

**DOCUMENTS PREVIOUSLY FILED AND CONTAINED IN THIS COURT'S
APPELLATE FILE**

1. July 7, 2026, Order.
2. Form 4 signed July 9, 2026, and entered July 10, 2026.
3. Appellant's Notice of Appeal.
4. Proof of service of Appellant's Notice of Appeal.

RECEIVED
Aug 05 2026
SC Court of Appeals

**DOCUMENTS ACCOMPANYING THIS EMERGENCY PETITION, IF PRESENTLY
AVAILABLE**

Exhibit A — Appellant's Verified Emergency Motion filed in the lower court, together with any presently available proof of filing or service.

Exhibit B — Respondent's Notice of Hearing scheduling the Motion for Summary Judgment for August 6, 2026.

Exhibit C — Any presently available evidence showing that the lower-court emergency motion was filed and remains undecided.

Exhibit D — Any other supporting material presently accessible to Appellant.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT
GREENVILLE COUNTY, SOUTH CAROLINA

Civil Action No.: 2025-CP-23-08229

Lakeview Loan Servicing, LLC,

Plaintiff,

v.

Wendell Don Cooper, Shellbrook Plantation
HOA of SC, Inc; Region Bank,

Defendant(s)

PRIORITY MATTER

**EMERGENCY CONSIDERATION
REQUESTED BEFORE AUGUST 6, 2026**

**DEFENDANT-APPELLANT'S
VERIFIED EMERGENCY PETITION
AND MOTION TO ENFORCE THE
AUTOMATIC APPELLATE STAY,
DETERMINE THAT THE AUGUST 6,
2026, SUMMARY-JUDGMENT
HEARING IS A MATTER AFFECTED
BY THE APPEAL, AND CANCEL OR
CONTINUE THE HEARING;
ALTERNATIVELY, FOR
SUPERSEDEAS AND OTHER
PROTECTIVE RELIEF PENDING
APPEAL**

INTRODUCTION AND RELIEF REQUESTED

Defendant-Appellant Wendell Don Cooper, appearing pro se, respectfully moves this Court, pursuant to Rules 205 and 241 of the South Carolina Appellate Court Rules and Rules 6(d) and 56(c), (e), and (f) of the South Carolina Rules of Civil Procedure, for an immediate written order, entered before any consideration of the merits, determining whether Plaintiff's proposed August 6, 2026 summary-judgment hearing concerns one or more matters affected by Defendant's pending appeal within the meaning of Rule 205, SCACR, and, if so, canceling, staying, or continuing that hearing unless and until jurisdiction is restored or further proceedings are otherwise authorized by law.

Alternatively, should the Court determine that the pending appeal does not prevent the August 6, 2026, hearing from proceeding, Defendant independently requests that Plaintiff's application for

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summary judgment be refused or continued under Rule 56(f), SCRPC, because material discovery remains incomplete and facts essential to justify Defendant's opposition remain principally within the possession, custody, or control of Plaintiff, its servicer, and their related agents.

Defendant further requests that no merits hearing occur unless and until Plaintiff has properly served and clearly identified the affidavits and evidentiary materials upon which it intends to rely and Defendant has received the notice and reasonable opportunity required by Rules 6(d) and 56(c), SCRPC, to examine those materials and prepare a meaningful response.

This Motion incorporates and preserves Defendant's previously filed motions, objections, notices, discovery requests, emergency requests, jury demand, counterclaim-related requests, claims, defenses, and appellate issues. Nothing in this Motion amends, replaces, withdraws, supersedes, abandons, or waives any prior filing, position, or request for relief.

II. FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff commenced this action seeking foreclosure of Defendant's residence in Greenville County, South Carolina. On June 15, 2026, Plaintiff filed a one-page document titled "Notice of Motion and Motion for Summary Judgment." Although Plaintiff's motion states generally that it relies upon "the pleadings in this case, affidavits, and the applicable case law," the motion does not identify the particular affidavits or supporting evidentiary materials upon which it relies, and Defendant was not served with a complete, clearly identified set of those affidavits and supporting materials with the motion.

Before the previously scheduled June 24, 2026, hearing, Defendant timely filed written objections concerning his nonreceipt of the complete summary-judgment materials and his inability to determine the evidentiary record Plaintiff intended to present. Defendant's June 23, 2026, Supplemental Notice Regarding Prior Objection to Plaintiff's Alleged Summary Judgment Filing and Non-Receipt of Summary Judgment Materials expressly stated that the filing was not intended to repeat or replace Defendant's prior objection. The Supplemental Notice preserved and clarified that Defendant had not received Plaintiff's complete motion, identified affidavits, exhibits, memorandum, or supporting materials necessary to prepare a meaningful opposition. Defendant therefore requested that Plaintiff's motion not be heard, treated as unopposed, or considered ready for adjudication until the service and completeness objections were resolved.

Defendant also placed before the Court a Motion to Compel and related discovery objections concerning Plaintiff's late, piecemeal, incomplete, disorganized, and unidentified production. Plaintiff subsequently transmitted certain documents to Defendant. That transmission, however, did not identify which materials constituted Plaintiff's summary-judgment evidence, which documents supported its asserted material facts, which affidavits Plaintiff intended to rely upon, or which documents answered Defendant's outstanding discovery requests.

Material discovery remains outstanding concerning Plaintiff's alleged right to foreclose. That discovery includes the USDA target-payment calculation; the USDA servicing-waterfall worksheet; the verified-income calculation used by Plaintiff or its servicer; the interest-rate and term-extension analysis; the Mortgage Recovery Advance analysis; the complete payment-crediting history; the complete arrears, escrow, fee, and cost accounting; the final loss-mitigation determination; any determination that Defendant withdrew, abandoned, or failed to cooperate with loss mitigation; any notice of loss-mitigation appeal or review rights; communications with USDA concerning Defendant's loan; and documentation demonstrating compliance with contractual, regulatory, and procedural foreclosure prerequisites.

At the June 24, 2026, hearing, as Defendant recalls and expects the pending transcript to confirm, the Court stated that discovery remained incomplete and denied Defendant's Motion for Summary Judgment on that basis. During the same proceeding, the Court further stated that Defendant's remaining pending motions would be protected for sixty days. Defendant understood that statement to mean that those motions would remain pending and would not be treated as waived, abandoned, denied, or otherwise extinguished during that period. The sixty-day period extended through approximately August 23, 2026. Defendant timely ordered the transcript so that the Court's precise statements may be confirmed, but the transcript has not yet been provided.

After the June 24 hearing, Defendant filed a written request asking the Court to decide his pending motions upon the written record without requiring another court appearance. Defendant did not ask to withdraw those motions, abandon the relief requested in them, or waive his right to obtain rulings. To the contrary, Defendant expressly requested that the Court decide the pending motions based upon the written submissions already before it.

The Court entered its written Order on July 7, 2026, only thirteen days after the June 24 hearing and well before expiration of the stated sixty-day period. A Form 4 was signed on July 9, 2026, and entered on the public docket on July 10, 2026. The Form 4 characterized Defendant's other pending motions as "abandoned and/or denied," notwithstanding Defendant's written request that the Court rule upon those motions and the Court's prior statement, as Defendant recalls and expects the transcript to confirm, that the motions would remain protected for sixty days.

The Form 4 was signed only fifteen days after the June 24 hearing and entered only sixteen days after that hearing. The stated sixty-day period had not expired. Defendant had not filed a notice withdrawing the motions, consented to their dismissal, stated that he no longer sought the requested relief, or otherwise knowingly and intentionally relinquished any pending motion or objection.

Defendant filed his Notice of Appeal in the Greenville County Court of Common Pleas on July 22, 2026. As reflected in the attached proof of service, Defendant served the Notice of Appeal before Plaintiff issued its July 27, 2026, Notice of Hearing. The South Carolina Court of Appeals received Defendant's Notice of Appeal on July 24, 2026.

Defendant's Notice of Appeal seeks review of the July 7, 2026, Order and the Form 4 signed July 9, 2026, and entered July 10, 2026. The appeal includes the denial of Defendant's Motion for Summary Judgment; the treatment of Defendant's remaining pending motions as "abandoned and/or denied" before expiration of the stated sixty-day protection period; the requirement that Defendant complete and return a new loss-mitigation package; and the provision threatening denial of Defendant's remaining claims and defenses if he failed to complete and return that package.

Plaintiff thereafter issued a Notice of Hearing dated July 27, 2026, scheduling Plaintiff's summary-judgment motion for hearing before the Master-in-Equity on August 6, 2026. Plaintiff issued that hearing notice after Defendant filed and served his Notice of Appeal and after the Court of Appeals received it.

