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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM HORRY COUNTY

Court of Common Pleas

Alan D. Clemmons, Master in Equity

Appellate Case No. 2026-001570

Shaftesbury Green Property Owners Association, Inc.,..... Respondent,

v.

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

of which Cedric Javus Browne is the..... Appellant.

APPELLANT'S MOTION FOR EXPEDITED RULING ON PENDING REQUESTS TO

STAY THE NOVEMBER 2, 2026 JUDICIAL SALE

INTRODUCTION

Appellant respectfully moves this Court, on an expedited basis, to rule on relief already requested in two filings presently pending and undecided before this Court: (1) Appellant's Notice of Master's Ruling and Renewed Petition for Review of Security Fixed on Remand, filed September 21, 2026, which requests, in the alternative, that this Court stay enforcement of the Master's ten-day bond-compliance deadline pending this Court's review (Relief Requested ¶ 5); and (2) Appellant's Verified Petition to Vacate Judgment Void on the Face of the Record, with Ancillary Ex Parte Stay Under Rule 241(d)(6), SCACR, filed September 28, 2026, which requests that this Court stay all foreclosure sale, advertisement, transfer, and related enforcement activity pending determination of that Petition, or in the alternative grant an ex parte stay under Rule 241(d)(6), SCACR (Relief Requested ¶¶ 4–5). Respondent filed its Returns to both filings on October 9, 2026, and Appellant's Replies are filed contemporaneously with this Motion. Both filings, and the stay relief requested within them, are therefore fully briefed and ripe for decision. Neither request has yet been ruled upon, and the judicial sale of the subject property, 633 Notting Hill Court, Conway, South Carolina 29526, is set for Monday, November 2, 2026, a date that has drawn materially closer since both filings were made. Appellant respectfully renews both requests together and asks this Court to act on them on an expedited basis given the imminence of the sale date. A judicial sale conducted before this Court rules risks mooted its review entirely by placing the property in the hands of a purchaser whose title, once confirmed, is difficult or impossible to unwind.

ARGUMENT

I. THE RELIEF SOUGHT HERE IS ALREADY PENDING BEFORE THIS COURT IN TWO UNDECIDED FILINGS; THIS MOTION ASKS ONLY FOR AN EXPEDITED RULING.

Appellant does not ask this Court for relief it has not already requested. The Renewed Petition for Review of Security, filed September 21, 2026, already asks this Court, in the alternative, to stay the Master's ten-day bond-compliance deadline pending this Court's review, which is the very mechanism whose expiration produced the November 2, 2026 sale date. The Petition to Vacate, filed September 28, 2026, already asks this Court to stay the sale and all related enforcement activity pending its decision, or in the alternative to grant an ex parte stay under Rule 241(d)(6), SCACR. Both requests remain undecided. What has changed since they were filed is the calendar: the sale date that was weeks away when these requests were made is now imminent, and no tribunal has yet acted on either request. Appellant brings both before this Court together, in one place, so the Court has the full procedural posture at hand and can act on an expedited basis before the sale date arrives.

II. THE PENDING PETITION TO VACATE PRESENTS A THRESHOLD QUESTION OF JUDGMENT VALIDITY THAT SHOULD BE RESOLVED BEFORE THE PROPERTY IS SOLD.

Appellant's Petition to Vacate rests on the Master's own orders. Paragraph 4 of the Master's April 22, 2026 Report and Order of Foreclosure and Sale states that Appellant's default was set aside "based upon lack of actual service." The Master's June 29, 2026 Order states that Appellant "is in default." No order reconciles the two, and no order has ruled on the defenses of

insufficient service of process and lack of personal jurisdiction that Appellant raised in his Answer and motion to dismiss before the April 8, 2026 hearing. Whether the court acquired personal jurisdiction over Appellant is a question about the validity of the judgment itself. If the judgment is void, a sale conducted under it rests on nothing. The question of validity is therefore not collateral to the sale; it is antecedent to it. This Court should not allow that question to be overtaken by events, a completed sale and a confirmed conveyance, while it is before the Court for decision.

