determination under Rules 205 and 241, SCACR, before the lower court proceeded with Respondent's August 6 summary-judgment hearing.
25. Appellant requested that the lower court determine whether the summary-judgment proceeding is a matter affected by the pending appeal.
26. Appellant alternatively requested that summary judgment be refused or continued under Rule 56(f), SCRCR, because material discovery remains incomplete and facts essential to justify his opposition remain within Respondent's, its servicer's, or their agents' possession or control.
27. Appellant further requested that, if the lower court determined that it could proceed, it enters a written order explaining the legal and factual grounds for that determination and preserve the status quo for at least five business days so Appellant could seek emergency appellate review.
28. As of the filing of this Petition, the lower court has not entered a written order granting the requested stay, continuing the August 6 hearing, or otherwise providing adequate protection of Appellant's right to seek meaningful appellate review.
29. The August 6 hearing therefore remains scheduled to proceed.

30. Because of the short period remaining before the hearing, waiting longer for a lower-court ruling would leave insufficient time for Appellant to obtain meaningful appellate review before the lower court considers or decides Respondent's request for final foreclosure judgment.
31. Appellant's Notice of Appeal, proof of service, July 7, 2026, Order, and July 10, 2026, Form 4 were previously filed with and are already contained in this Court's appellate file.
32. Those documents were attached to or filed with Appellant's Notice of Appeal and are presently in the possession of this Court.
33. Because Appellant is presently away from his residence and the August 6, 2026, hearing is imminent, Appellant is unable to reproduce and attach duplicate copies of those documents to this emergency filing.
34. Appellant respectfully requests that the Court consider the copies already contained in its appellate file for purposes of immediate temporary consideration.
35. Appellant further requests permission promptly to supplement this Petition with duplicate or certified copies if the Court determines that additional copies are required.
36. Appellant has attached or submitted the supporting materials presently accessible to him and respectfully requests that the emergency timing and present inability to reproduce documents already in the Court's file not prevent consideration of the request for immediate temporary relief.

**III. THE PROPOSED SUMMARY-JUDGMENT PROCEEDING IS A MATTER
AFFECTED BY THE PENDING APPEAL UNDER RULE 205**

37. Rule 205, SCACR, provides that upon service of the Notice of Appeal, the appellate court has exclusive jurisdiction over the appeal.
38. Although the lower court may continue to address matters not affected by an appeal, it may not proceed with matters that are affected by the appeal.
39. In *Tillman v. Oakes*, 398 S.C. 245, 728 S.E.2d 45 (Ct. App. 2012), the Court of Appeals distinguished between whether an appealed order may be enforced during the appeal, governed by Rule 241, and whether the lower court retains authority to proceed with a particular matter while the appeal is pending, governed by Rule 205.
40. Appellant does not contend that every appeal automatically stays every proceeding in the lower court.
41. Rather, Appellant contends that the August 6, 2026, summary-judgment proceeding is directly affected by the issues presently before this Court.
42. The appeal challenges the lower court's determination that Appellant's pending motions were abandoned or denied.
43. Those pending matters include Appellant's Motion to Compel Discovery and discovery requests directed toward evidence necessary to determine whether Respondent is entitled to foreclosure.
44. The appeal also challenges the requirement that Appellant submit a new loss-mitigation package and the threatened denial of Appellant's remaining claims and defenses.
45. Respondent's pending Motion for Summary Judgment seeks a final foreclosure judgment based upon the procedural and evidentiary posture created by those appealed rulings.

46. The lower court therefore cannot determine Respondent's entitlement to final foreclosure judgment without relying upon, enforcing, or otherwise acting upon matters presently before this Court on appeal.
47. If this Court reverses or modifies the appealed orders, that decision could restore pending motions, require adjudication of discovery disputes, affect the loss-mitigation requirements imposed upon Appellant, restore claims or defenses, or otherwise alter whether the foreclosure action is procedurally ready for summary judgment.
48. Entry of final foreclosure judgment before this Court resolves those issues would substantially impair this Court's ability to provide meaningful appellate relief.
49. It would also permit the lower court to reach a final result based upon rulings and procedural consequences that are themselves presently subject to appellate review.
50. Temporary relief is therefore necessary to preserve this Court's exclusive jurisdiction over matters affected by the pending appeal.

IV. TEMPORARY SUPERSEDEAS AND AFFIRMATIVE RELIEF ARE AUTHORIZED UNDER RULE 241

51. Rule 241(a), SCACR, generally provides that service of a Notice of Appeal stays matters decided and relief ordered in the appealed order.
52. The July 7, 2026, Order imposed an affirmative requirement that Appellant complete and return a new loss-mitigation package.
53. The Order further provided that Appellant's remaining claims and defenses would be denied if he failed to comply.
54. Those provisions constitute matters decided and relief ordered in the appealed Order.