As of the filing of this Motion, Defendant has not been served with a verified petition by Plaintiff seeking to lift or modify an automatic stay under Rule 241, SCACR. Defendant is unaware of any written order entered by the lower court, the Court of Appeals, or an appellate judge or justice determining that the August 6 proceeding is unaffected by the appeal or lifting or

modifying any stay applicable to the matters decided or relief ordered in the appealed rulings. Plaintiff's July 27, 2026, Notice of Hearing is not a judicial order determining the effect of the appeal.

III. THE AUGUST 6, 2026, SUMMARY-JUDGMENT HEARING CONCERNS MATTERS AFFECTED BY THE PENDING APPEAL UNDER RULE 205, SCACR

Rule 205, SCACR, provides that upon service of a notice of appeal, the appellate court acquires exclusive jurisdiction over the appeal. Although the lower court may continue to address matters not affected by the appeal, it may not proceed with a matter that would decide, alter, enforce, reconsider, or otherwise affect an issue placed before the appellate court. Rule 205 therefore requires examination of the actual issues raised by the appeal and comparison of those issues with the matters the lower court proposes to hear. See *Arnal v. Fraser*, 371 S.C. 512, 518–19, 641 S.E.2d 419, 422 (2007); *Tillman v. Oakes*, 398 S.C. 245, 258–60, 728 S.E.2d 45, 52–53 (Ct. App. 2012).

In *Tillman*, the Court of Appeals explained that Rule 205 and Rule 241 address separate questions. Rule 241 determines whether an appealed ruling or the relief ordered in it may be carried out or enforced during the appeal. Rule 205 determines whether the lower court retains the power to proceed with a matter while the appeal is pending. The controlling inquiry under Rule 205 is whether the matter proposed for further litigation is affected by the appeal, not merely whether the case remains pending or whether a stay has separately been entered.

Defendant's appeal challenges the July 7, 2026, Order and the Form 4 signed July 9, 2026, and entered July 10, 2026. Those rulings address incomplete discovery, Defendant's Motion for Summary Judgment, Defendant's remaining pending motions, the requirement that Defendant submit a new loss-mitigation package, and the threatened denial of Defendant's remaining claims and defenses if he does not comply with that requirement. The appeal therefore places before the appellate court questions concerning the status of discovery, the disposition of Defendant's motions, the enforceability of the loss-mitigation requirement, and the continuing validity of Defendant's claims and defenses.

Plaintiff's proposed August 6, 2026, summary-judgment hearing is not separate from those appealed matters. To decide Plaintiff's asserted right to foreclosure, the lower court would necessarily have to determine whether the evidentiary record is sufficiently complete; whether

Defendant has received the discovery needed to oppose summary judgment; whether Plaintiff and its servicer complied with applicable loss-mitigation requirements; whether the new loss-mitigation package ordered on July 7 must be completed before the case proceeds; whether Defendant's pending motions and objections remain viable; and whether Defendant may continue to assert the claims and defenses that the appealed Order threatens to deny.

Those questions substantially overlap with the matters presented in the pending appeal. A ruling granting Plaintiff summary judgment could effectively enforce the consequences of the appealed rulings, foreclose further consideration of Defendant's discovery and loss-mitigation objections, and render some or all of the appellate issues practically moot. Rule 241(c)(2), SCACR, specifically identifies preservation of appellate jurisdiction and prevention of mootness as considerations when determining stay-related relief. Those same concerns support a determination under Rule 205 that the lower court should not proceed with a merit hearing that could defeat or materially impair the appellate court's ability to provide effective relief.

Arnal confirms that a lower court may not issue an order affecting an issue pending on appeal. In that case, the Supreme Court required each lower-court ruling to be examined to determine whether it affected a matter on appeal or merely addressed a genuinely separate matter. Arnal, 371 S.C. at 518–19, 641 S.E.2d at 422. The court held that orders modifying matters already placed before the appellate court exceeded the lower court's authority and were void for lack of jurisdiction.

The present circumstances differ materially from cases in which the lower court was permitted to proceed because the proposed matter was genuinely unrelated to the appealed issue. In *Metts v. Mims*, 394 S.C. 350, 357–58, 714 S.E.2d 568, 572 (2011), for example, an appeal concerning a contempt order arising from discovery of financial information did not prevent the trial court from deciding a separate summary-judgment motion addressing the merits of a libel claim. The Supreme Court emphasized that the summary-judgment issue was clearly unrelated to the discovery dispute on appeal.

Here, by contrast, Defendant's appeal and Plaintiff's proposed summary-judgment hearing involve the same foreclosure action, the same incomplete discovery record, the same loss-mitigation process, the same asserted default and right to foreclose, and the same claims and defenses whose continued viability is implicated by the July 7 Order and July 9/10 Form 4. The

August 6 hearing therefore cannot fairly be characterized as a separate or unrelated proceeding of the type permitted in Metts.

The fact that Plaintiff's summary-judgment motion may not itself have been expressly granted or denied in the appealed rulings does not resolve the Rule 205 inquiry. Tillman instructs that the Court must look beyond labels and determine whether the issue sought to be litigated could be affected by the appellate court's disposition of the pending appeal. If the appellate court reverses or modifies the rulings concerning discovery, Defendant's pending motions, the loss-mitigation requirement, or the threatened denial of Defendant's claims and defenses, that decision would directly affect the record, procedures, and defenses governing Plaintiff's summary-judgment motion.

Proceeding with the August 6 hearing before that jurisdictional question is resolved would create a substantial risk of inconsistent rulings and could require the lower court to decide matters over which the appellate court presently has exclusive jurisdiction. The safer and legally appropriate course is to determine in writing, before reaching the merits, whether the proposed hearing concerns matters affected by the appeal and, if it does, to cancel, stay, or continue the hearing unless and until jurisdiction is restored or further proceedings are authorized by the appellate court.

Accordingly, Defendant respectfully requests a written determination that Plaintiff's August 6, 2026, summary-judgment hearing concerns matters affected by the pending appeal within the meaning of Rule 205, SCACR, and that the hearing may not proceed while the appellate court retains exclusive jurisdiction over those matters. Rule 205 expressly gives the appellate court exclusive jurisdiction over the appeal while preserving lower-court authority only over matters not affected by it.

III. THE AUGUST 6, 2026, SUMMARY-JUDGMENT HEARING CONCERNS MATTERS AFFECTED BY THE PENDING APPEAL UNDER RULE 205, SCACR

Rule 205, SCACR, provides that upon service of a notice of appeal, the appellate court acquires exclusive jurisdiction over the appeal. Although the lower court may continue to address matters not affected by the appeal, it may not proceed with a matter that would decide, alter, enforce, reconsider, or otherwise affect an issue placed before the appellate court. Rule 205 therefore requires examination of the actual issues raised by the appeal and comparison of those issues

with the matters the lower court proposes to hear. See *Arnal v. Fraser*, 371 S.C. 512, 518–19, 641 S.E.2d 419, 422 (2007); *Tillman v. Oakes*, 398 S.C. 245, 258–60, 728 S.E.2d 45, 52–53 (Ct. App. 2012).

In *Tillman*, the Court of Appeals explained that Rule 205 and Rule 241 address separate questions. Rule 241 determines whether an appealed ruling or the relief ordered in it may be carried out or enforced during the appeal. Rule 205 determines whether the lower court retains the power to proceed with a matter while the appeal is pending. The controlling inquiry under Rule 205 is whether the matter proposed for further litigation is affected by the appeal, not merely whether the case remains pending or whether a stay has separately been entered.

Defendant's appeal challenges the July 7, 2026, Order and the Form 4 signed July 9, 2026, and entered July 10, 2026. Those rulings address incomplete discovery, Defendant's Motion for Summary Judgment, Defendant's remaining pending motions, the requirement that Defendant submit a new loss-mitigation package, and the threatened denial of Defendant's remaining claims and defenses if he does not comply with that requirement. The appeal therefore places before the appellate court questions concerning the status of discovery, the disposition of Defendant's motions, the enforceability of the loss-mitigation requirement, and the continuing validity of Defendant's claims and defenses.

Plaintiff's proposed August 6, 2026, summary-judgment hearing is not separate from those appealed matters. To decide Plaintiff's asserted right to foreclosure, the lower court would necessarily have to determine whether the evidentiary record is sufficiently complete; whether Defendant has received the discovery needed to oppose summary judgment; whether Plaintiff and its servicer complied with applicable loss-mitigation requirements; whether the new loss-mitigation package ordered on July 7 must be completed before the case proceeds; whether Defendant's pending motions and objections remain viable; and whether Defendant may continue to assert the claims and defenses that the appealed Order threatens to deny.