**III. A SALE CONDUCTED WHILE THESE REQUESTS REMAIN UNDECIDED
RISKS IRREPARABLE HARM THAT NO SUBSEQUENT RULING COULD
FULLY UNDO.**

If the sale proceeds on November 2, 2026, and a third party purchases the property, and this Court thereafter grants either pending filing, Appellant would be left to unwind a completed conveyance to a purchaser who was no party to this appeal and who may assert bona fide purchaser status. That is a far more difficult and uncertain remedy than staying a sale that has not yet occurred. Rule 241(c)(2), SCACR, directs the Court to consider "whether such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot." A completed sale threatens exactly that.

The harm runs in one direction. Respondent faces no comparable prejudice from a stay. Respondent has waived any claim to a deficiency judgment (April 22, 2026 Order, decretal ¶ 5), its lien remains on the property throughout the appeal, and Appellant has offered, as a condition of any stay, to keep homeowners association assessments, trash fees, property taxes, and homeowner's insurance current for as long as the stay remains in effect. A stay preserves the

status quo while this Court decides issues already fully briefed; proceeding with the sale creates a harm that cannot be undone by a later decision in Appellant's favor.

IV. THE BOND ORDER DOES NOT ADDRESS THE PROBLEM A COMPLETED SALE WOULD CREATE, WHICH IS WHY THE RENEWED PETITION ALREADY ASKS THIS COURT TO STAY THE COMPLIANCE DEADLINE ITSELF.

The Master's Order Imposing Appeal Bond and Approving Stay, signed September 18 and filed September 21, 2026, addresses financial security for a stay pending appeal; it does not, and by its terms could not, protect Appellant's interest in the property itself once a sale is completed. A bond secures a monetary position; it cannot restore a home once conveyed to a third-party purchaser. The amount of that security, and the forfeiture provisions attached to its ten-day compliance deadline, are themselves before this Court in the pending Renewed Petition. That is why the Bond Order cannot be treated as a substitute for a stay of the sale itself: the very terms of that security, and the deadline on which the sale now turns, are unresolved. Granting the relief requested here does not duplicate or moot the Renewed Petition; it asks this Court to act on what that Petition already requests, a stay of the compliance deadline, before the consequence of inaction becomes irreversible.

V. THE EQUITIES AND THE POSTURE OF BOTH PENDING FILINGS FAVOR AN EXPEDITED RULING NOW.

The relief Appellant seeks is narrow, temporary, and already before this Court: a ruling on the stay requests contained in the Renewed Petition and the Petition to Vacate before the November 2, 2026 sale date arrives. This is not an open-ended request, and it is not a new one.

Both filings, Respondent's Returns, and Appellant's Replies are before the Court; it does not need additional briefing to reach either. The delay a ruling in Appellant's favor would impose is modest and bounded, while the consequence of continued inaction, a sale conducted and potentially confirmed before this Court rules on either pending request, is not something a later ruling could reliably cure. Where the relief requested is already fully before the Court and ripe for decision, equity favors ruling on it now, rather than allowing the controversy to be resolved by the calendar instead of by this Court.

CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court, on an expedited basis and before November 2, 2026: (1) grant the relief requested in Appellant's September 21, 2026 Renewed Petition for Review of Security Fixed on Remand, including the alternative request to stay the Master's ten-day bond-compliance deadline pending this Court's review; (2) grant the relief requested in Appellant's September 28, 2026 Petition to Vacate Judgment Void on the Face of the Record, including the request to stay the judicial sale and all related enforcement activity pending determination of that Petition, or in the alternative the request for an ex parte stay under Rule 241(d)(6), SCACR; and (3) grant such other and further relief as this Court deems just and proper.

October 12, 2026


Cedric Javus Browne, Appellant, Pro Se

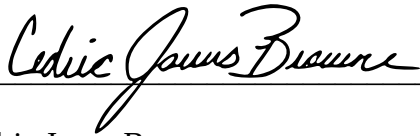
633 Notting Hill Court
Conway, South Carolina 29526
Telephone: (843) 796-8386
E-mail: plainjane9955@gmail.com

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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of October, 2026, I served a true and correct copy of the foregoing Appellant's Motion for Expedited Ruling on Pending Requests to Stay the November 2, 2026 Judicial Sale upon counsel of record for Respondent by United States Mail, first class, postage prepaid, and by electronic mail, addressed as follows:

Mark A. Nappier, Esq.
Joye, Nappier, Risher & Hardin, LLC
3575 Highway 17 Business
Murrells Inlet, South Carolina 29576


Cedric Javus Browne