55. Appellant is unaware of any verified petition filed under Rule 241 seeking to lift the stay applicable to those provisions.
56. Appellant is likewise unaware of any written order entered by the lower court, this Court, or an individual appellate judge lifting or modifying that stay.
57. Rule 241(c), SCACR, authorizes supersedeas and other appropriate affirmative relief where necessary to preserve appellate jurisdiction or prevent a contested issue from becoming moot.
58. Both considerations are present here.
59. If the lower court enters a final foreclosure judgment before this Court determines the effect of the pending appeal, the issues presently before this Court may become practically ineffective.
60. A foreclosure judgment could immediately initiate advertisement, foreclosure sale, confirmation of sale, and transfer of Appellant's residence.
61. Once a third-party purchaser acquires an interest in the property, restoration of the parties to their present positions becomes substantially more difficult.
62. Rule 241(c) specifically authorizes this Court to order such affirmative relief as may be necessary when supersedeas alone is insufficient to preserve meaningful appellate review.
63. Appellant therefore requests narrowly tailored temporary relief preserving the present status of the property and preventing entry or enforcement of a foreclosure judgment while this Petition remains under consideration.
64. Appellant is willing to preserve the property, avoid waste, maintain available insurance, and comply with any reasonable non-monetary conditions imposed by this Court.

65. Appellant further requests that any bond requirement be waived or, alternatively, that only nominal security be required because Appellant is proceeding pro se, has sought relief from filing fees, and lacks the financial ability to post a substantial supersedeas bond.

V. APPELLANT FIRST SOUGHT RELIEF FROM THE LOWER COURT

66. Rule 241(d)(1), SCACR, generally requires that an application for supersedeas first be presented to the lower court.

67. Appellant complied with that requirement by filing and serving a Verified Emergency Motion requesting cancellation, stay, or continuation of the August 6, 2026 summary-judgment hearing, a determination under Rule 205, SCACR, and preservation of the status quo pending appellate review.

68. The lower court has not entered a written order granting the requested relief.

69. Rule 241(d)(1), SCACR, recognizes that unnecessary delay by the lower court in ruling upon an application constitutes an extraordinary circumstance permitting relief from this Court.

70. Because the hearing is scheduled for August 6, 2026, further delay would make it impracticable for Appellant to await a lower-court ruling before seeking emergency relief from this Court.

71. Immediate intervention is therefore necessary to ensure that this Court has a meaningful opportunity to consider this Petition before the lower court conducts or decides Respondent's Motion for Summary Judgment.

VI. IMMEDIATE RELIEF IS NECESSARY TO PREVENT IRREPARABLE HARM AND PRESERVE MEANINGFUL APPELLATE REVIEW

72. Appellant's residence is the subject of the underlying foreclosure action.

73. Respondent seeks a final judgment authorizing foreclosure and sale of that residence.
74. If the lower court proceeds with the August 6, 2026, hearing and enters final foreclosure judgment before this Petition is considered, Appellant faces immediate progression toward advertisement and sale of his home.
75. Proceeding with summary judgment would also impair Appellant's right to meaningful appellate review concerning whether the lower court possessed authority to adjudicate matters affected by the pending appeal.
76. Entry of final judgment would require Appellant to seek additional emergency relief only after the jurisdictional injury identified in this Petition has already occurred.
77. The threatened injury cannot be adequately remedied by monetary damages because the property at issue is Appellant's residence and constitutes unique real property.
78. Preservation of the status quo will impose comparatively little prejudice upon Respondent.
79. Respondent will remain free to litigate the merits of the foreclosure action after this Court determines the scope and effect of the pending appeal.
80. The relief requested does not seek to discharge the debt, invalidate the mortgage, determine ownership of the property, or resolve the ultimate merits of the foreclosure action.
81. Rather, Appellant requests only that this Court preserve the existing status of the parties until it determines whether the lower court may proceed with the August 6, 2026, summary-judgment hearing during the pendency of this appeal.

VII. TEMPORARY RELIEF MAY BE ENTERED BY AN INDIVIDUAL JUDGE

82. Rule 241(d)(2), SCACR, authorizes an individual appellate judge to grant or deny temporary relief and thereafter refer the matter to the full Court.
83. The August 6, 2026 hearing is imminent.
84. Appellant therefore respectfully requests that an individual judge immediately enter temporary relief before requiring a return from Respondent or, alternatively, shorten the time for Respondent to file a return.
85. Appellant has provided notice to Respondent through its counsel, Alan M. Stewart, Esquire, by service of this Petition.
86. Appellant does not seek ex parte relief.
87. Nevertheless, because of the limited time remaining before the scheduled hearing, immediate temporary action is necessary before expiration of the ordinary response period.