Those questions substantially overlap with the matters presented in the pending appeal. A ruling granting Plaintiff summary judgment could effectively enforce the consequences of the appealed rulings, foreclose further consideration of Defendant's discovery and loss-mitigation objections, and render some or all of the appellate issues practically moot. Rule 241(c)(2), SCACR, specifically identifies preservation of appellate jurisdiction and prevention of mootness as

considerations when determining stay-related relief. Those same concerns support a determination under Rule 205 that the lower court should not proceed with a merit hearing that could defeat or materially impair the appellate court's ability to provide effective relief.

Arnal confirms that a lower court may not issue an order affecting an issue pending on appeal. In that case, the Supreme Court required each lower-court ruling to be examined to determine whether it affected a matter on appeal or merely addressed a genuinely separate matter. Arnal, 371 S.C. at 518–19, 641 S.E.2d at 422. The Court held that orders modifying matters already placed before the appellate court exceeded the lower court's authority and were void for lack of jurisdiction.

The present circumstances differ materially from cases in which the lower court was permitted to proceed because the proposed matter was genuinely unrelated to the appealed issue. In *Metts v. Mims*, 394 S.C. 350, 357–58, 714 S.E.2d 568, 572 (2011), for example, an appeal concerning a contempt order arising from discovery of financial information did not prevent the trial court from deciding a separate summary-judgment motion addressing the merits of a libel claim. The Supreme Court emphasized that the summary-judgment issue was clearly unrelated to the discovery dispute on appeal.

Here, by contrast, Defendant's appeal and Plaintiff's proposed summary-judgment hearing involve the same foreclosure action, the same incomplete discovery record, the same loss-mitigation process, the same asserted default and right to foreclose, and the same claims and defenses whose continued viability is implicated by the July 7 Order and July 9/10 Form 4. The August 6 hearing therefore cannot fairly be characterized as a separate or unrelated proceeding of the type permitted in *Metts*.

The fact that Plaintiff's summary-judgment motion may not itself have been expressly granted or denied in the appealed rulings does not resolve the Rule 205 inquiry. *Tillman* instructs that the Court must look beyond labels and determine whether the issue sought to be litigated could be affected by the appellate court's disposition of the pending appeal. If the appellate court reverses or modifies the rulings concerning discovery, Defendant's pending motions, the loss-mitigation requirement, or the threatened denial of Defendant's claims and defenses, that decision would directly affect the record, procedures, and defenses governing Plaintiff's summary-judgment motion.

Proceeding with the August 6 hearing before that jurisdictional question is resolved would create a substantial risk of inconsistent rulings and could require the lower court to decide matters over which the appellate court presently has exclusive jurisdiction. The safer and legally appropriate course is to determine in writing, before reaching the merits, whether the proposed hearing concerns matters affected by the appeal and, if it does, to cancel, stay, or continue the hearing unless and until jurisdiction is restored or further proceedings are authorized by the appellate court.

Accordingly, Defendant respectfully requests a written determination that Plaintiff's August 6, 2026, summary-judgment hearing concerns matters affected by the pending appeal within the meaning of Rule 205, SCACR, and that the hearing may not proceed while the appellate court retains exclusive jurisdiction over those matters.

IV. THE APPEALED RULINGS AND THE RELIEF ORDERED IN THEM ARE AUTOMATICALLY STAYED UNDER RULE 241, SCACR

Rule 241(a), SCACR, provides that service of a notice of appeal in a civil matter generally operates automatically to stay both the matters decided in the appealed order and the relief ordered in it. The automatic stay continues for the duration of the appeal unless it is lifted or modified by an order of the lower court, the appellate court, or an appellate judge or justice. Rule 241(a) further provides that the lower court retains authority to proceed with matters not affected by the appeal and to enforce matters not stayed by the appeal.

Defendant served his Notice of Appeal on July 22, 2026. Upon that service, Rule 241(a) automatically stayed the matters decided in the July 7, 2026, Order and the Form 4 signed July 9, 2026, and entered July 10, 2026, together with the relief ordered in those rulings, unless a recognized exception applies or the stay is lifted or modified through the procedure established by Rule 241.

The July 7 Order required Defendant to complete and return a new loss-mitigation package within sixty days and provided that Defendant's remaining claims and defenses could be denied if he failed to do so. Those are affirmative directives and consequences contained in the appealed Order. They therefore fall within Rule 241(a)'s stay of the relief ordered while the appeal remains pending.

The Form 4 also treated Defendant's remaining pending motions as "abandoned and/or denied." Defendant's appeal directly challenges that disposition, including the inconsistency between that disposition and the Court's earlier statement, as Defendant recalls and expects the transcript to confirm, that the motions would be protected for sixty days. While the appeal is pending, the lower court should not enforce or give dispositive effect to that challenged treatment in a manner that prejudices Defendant's claims, defenses, discovery rights, jury demand, counterclaim-related requests, or other preserved positions.

Tillman v. Oakes explains the separate functions of Rules 205 and 241. Rule 205 determines whether the lower court has the power to proceed with a matter during the appeal. Rule 241 determines whether the appealed ruling and the relief ordered in it may be carried out or enforced during the appeal. Tillman v. Oakes, 398 S.C. 245, 254–56, 728 S.E.2d 45, 50–51 (Ct. App. 2012). Thus, even apart from the Rule 205 jurisdictional issue addressed above, Rule 241 independently prevents enforcement of the stayed directives and consequences contained in the appealed rulings.

No listed exception in Rule 241(b) appears to authorize enforcement of the July 7 loss-mitigation directive or the threatened denial of Defendant's claims and defenses during this appeal. Although Rule 241(b)(4) identifies judgments directing the sale or delivery of possession of real property as an exception, the appealed rulings at issue here are not final foreclosure judgments directing a sale or transfer of possession. They concern discovery, pending motions, loss mitigation, and the continued viability of Defendant's claims and defenses. The real-property exception therefore does not, on the present record, remove those particular rulings and directives from the general automatic-stay rule.

Rule 241(c)(1) permits a party, after service of the notice of appeal, to move for an order lifting or modifying the automatic stay. Rule 241(d) establishes the required procedure. Except in extraordinary circumstances, the application must first be made to the lower court. The person seeking to lift or modify the stay must file a written petition verified by the client and must provide the required supporting documents, factual background, grounds, legal authority, and proof of service.

As of the filing of this Motion, Defendant has not been served with a verified petition from Plaintiff requesting that the automatic stay be lifted or modified. Defendant is also unaware of

any order entered by the lower court, the Court of Appeals, or an appellate judge or justice lifting or modifying the stay. Plaintiff's unilateral Notice of Hearing is not a Rule 241 order and cannot, by itself, lift or modify the automatic stay. Under the rule, lifting or modifying the stay requires judicial action following the prescribed procedure.

Rule 241(c)(2) further directs the deciding court to consider whether relief concerning a stay is necessary to preserve appellate jurisdiction or prevent a contested issue from becoming moot. Proceeding to summary judgment while the appeal challenges the status of discovery, the disposition of Defendant's pending motions, the loss-mitigation directive, and the threatened elimination of Defendant's claims and defenses would create a substantial risk that the disputed issues could be effectively decided or rendered moot before appellate review is completed.

This Motion does not ask the Court to reverse or modify the appealed rulings. Defendant asks the Court to recognize and preserve the present effect of the appeal under Rule 241 and to refrain from enforcing the appealed directives or treating their challenged consequences as operative unless and until the automatic stay is lawfully lifted or modified or the appeal is concluded.

Accordingly, Defendant respectfully requests a written determination that the matters decided and the relief ordered in the July 7, 2026, Order and the Form 4 signed July 9, 2026, and entered July 10, 2026, remain automatically stayed under Rule 241(a), SCACR; that no verified petition and no order lifting or modifying that stay have been served or entered; and that the August 6, 2026, hearing may not be used to enforce, implement, or give prejudicial effect to the stayed rulings or relief.

V. ALTERNATIVELY, PLAINTIFF'S SUMMARY-JUDGMENT MOTION SHOULD BE REFUSED OR CONTINUED UNDER RULE 56(f), SCRCF

Alternatively, if the Court determines that the pending appeal does not prevent consideration of Plaintiff's summary-judgment motion, Plaintiff's application should nevertheless be refused or the hearing continued under Rule 56(f), SCRCF. Material discovery remains incomplete, and Defendant cannot presently present by affidavit facts essential to justify his opposition without obtaining the outstanding records and information that remain principally within the possession, custody, or control of Plaintiff, its servicer, USDA, and their agents.

Rule 56(f), SCRCF, authorizes the Court to refuse summary judgment, continue the hearing to permit necessary discovery, or enter another just order when the opposing party shows, for stated

reasons, that he cannot presently provide facts essential to justify his opposition. The rule protects a party from summary judgment before he has had a full and fair opportunity to obtain and present material evidence. See *Dawkins v. Fields*, 354 S.C. 58, 69–70, 580 S.E.2d 433, 438–40 (2003).

Defendant's request is not a generalized request for delay and is not a fishing expedition. Defendant has served discovery and filed a Motion to Compel seeking specific information directly related to Plaintiff's asserted right to foreclose, the accuracy of the claimed indebtedness and default, the servicing and application of payments, the handling of Defendant's loss-mitigation applications, compliance with applicable USDA servicing requirements, the communications and instructions exchanged among Plaintiff, its servicer, and USDA, and the factual basis for the decision to refer the loan to foreclosure.

The requested discovery is material because Plaintiff bears the initial burden of establishing that no genuine issue of material fact exists and that it is entitled to foreclosure as a matter of law. See *Baughman v. American Telephone & Telegraph Co.*, 306 S.C. 101, 115, 410 S.E.2d 537, 545 (1991). Plaintiff cannot obtain summary judgment merely by relying on generalized assertions while records bearing directly upon the amount claimed, satisfaction of conditions precedent, loss mitigation, servicing compliance, and Defendant's defenses remain unidentified, unproduced, or disputed.

The outstanding evidence is expected to show, among other matters, the complete payment and transaction history; the manner in which payments, advances, fees, charges, and escrow amounts were calculated and applied; the identity and authority of each entity that made material servicing or foreclosure decisions; the dates, contents, and disposition of Defendant's loss-mitigation submissions; the reasons any application was treated as incomplete, withdrawn, removed, denied, or otherwise discontinued; the communications concerning USDA review, approval, oversight, or corrective action; and the basis for Plaintiff's calculation of the sum allegedly due.

Those matters bear directly upon whether Plaintiff has established the amount of the debt, the existence and extent of any default, compliance with contractual and regulatory conditions preceding foreclosure, and the legal and factual sufficiency of Defendant's defenses. The evidence may also establish material inconsistencies between Plaintiff's present foreclosure

position, its prior servicing communications, the loss-mitigation options previously presented to Defendant, and the actions taken after Defendant disputed the handling of his account.

Defendant has diligently attempted to obtain this information through discovery and has sought judicial enforcement through his Motion to Compel. The requested evidence has not been withheld by any lack of diligence on Defendant's part. Much of the information consists of internal servicing records, communications, calculations, notes, decision histories, and agency-related records that Defendant cannot independently create or obtain without production by the persons and entities possessing them.

South Carolina law requires more than a speculative assertion that additional discovery might be useful. The opposing party must identify why the evidence is relevant, why it is not presently available, and how further discovery is likely to uncover evidence bearing upon a genuine issue of material fact. Defendant satisfies that requirement because the outstanding discovery concerns the very facts upon which Plaintiff must rely to prove its asserted entitlement to foreclosure and the facts necessary for Defendant to present his defenses. See *Dawkins*, 354 S.C. at 69–71, 580 S.E.2d at 438–40.

Summary judgment is a drastic remedy that should be cautiously invoked so that a party is not improperly deprived of a trial concerning disputed factual issues. *Baughman*, 306 S.C. at 112, 410 S.E.2d at 543. Proceeding to summary judgment while Defendant's Motion to Compel and the requested material discovery remain unresolved would deprive Defendant of a full and fair opportunity to develop and present the evidentiary record and would permit Plaintiff to benefit from evidence that remains within its own or its agents' control.

Defendant verifies the factual statements supporting this request and states that he cannot presently present all facts essential to oppose Plaintiff's motion because the relevant records and information have not been fully produced. Defendant does not seek an indefinite delay. He requests sufficient time for the Court to determine the Motion to Compel, require production of the material discovery, permit Defendant to review the production and conduct any reasonably necessary follow-up discovery, and allow Defendant a fair opportunity to submit a complete response supported by admissible evidence.

Accordingly, if the Court determines that the pending appeal does not otherwise prevent the August 6, 2026, hearing from proceeding, Defendant respectfully requests that Plaintiff's

summary-judgment application be refused as premature or, alternatively, that the hearing be continued under Rule 56(f), SCRCP, until the outstanding material discovery has been completed and Defendant has been afforded a full and fair opportunity to present the facts essential to his opposition.

VI. PLAINTIFF MAY NOT OBTAIN SUMMARY JUDGMENT BASED UPON UNIDENTIFIED OR UNSERVED SUPPORTING MATERIALS

Plaintiff's June 15, 2026, filing is a one-page document titled "Notice of Motion and Motion for Summary Judgment." The length of the motion, standing alone, does not make it procedurally defective. The material problem is that Plaintiff states generally that it relies upon "the pleadings in this case, affidavits, and the applicable case law," but does not identify the particular affidavits, exhibits, account records, payment histories, loss-mitigation records, or other evidentiary materials upon which it asks the Court to enter a foreclosure judgment.

Rule 6(d), SCRCP, provides that when a motion is to be supported by affidavit, the supporting affidavit must be served with the motion. Rule 56(c), SCRCP, separately requires service of the summary-judgment motion at least ten days before the hearing so that the opposing party has a meaningful opportunity to examine the asserted grounds, review the supporting evidence, and prepare a response.

Plaintiff cannot satisfy those requirements merely by referring generally to unspecified "affidavits" or by expecting Defendant to determine which documents located somewhere in the court file Plaintiff may later select and rely upon. When a party seeks the dispositive remedy of summary judgment, the opposing party must be given fair notice of the particular evidentiary materials offered to establish the absence of a genuine issue of material fact.

Defendant was not served with a complete and clearly identified summary-judgment packet showing each affidavit, exhibit, account record, payment history, loss-mitigation record, servicing communication, or other item upon which Plaintiff intends to rely at the August 6, 2026, hearing. Without that identification, Defendant cannot determine which factual assertions Plaintiff contends are undisputed, which records allegedly establish the amount due, which witness supplies the necessary foundation, or which documents Plaintiff contends establish satisfaction of the conditions preceding foreclosure.

This concern is especially significant because the foreclosure issues cannot be resolved solely by reference to the existence of the note and mortgage. Plaintiff must establish, through admissible evidence, its entitlement to enforce the loan documents, the existence and amount of the asserted default, the accuracy of the sums claimed, and its entitlement to the requested foreclosure relief. Defendant must be permitted to examine and challenge the evidence offered on each of those issues.

Rule 56(e), SCRCF, requires supporting and opposing affidavits to be based upon personal knowledge, to set forth facts that would be admissible in evidence, and to affirmatively show that the affiant is competent to testify concerning the matters stated. Sworn or certified copies of papers referred to in an affidavit must be attached to or served with that affidavit. A general reference to records, without identifying and properly authenticating the records upon which the moving party relies, does not give Defendant a fair opportunity to test whether the evidence satisfies those requirements.

Defendant cannot be expected to prepare opposing affidavits or other admissible evidence without knowing the precise evidence he must answer. Although Rule 56(c) permits an adverse party to serve opposing affidavits not later than two days before the hearing, that response period presupposes that the moving party previously served and identified the motion and its supporting materials as required. The response deadline cannot operate fairly where the supporting evidentiary record remains uncertain or is first clarified shortly before or during the hearing.

A court has discretion to refuse consideration of untimely evidentiary materials when their late service deprives the opposing party of sufficient time to prepare a response. See *West v. Gladney*, 341 S.C. 127, 131–32, 533 S.E.2d 334, 336 (Ct. App. 2000) (recognizing the court's discretion to refuse materials not timely served where the opposing party lacked time to respond); *Black v. Lexington School District No. 2*, 327 S.C. 55, 64–65, 488 S.E.2d 327, 332 (1997). The same fairness concern applies where the moving party has not clearly identified the materials supporting its motion before the hearing.

Plaintiff should not be permitted to cure the problem by presenting unidentified affidavits, exhibits, account records, or other evidentiary materials for the first time at the August 6 hearing. Allowing new or previously unidentified evidence at the hearing would deprive Defendant of the

opportunity contemplated by Rules 6(d) and 56(c) to investigate the evidence, determine whether it is admissible, obtain contrary evidence, prepare objections, and submit an informed response.

If Plaintiff contends that particular affidavits or exhibits were previously filed or served, Plaintiff should be required to identify each document specifically by title, date, affiant, filing date, docket entry, and exhibit designation. Plaintiff should also be required to state which elements of its foreclosure claim each item allegedly proves. A general reference to the pleadings, the court file, or unspecified affidavits is insufficient to provide meaningful notice of the evidentiary basis for the requested judgment.

Defendant does not seek exclusion based upon a harmless technical defect. The uncertainty concerning Plaintiff's supporting evidence directly affects Defendant's ability to contest the amount claimed, the payment and servicing history, loss-mitigation compliance, satisfaction of conditions precedent, the authority and personal knowledge of Plaintiff's witnesses, and the admissibility and reliability of the records offered in support of foreclosure.