VIII. THE DOCUMENTS IDENTIFYING THE APPEAL ARE ALREADY CONTAINED IN THIS COURT'S FILE

88. Appellant's Notice of Appeal, proof of service, the July 7, 2026, Order, and the Form 4 entered July 10, 2026, were previously filed with and are already contained in this Court's appellate file.
89. Those documents identify the orders appealed, establish the date and service of the Notice of Appeal, and identify the issues presently before this Court.
90. Appellant is presently away from his residence and cannot obtain duplicate copies of those documents before this emergency filing must be submitted.

91. Because the August 6, 2026, hearing is imminent, delaying this Petition until Appellant can return home and reproduce those documents would materially reduce or eliminate the opportunity for meaningful emergency consideration.
92. Appellant therefore respectfully requests that this Court consider the copies already contained in its appellate file for purposes of immediate consideration of this Petition.
93. Appellant does not seek to avoid any requirement imposed by the South Carolina Appellate Court Rules.
94. Rather, Appellant respectfully requests permission promptly to supplement this Petition with duplicate or certified copies if the Court determines that additional copies should be submitted.
95. Under these emergency circumstances, consideration of documents already within this Court's possession will preserve the opportunity for meaningful appellate review without prejudicing Respondent.

CONCLUSION

WHEREFORE, Appellant, Wendell Don Cooper, respectfully requests that this Court:

- A. Accept this Verified Emergency Petition for immediate consideration;
- B. Immediately stay the August 6, 2026, summary-judgment hearing;
- C. Direct the lower court not to conduct or decide Respondent's Motion for Summary Judgment while this Petition is pending;
- D. Direct the lower court not to enter or enforce any foreclosure judgment, judgment of foreclosure and sale, order of sale, or other enforcement order while this Petition is pending;

E. Direct Respondent, its servicer, attorneys, agents, representatives, and all persons acting in concert with them not to advertise, schedule, conduct, confirm, or complete any foreclosure sale or deliver any deed while this Petition is pending;

F. Determine that the proposed August 6, 2026, summary-judgment proceeding concerns matters affected by the pending appeal under Rule 205, SCACR;

G. Alternatively, enter supersedeas and such additional affirmative relief as is necessary under Rule 241, SCACR, to preserve this Court's jurisdiction and prevent the issues presented on appeal from becoming moot or ineffective;

H. Require that the status quo be maintained until this Court rules upon this Petition or otherwise orders;

I. Waive any bond or undertaking or, alternatively, require only nominal security together with such reasonable non-monetary conditions as the Court considers appropriate;

J. Shorten the time for Respondent to submit a return if immediate temporary relief is not granted;

K. Consider the July 7, 2026, Order, the July 10, 2026, Form 4, the Notice of Appeal, and the proof of service already contained within this Court's appellate file;

L. Permit Appellant promptly to supplement this Petition with duplicate or certified copies of those materials if the Court determines that additional copies should be filed; and

M. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,



Wendell Don Cooper

Appellant, Pro Se

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Simpsonville, South Carolina 29681

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Email: wendelldoncooper@yahoo.com

August 4, 2026

Simpsonville, South Carolina

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SC Court of Appeals

VERIFICATION AND CERTIFICATION

I, Wendell Don Cooper, certify that I am the Appellant in this action, that I have read the foregoing Verified Emergency Petition, and that the factual statements contained therein are true and correct to the best of my knowledge, information, and belief.

I further certify that the foregoing statements made by me are true. I understand that if any of the foregoing statements are willfully false, I am subject to punishment for contempt of court.

Executed this ⁵~~4~~th day of August, 2026.



Wendell Don Cooper
Appellant, Pro Se

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CERTIFICATE OF SERVICE

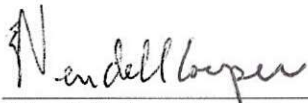
SC Court of Appeals

I certify that on August 4, 2026, I served a true and correct copy of the foregoing Appellant's Verified Emergency Petition for Temporary Stay, Supersedeas, Preservation of the Status Quo, and Determination That the August 6, 2026, Summary-Judgment Proceeding Is a Matter Affected by the Pending Appeal, together with all accompanying materials presently available to Appellant, by depositing the same in the United States Mail, properly addressed with first-class postage prepaid, addressed to:

Alan M. Stewart, Esquire
Foundation Legal Group
240 Stoneridge Drive, Suite 400
Columbia, South Carolina 29210

I further certify that on August 4, 2026, I transmitted a courtesy copy of the foregoing Petition and accompanying materials by electronic mail to:

alan.stewart@thefoundationlegalgroup.com



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