Accordingly, Defendant respectfully requests that the Court require Plaintiff to identify and serve the complete evidentiary record upon which it relies; refuse to consider any affidavit, exhibit, record, or other evidentiary material that was not timely and properly served; and cancel or continue the August 6, 2026, hearing for a sufficient period to permit Defendant to examine the identified materials and prepare a complete response. If Plaintiff cannot establish its entitlement to judgment through properly served and admissible evidence, its summary-judgment motion should be denied.

VII. PLAINTIFF HAS NOT ESTABLISHED THE AMOUNT DUE OR THE PERFORMANCE OF DISPUTED CONDITIONS PRECEDENT TO FORECLOSURE

Rule 71(a), SCRCP, provides that in a foreclosure action the judge or master shall compute the amounts due to the plaintiff and any other claimants and that the amounts so determined shall constitute the total debt due to each. Before a foreclosure judgment may be entered, the Court therefore must be able to determine from competent evidence the existence and amount of the debt, including the principal balance, interest, escrow advances, fees, costs, credits, payments, and any other sums included in Plaintiff's demand.

That determination cannot properly be made on the present record. Defendant disputes the amount claimed, the servicing and application of payments, the calculation of escrow and other

charges, the treatment of his loss-mitigation submissions, and the events Plaintiff relies upon to establish the asserted default. Material records necessary to examine those matters remain unidentified, unproduced, incomplete, or subject to Defendant's pending Motion to Compel.

Plaintiff may not establish the amount due merely through a conclusory total stated in an affidavit. The supporting evidence must permit the Court and Defendant to determine how the claimed amount was calculated and whether each component is authorized by the note, mortgage, applicable law, and the actual account history. Where the underlying calculations, transaction records, credits, advances, fees, and servicing decisions remain disputed, the amount due presents a genuine issue of material fact that cannot be resolved through summary judgment.

Rule 9(c), SCRCF, permits a plaintiff to allege generally in its pleading that all conditions precedent has been performed or have occurred. The rule also requires a defendant who disputes performance or occurrence to deny the disputed conditions specifically and with particularity. Defendant has not relied upon a bare general denial. Through his pleadings, objections, discovery requests, Motion to Compel, summary-judgment filings, and other submissions, Defendant has specifically challenged Plaintiff's and its servicer's compliance with the contractual, servicing, notice, loss-mitigation, and foreclosure-related requirements that allegedly had to occur before acceleration and foreclosure.

The distinction between pleading and proof is controlling. Even when a general allegation satisfies Rule 9(c) at the pleading stage, Plaintiff must still support its summary-judgment motion with competent evidence demonstrating that the specifically disputed conditions were performed, occurred, were excused, or were otherwise inapplicable. Rule 56(c), SCRCF, does not permit judgment merely because Plaintiff alleged compliance in its Complaint.

The disputed conditions include, as applicable to the governing loan documents and servicing requirements, the accuracy and delivery of any notice of default or acceleration; the opportunity to cure; the proper handling and disposition of Defendant's loss-mitigation submissions; compliance with applicable USDA servicing instructions and requirements; the completion of any required review, approval, or corrective process; and the satisfaction of any other contractual or regulatory step that Plaintiff contends authorized referral to foreclosure.

Defendant contends that the foreclosure referral occurred while material loss-mitigation and servicing issues remained unresolved. He further contends that his submissions were treated

inconsistently as incomplete, withdrawn, removed, denied, or otherwise discontinued; that additional or different documentation was demanded after an earlier loss-mitigation determination; and that the account was referred to foreclosure without completion of the compliance and correction process Defendant had repeatedly requested.

Those factual disputes are material because a condition precedent is an act or event that, unless excused, must occur before an immediate right of performance arises. Plaintiff cannot establish a present right to accelerate the loan and foreclose without proving the occurrence, performance, excuse, or inapplicability of each condition that Defendant has specifically placed in dispute.

The Court cannot resolve those issues by assuming the accuracy of Plaintiff's servicing records or accepting generalized assertions of compliance. The relevant notices, account records, servicing notes, loss-mitigation records, communications, calculations, and agency-related materials must be identified and examined. Defendant must also be afforded a fair opportunity to challenge the admissibility, completeness, accuracy, and legal effect of those materials.

The outstanding discovery bears directly upon both determinations required before foreclosure relief may be granted: whether Plaintiff presently possesses an enforceable right to foreclose and what amount, if any, is actually due. Proceeding before that evidence is produced and the disputes are resolved would require the Court to compute the debt and determine compliance based upon an incomplete and contested record.

This section does not ask the Court to decide finally, within this emergency motion, every underlying servicing or loss-mitigation dispute. Defendant requests a determination that Plaintiff has not established the absence of a genuine factual dispute concerning the amount due and the performance or occurrence of the specifically disputed conditions precedent and therefore has not established a present entitlement to summary judgment.

Accordingly, Defendant respectfully requests that the Court deny Plaintiff's summary-judgment motion or continue the hearing until Plaintiff identifies and produces competent evidence establishing the complete calculation of the amount allegedly due and the performance, occurrence, excuse, or inapplicability of the conditions precedent specifically disputed by Defendant.

VIII. IMMEDIATE WRITTEN RELIEF IS NECESSARY

Plaintiff's summary-judgment hearing is scheduled for August 6, 2026. The limited time remaining before that hearing makes it necessary for the Court to resolve the threshold appellate-jurisdiction, automatic-stay, service, evidentiary, and discovery issues identified in this Motion before considering the merits of Plaintiff's request for foreclosure judgment.

Unless the Court acts before the scheduled hearing, Defendant will be required to appear for adjudication of Plaintiff's foreclosure claim while:

- a. Defendant's appeal remains pending;
- b. No written determination has been entered establishing that Plaintiff's proposed summary-judgment proceeding concerns matters not affected by the appeal under Rule 205, SCACR;
- c. No judicial order has been identified lifting or modifying the Rule 241 stay as to the matters decided or relief ordered in the appealed rulings;
- d. Material discovery necessary to oppose Plaintiff's motion remains incomplete;
- e. The disposition of Defendant's Motion to Compel and the resulting incompleteness of the evidentiary record are among the matters challenged on appeal;
- f. Defendant's prior objections concerning service, completeness, notice, and identification of Plaintiff's summary-judgment materials remain unresolved and preserved;
- g. Plaintiff has not identified and properly served the complete affidavits, exhibits, account records, and other evidentiary materials upon which it intends to rely; and
- h. Plaintiff has not established through competent evidence the amount due, or the performance, occurrence, excuse, or inapplicability of the conditions precedent specifically disputed by Defendant.

Conducting or deciding the merits hearing before resolving those threshold issues could expose Defendant's residence to a foreclosure judgment, an order of sale, and further enforcement proceedings before meaningful appellate review can occur. It could also render some or all of Defendant's appellate, discovery, service, and evidentiary objections ineffective or practically moot.

The requested relief is narrowly tailored to preserve the status quo. Defendant does not ask the Court in this Motion to determine finally the ultimate merits of the foreclosure claim. He asks the Court first to determine whether it retains authority under Rule 205 to conduct the proposed proceeding, whether any applicable Rule 241 stay has been lifted or modified, and whether Plaintiff's motion may properly proceed under Rules 6(d) and 56(c), (e), and (f), SCRCF, upon the present incomplete and inadequately identified evidentiary record.

If the Court determines that the appeal does not prevent the proposed hearing from proceeding, Defendant requests that the Court enter a written order stating separately the factual and legal grounds for its determinations under Rules 205 and 241, SCACR. Defendant further requests that the Court refrain for at least five business days after service of that order from conducting or deciding the merits hearing, entering a foreclosure judgment or order of sale, or authorizing further enforcement proceedings, so that Defendant may seek immediate appellate review and appropriate relief.

That limited period would preserve the status quo without deciding the foreclosure merits or imposing an indefinite delay. It would also prevent the jurisdictional and stay issues from becoming ineffective through entry of the very foreclosure relief Defendant seeks an opportunity to challenge before merits adjudication.

Defendant therefore requests an immediate written ruling, entered before the Court hears or considers the merits of Plaintiff's summary-judgment motion, separately addressing:

- a. Whether the proposed proceeding concerns matters affected by the pending appeal under Rule 205, SCACR;
- b. Whether the matters decided or relief ordered in the appealed rulings remain stayed under Rule 241, SCACR;
- c. Whether any Rule 241 stay has been lifted or modified through the procedure required by that rule;
- d. Whether Plaintiff has properly identified and served the affidavits and evidentiary materials upon which its motion relies;
- e. Whether Defendant is entitled to relief under Rule 56(f), SCRCF, because material discovery remains incomplete; and

- f. Whether Plaintiff has established the amount due and the performance or occurrence of the conditions precedent specifically disputed by Defendant.

Defendant's appearance or limited participation at any scheduled proceeding solely to preserve his rights and avoid an adverse ruling by default shall remain subject to his continuing objections. Such appearance or participation shall not be construed as consent to the hearing; acquiescence in the Court's authority to adjudicate matters affected by the appeal; waiver of the pending appeal, Rule 205 objection, Rule 241 stay, or Rule 56(f) request; waiver, withdrawal, abandonment, replacement, or supersession of any previously filed motion, objection, notice, discovery request, claim, defense, jury demand, counterclaim-related request, or appellate issue; or agreement that Plaintiff's motion has been properly served, adequately supported, or made ready for adjudication.

Accordingly, Defendant respectfully requests that the Court resolve these threshold matters by written order before considering Plaintiff's summary-judgment motion on its merits and preserve the status quo until Defendant has a meaningful opportunity to seek appellate review of any adverse jurisdictional or stay determination.

IX. PRAYER FOR RELIEF

For the foregoing reasons, Defendant respectfully requests that the Court enter a written order, before conducting or deciding the merits of Plaintiff's August 6, 2026, summary-judgment hearing:

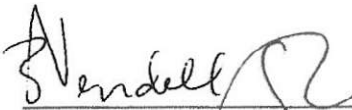
- a. Determining whether the August 6, 2026, summary-judgment proceeding concerns matters affected by Defendant's pending appeal within the meaning of Rule 205, SCACR;
- b. Determining that the lower court may not proceed with any matter over which the appellate court has acquired exclusive jurisdiction;
- c. Recognizing that the matters decided and the relief ordered in the July 7, 2026, Order and the Form 4 signed July 9, 2026, and entered July 10, 2026, remain automatically stayed under Rule 241(a), SCACR, unless and until that stay is lawfully lifted or modified;
- d. Determining that no verified petition and no judicial order lifting or modifying the Rule 241 stay have been served upon Defendant or entered in this action;

- e. Canceling, staying, or continuing the August 6, 2026, summary-judgment hearing because it concerns matters affected by the pending appeal or could enforce, implement, or give prejudicial effect to matters or relief automatically stayed under Rule 241, SCACR;
- f. Alternatively, refusing Plaintiff's summary-judgment application as premature or continuing the hearing under Rule 56(f), SCRCR, until Defendant's Motion to Compel has been determined, the outstanding material discovery has been produced, and Defendant has been afforded a full and fair opportunity to review the evidence and present facts essential to his opposition;
- g. Requiring Plaintiff to identify and serve the complete affidavits, exhibits, account records, payment histories, loss-mitigation materials, and other evidentiary documents upon which it intends to rely;
- h. Refusing to consider any affidavit, exhibit, record, or other evidentiary material that was not timely and properly served in accordance with Rules 6(d) and 56(c), SCRCR;
- i. Determining that Plaintiff has not established on the present record the absence of a genuine issue of material fact concerning the amount allegedly due, the asserted default, the servicing and application of payments, the handling of Defendant's loss-mitigation submissions, or the performance, occurrence, excuse, or inapplicability of the conditions precedent specifically disputed by Defendant;
- j. Denying Plaintiff's summary-judgment motion if Plaintiff cannot establish its asserted entitlement to foreclosure through competent, admissible, and properly served evidence;
- k. Preserving Defendant's pending motions, objections, notices, discovery requests, claims, defenses, jury demand, counterclaim-related requests, appellate issues, and all other positions previously asserted in this action;
- l. Providing that Defendant's appearance or limited participation at any scheduled proceeding solely to preserve his rights and avoid an adverse ruling by default shall not constitute consent, acquiescence, abandonment, withdrawal, replacement, supersession, or waiver of any jurisdictional, appellate, procedural, evidentiary, discovery, substantive, or preservation objection;

- m. If the Court enters an adverse ruling concerning appellate jurisdiction or the Rule 241 stay, refraining for at least five business days after service of the written order from conducting or deciding the merits hearing, entering a foreclosure judgment or order of sale, or authorizing further enforcement proceedings, so that Defendant may seek immediate appellate review and appropriate relief; and
- n. Granting such other and further relief as the Court deems just, equitable, and necessary to preserve the appellate court's jurisdiction, prevent mootness, protect Defendant's right to a full and fair opportunity to complete discovery and oppose summary judgment, and maintain the status quo pending resolution of the threshold issues presented in this Motion.

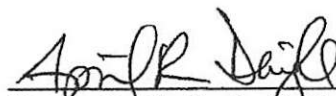
VERIFICATION

I, Wendell Don Cooper, being first duly sworn, state that I am the Defendant-Appellant in this action; that I have read the foregoing Defendant-Appellant's Verified Emergency Motion; and that the factual statements contained therein are true and correct based upon my personal knowledge, except as to matters stated upon information and belief, and as to those matters, I believe them to be true.

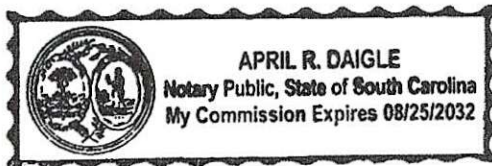


Wendell Don Cooper
Defendant-Appellant, Pro Se
117 Palm Springs Way
Simpsonville, South Carolina 29681
Telephone: (864) 230-7049
Email: wendelldoncooper@yahoo.com

SWORN TO AND SUBSCRIBED before me
this 31 day of ^{July}~~August~~ 2026.


Notary Public for South Carolina

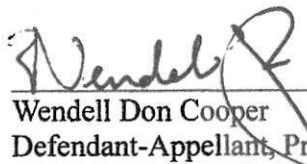
My Commission Expires: 8-25-2032



CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of July 2026, I served a true and correct copy of the foregoing DEFENDANT-APPELLANT'S VERIFIED EMERGENCY MOTION TO DETERMINE THAT THE AUGUST 6, 2026, SUMMARY-JUDGMENT HEARING IS A MATTER AFFECTED BY THE PENDING APPEAL; TO CANCEL, STAY, OR CONTINUE THE HEARING; AND FOR RELATED RELIEF upon counsel for Plaintiff by depositing the same in the United States Mail, first-class postage prepaid, and by electronic mail, addressed as follows:

Alan M. Stewart, Esq.
Foundation Legal Group LLP
240 Stoneridge Drive, Suite 400
P.O. Box 8237
Columbia, South Carolina 29202



Wendell Don Cooper
Defendant-Appellant, Pro Se
117 Palm Springs Way
Simpsonville, South Carolina 29681

Date: July 31st

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

Lakeview Loan Servicing, LLC,
PLAINTIFF,
vs.

C/A NO: 2025-CP-23-08229

NOTICE OF HEARING

Wendell Don Cooper; Shellbrook
Plantation HOA of SC, Inc.; Regions Bank,
DEFENDANTS.

A hearing on *Plaintiff's Motion for Summary Judgment* has been scheduled in this matter before The Honorable Charles B. Simmons, Jr., Master-in-Equity for Greenville County at 305 E. North Street, 3rd Floor, Courtroom 5, Greenville, SC 29601 on August 6, 2026 at 10:30 am.

s/ Alan Stewart
July 27, 2026
Alan Stewart (S.C. Bar No. 15576)
Attorneys for Plaintiff
Foundation Legal Group
240 Stoneridge Drive
Suite 400
Columbia, SC 29210
(803) 726-2700
Alan.stewart@thefoundationlegalgroup.com



Greenville County 13th Judicial Circuit Public Index



[Greenville County Home Page](#) [South Carolina Judicial Department Home Page](#)

Switch View

Lakeview Loan Servicing LLC vs. Wendell Don Cooper , defendant, et al

Case Number:	2025CP2308229	Court Agency:	Greenville County Common Pleas	Filed Date:	12/17/2025
Case Type:	Common Pleas	Case Sub Type:	Foreclosure 420	File Type:	Non-Jury
Status:	Appeal	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:		Disposition Date:		Disposition Judge:	
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Lakeview Loan Servicing LLC	NEF/(07-31-2026 02:23:47 PM) Master/Exhibit/Affidavit of ...	Filing		07/31/2026-15:50		
Lakeview Loan Servicing LLC	Memo/Memo in Support/of Motion for Summary Judgment	Filing		07/31/2026-14:23		
Lakeview Loan Servicing LLC	Master/Exhibit/Affidavit of Attorney Fees	Filing		07/31/2026-14:23		
Lakeview Loan Servicing LLC	Master/Exhibit/Affidavit of Debt	Filing		07/31/2026-14:23		
Lakeview Loan Servicing LLC	Service/Certificate Of Service	Filing		07/31/2026-14:23		
Cooper, Wendell Don	Letter requesting correction of filings	Filing		07/31/2026-10:44		
Cooper, Wendell Don	Motion/Other	Motion		07/31/2026-10:43		
Lakeview Loan Servicing LLC	NEF/(07-27-2026 02:34:24 PM) Notice/Notice of Hearing and...	Filing		07/27/2026-16:06		
Lakeview Loan Servicing LLC	Notice/Notice of Hearing and Service	Filing		07/27/2026-14:34		
Cooper, Wendell Don	Notice of Appeal to SCCOA	Filing		07/22/2026-10:30		
Lakeview Loan Servicing LLC	NEF(07-10-2026 09:50:44 AM) Master/Order/Form 4	Filing		07/10/2026-09:50		
Lakeview Loan Servicing LLC	Master/Order/Form 4	Order		07/10/2026-09:50		
Cooper, Wendell Don	Rule 59(e)Motion to Alter or Amend /Clarify Order re Loss-Mi	Motion		07/09/2026-16:35		
Cooper, Wendell Don	Motion for Written Rulings on all Pending Motions	Motion		07/09/2026-13:22		

Lakeview Loan Servicing LLC	NEF(07-07-2026 03:25:47 PM) Order/Other	Filing		07/07/2026-15:26		
Lakeview Loan Servicing LLC	Order/Other	Order		07/07/2026-15:25		
Lakeview Loan Servicing LLC	NEF(07-06-2026 12:29:35 PM) Order/Order Cover Sheet \$25....	Filing		07/06/2026-16:04		
Lakeview Loan Servicing LLC	Order/Order Cover Sheet \$25.00	Filing		07/06/2026-12:29		
Lakeview Loan Servicing LLC	Service/Certificate Of Service	Filing		07/06/2026-12:29		
Cooper, Wendell Don	Post-hearing notice etc.	Filing		06/26/2026-13:58		
Cooper, Wendell Don	Filing/Other-Supp'l Notice Re: Obj's to Plt Summ Judg Filing	Filing		06/23/2026-14:17		
Cooper, Wendell Don	Filing/Other-Def's Written Notice/Statement Preserving Obj	Filing		06/23/2026-14:15		
Cooper, Wendell Don	Filing/Written Statement And Objection For The Record	Filing		06/22/2026-14:22		
Cooper, Wendell Don	Notice/Supplemental Notice And Objection	Filing		06/22/2026-14:12		
Lakeview Loan Servicing LLC	NEF(06-15-2026 12:11:33 PM) Service/Certificate Of Servi...	Filing		06/15/2026-13:19		
Lakeview Loan Servicing LLC	Service/Certificate Of Service	Filing		06/15/2026-12:11		
Lakeview Loan Servicing LLC	Service/Certificate Of Mailing	Filing		06/15/2026-12:11		
Lakeview Loan Servicing LLC	Motion/Summary Judgment	Motion		06/15/2026-12:11		
Cooper, Wendell Don	Letter: Returned Supreme Court Original Jurisdiction Petiti	Filing		06/02/2026-16:30		
Cooper, Wendell Don	Notice	Filing		06/02/2026-16:30		
Lakeview Loan Servicing LLC	NEF(05-22-2026 10:43:39 AM) Notice/Notice of Hearing and...	Filing		05/22/2026-15:32		
Lakeview Loan Servicing LLC	Notice/Notice of Hearing and Service	Filing		05/22/2026-10:43		
Cooper, Wendell Don	Motion to Stay Foreclosure Proceedings	Motion		05/21/2026-15:16		
Cooper, Wendell Don	Supplemental Notice Regarding Incomplete Dis Pro on Summary	Filing		05/13/2026-13:23		
Cooper, Wendell Don	Second Letter to South Carolina Court Administration	Filing		05/13/2026-13:22		
Cooper, Wendell Don	Notice/Other	Filing		05/12/2026-14:10		
Cooper, Wendell Don	Letter Addressed to South Carolina Court Administration	Filing		05/11/2026-11:16		
Cooper, Wendell Don	Second Letter to the Clerk of Court	Filing		05/11/2026-10:48		
Cooper, Wendell Don	Letter to the Clerk of Court	Filing		05/08/2026-10:24		
Cooper, Wendell Don	Reply in Support of Motion	Filing		05/01/2026-15:06		
Cooper, Wendell Don	Supplemental Brief in Support	Filing		05/01/2026-15:03		
Cooper, Wendell Don	Notice of Supplemental Filing of Ommited Exhibit C	Filing		05/01/2026-15:01		

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

Lakeview Loan Servicing, LLC,

PLAINTIFF,

vs.

Wendell Don Cooper; Shellbrook
Plantation HOA of SC, Inc.; Regions
Bank,

DEFENDANTS.

C/A NO: 2025-CP-23-08229

**NOTICE OF MOTION AND MOTION
FOR SUMMARY JUDGMENT**

TO: WENDELL DON COOPER, DEFENDANT:

You will please take notice that the attorney for the Plaintiff will, on the tenth (10th) day after service hereof, or as soon thereafter as counsel may be heard, move before The Honorable Charles B. Simmons, Jr. as Master-in-Equity, in above-referenced court for an order pursuant to Rule 56 of the South Carolina Rules of Civil Procedure granting the Plaintiff Summary Judgment in this matter.

Based on the pleadings in this case, affidavits, and the applicable case law, this Motion is made on the grounds that there is no genuine issue as to any material fact and that the Plaintiff is entitled to judgment as a matter of law.

s/ Alan Stewart
Alan Stewart (S.C. Bar No. 15576)
Attorneys for Plaintiff
Foundation Legal Group
240 Stoneridge Drive
Suite 400
Columbia, SC 29210
(803) 726-2700
alan.stewart@thefoundationlegalgroup.com

Columbia, South Carolina
June 15, 2026

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
CASE NO.: 2025-CP-23-08229

Lakeview Loan Servicing, LLC,
PLAINTIFF,

vs.

Wendell Don Cooper; Shellbrook Plantation
HOA of SC, Inc.; Regions Bank,
DEFENDANTS.

**ORDER DENYING DEFENDANT
WENDELL DON COOPER'S MOTION
FOR SUMMARY JUDGMENT**

THIS MATTER came before me on June 24, 2026, on a hearing on the Motion for Summary Judgment of Defendant Wendell Don Cooper. Present and appearing on behalf of the Plaintiff was attorney Alan M. Stewart. Defendant Wendell Don Cooper was also in attendance at the hearing.

After careful review of the pleadings and subsequent filings made in this action, any memoranda and arguments presented by the parties, the applicable rules of civil procedure and case law concerning those rules, the Defendant's Motion for Summary Judgment is denied. The parties have not yet concluded discovery in this case, and under established South Carolina case law summary judgment is therefore not appropriate at this time.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Defendant's Motion for Summary Judgment is denied.

IT IS FURTHER ORDERED that counsel for the Plaintiff shall provide to Defendant a new loss mitigation package for completion, and Defendant is to complete and return the package to the Plaintiff within 60 days of the date of entry of this Order, and if Defendant fails to complete and return this package for loss mitigation consideration his remaining claims and defenses shall be denied.

PRESIDING JUDGE CHARLES B. SIMMONS, JR.'S SIGNATURE PAGE TO
FOLLOW



Greenville Common Pleas

Case Caption: Lakeview Loan Servicing LLC vs. Wendell Don Cooper , defendant, et al
Case Number: 2025CP2308229
Type: Master/Order/Form 4

And It Is So Ordered!

s/ Judge Charles B. Simmons, Jr. (3023)

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEASJUDGMENT IN A CIVIL CASE
CASE NUMBER 2025-CP-23-08229

Lakeview Loan Servicing LLC

Wendell Don Cooper
Regions BankShellbrook Plantation
HOA Of SC Inc

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);
☐ Rule 43(k), SCRPC (Settled); ☐ Other: _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:
ORDER INFORMATION

Mr. Copper has filed an additional motion(s), now approximately a total of ten, asking that the Court rule on all of his outstanding motions. This includes a Rule 59 motion filed July 9, 2026. At the hearing held June 24, 2026, Mr. Copper was given express written notice in advance that the Court was going to address all of his motions and gave Mr. Cooper the opportunity to fully argue all of his motions on the record. He declined to do so. Only his motion for summary judgement was argued, which was then denied by Order filed July 7, 2026.

The Court deems the other motions as abandoned and/or denied. Further, the Plaintiff shall promptly and fully comply with all laws, regulations etc that are applicable to the within loan and assist Mr. Cooper in a possible resolution of the same. Otherwise, all issues will be resolved at a

final hearing.
It is so Ordered

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

NOTICE OF APPEAL IN A CIVIL CASE

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

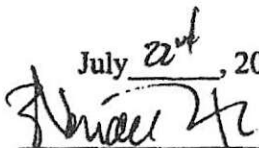
Case No. 2025-CP-23-08229

Lakeview Loan Servicing, LLC	Respondent,
v.	
Wendell Don Cooper,	Appellant.
Shellbrook Plantation HOA of SC, Inc.;	Defendants
and Regions Bank,	

NOTICE OF APPEAL

Wendell Don Cooper appeals the Order Denying Defendant Wendell Don Cooper's Motion for Summary Judgment entered July 7, 2026, and the Form 4 Order entered July 9, 2026, including the portions of those orders deeming Defendant's other pending motions abandoned and/or denied, requiring Defendant to complete and return a new loss-mitigation package, and providing that Defendant's remaining claims and defenses shall be denied for failure to complete and return that package. Appellant received written notice of entry of the orders on July 16, 2026.

July 22nd, 2026


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

ENTERED

CERTIFICATE OF SERVICE

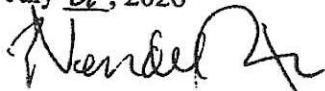
I certify that on July 22nd, 2026, I served a true and correct copy of the foregoing Notice of Appeal by depositing copies in the United States Mail, first-class postage prepaid, addressed as follows:

Alan M. Stewart
Hutchens Law Firm LLP
Post Office Box 8237
Columbia, South Carolina 29202-8237
Attorney for Respondent Lakeview Loan Servicing, LLC

Regions Bank
c/o Corporation Service Company, Registered Agent
100 Coastal Drive, Suite 210
Charleston, South Carolina 29492

Shellbrook Plantation HOA of SC, Inc.
c/o P.O. Box 26389
Greenville, SC 29614

July 22nd, 2026



Wendell Don Cooper, Pro Se
117 Palm Springs Way
Simpsonville, South Carolina 29681
Telephone: 864-230-7049
Email: wendelldoncooper@yahoo.com

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT
GREENVILLE COUNTY, SOUTH CAROLINA

Civil Action No.: 2025-CP-23-08229

Lakeview Loan Servicing, LLC,

Plaintiff,

v.

Wendell Don Cooper, Shellbrook Plantation
HOA of SC, Inc; Region Bank,

Defendant(s)

ENTERED COMPUTER

**DEFENDANT'S SUPPLEMENTAL
NOTICE REGARDING PRIOR
OBJECTION TO PLAINTIFF'S
ALLEGED SUMMARY JUDGMENT
FILING AND NON-RECEIPT OF
SUMMARY JUDGMENT MATERIALS**

FILED: 26 JUN 23 PM 2:19
COC 349 GRESHAM GUL SC
aw

COMES NOW Defendant Wendell Don Cooper, appearing pro se, and respectfully submits this Supplemental Notice regarding Plaintiff's alleged summary judgment filing and the hearing scheduled for June 24, 2026.

1. Defendant has already objected that Plaintiff's alleged summary judgment was not properly filed, placed before the Court, or supported by a complete motion package on the docket.
2. This Supplemental Notice is not intended to repeat Defendant's prior objection. It is filed to preserve and clarify that Defendant also has not received Plaintiff's alleged summary judgment motion, memorandum, affidavits, exhibits, or supporting materials.
3. The docket reflects an entry dated June 15, 2026, referencing "Motion/Summary Judgment." However, Defendant has not been served with a complete summary judgment motion package that would allow Defendant to meaningfully respond.
4. Because Defendant has not received the actual motion, memorandum, affidavits, exhibits, or supporting materials, Plaintiff's alleged summary judgment should not be heard on June 24, 2026, should not be treated as unopposed, and should not be considered properly before the Court until proper filing and proper service have occurred.
5. Defendant does not waive any objection by appearing at the June 24, 2026, hearing or by responding to any issues raised by Plaintiff or the Court. Defendant expressly preserves all objections regarding improper filing, lack of service, lack of notice, pending motions, discovery issues, and the scope of the hearing.

WHEREFORE, Defendant respectfully requests that the Court:

CERTIFICATE OF SERVICE

I certify that on June 23, 2026, I served a copy of the foregoing Defendant's Supplemental Notice Regarding Prior Objection to Plaintiff's Alleged Summary Judgment Filing and Non-Receipt of Summary Judgment Materials upon Plaintiff's counsel by depositing a copy in the United States Mail, proper postage prepaid, addressed as follows:

Alan M. Stewart
Foundation Legal Group LLP
P.O. Box 8237
Columbia, South Carolina 29202

and/or

Foundation Legal Group LLP
240 Stoneridge Drive, Suite 400
Columbia, South Carolina 29210

A handwritten signature in cursive script, appearing to read "Wendell", is written over a horizontal line. The signature is followed by a large, stylized circular flourish.

Wendell Don Cooper, Pro Se

June 23, 2026

FILED: '26APR23PM1:42
COC JAY GRESHAM GUL 5C

Civil Action No.: 2025-CP-23-08229

PRIORITY MATTER

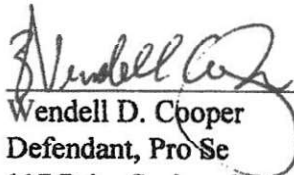
**JURY TRIAL DEMANDED AS TO
DEFENDANT'S COUNTERCLAIMS
AND ALL ISSUES TRIABLE OF
RIGHT BY JURY**

RIGHT BY JURY

**DEFENDANT WENDELL DON COOPER'S MOTION TO DETERMINE THE SUFFICIENCY
OF PLAINTIFF'S ANSWERS TO DEFENDANT'S FIRST REQUESTS FOR ADMISSION
AND TO COMPEL AMENDED ANSWERS**

1. Defendant served Plaintiff with First Requests for Admission.
2. A true and correct copy of the disputed requests is attached as Exhibit A.
3. Plaintiff served written responses to Defendant's First Requests for Admission.
4. A true and correct copy of Plaintiff's responses is attached as Exhibit B.
5. Rule 36(a), SCRCP, requires that an answer to a request for admission specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial must fairly meet the substance of the requested admission.

15. Request for Admission No. 16 asked Plaintiff to admit that Plaintiff's servicing records identify the income figure used to evaluate Defendant for the proposed loan modification offered in or about September 2025. Plaintiff did not admit or deny that matter. Instead, Plaintiff answered only that Defendant had provided Plaintiff with his income figure on numerous occasions.
16. Request for Admission No. 17 asked Plaintiff to admit that Plaintiff's servicing records identify the data inputs used to calculate the proposed loan-modification payment offered in or about September 2025. Plaintiff did not admit or deny that matter. Instead, Plaintiff again responded only that Defendant provided Plaintiff with his income figure on numerous occasions.
17. Request for Admission No. 18 asked Plaintiff to admit that Plaintiff's servicing records identify the person or persons who reviewed, calculated, approved, or authorized the proposed loan-modification payment offered in or about September 2025. Plaintiff did not admit or deny that matter. Instead, Plaintiff answered only that Defendant's loan modifications were reviewed by employees of Plaintiff in accordance with investor guidelines.
18. Request for Admission No. 19 asked Plaintiff to admit that Plaintiff's servicing records identify the person or persons who reviewed, authorized, approved, or directed the referral of Defendant's loan to foreclosure. Plaintiff did not admit or deny that matter. Instead, Plaintiff answered only that Defendant's loan situation was reviewed by persons who approved referral of Defendant's loan to foreclosure.
19. Request for Admission No. 20 asked Plaintiff to admit that Plaintiff made one or more reports, submissions, data transmissions, communications, or certifications to USDA Rural Development concerning the status, servicing, loss-mitigation review, foreclosure status, or compliance status of Defendant's loan. Plaintiff did not admit or deny that matter. Instead, Plaintiff again responded only that, as a loan servicer, Plaintiff is required to service loans in conformity with investor guidelines.
20. These deficiencies concern central issues in this action, including whether Plaintiff applied USDA Rural Development servicing requirements to this USDA-guaranteed loan, what specific loss-mitigation program Plaintiff used, what information Plaintiff used in calculating the September 2025 proposed payment, who approved the proposed payment, who approved the foreclosure referral, and what Plaintiff communicated or certified to USDA Rural Development.
21. Plaintiff's responses to Requests for Admission Nos. 4, 5, 14, 14A, 15, 16, 17, 18, 19, and 20 do not specifically admit, specifically deny, or set forth in detail why Plaintiff cannot truthfully admit or deny the matters requested after reasonable inquiry.
22. Those responses therefore do not comply with Rule 36(a), SCRCF, and should be treated as insufficient.



Wendell D. Cooper

Defendant, Pro Se

117 Palm Springs Way

Simpsonville, South Carolina 29681

Telephone: (864) 230-7049

Email: wendelldoncooper@yahoo.com

Dated: April 23rd, 2026