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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of Common Pleas

Charles B. Simmons, Jr., Special Referee

Appellate Case No. 2026-002044
Common Pleas Case No. 2025-CP-24-00155

Edgefield Holdings, LLC,

.....Respondent,

v.

John W. Polasky, Pucketts Ferry
Homeowners Association, Inc., Greenwood
County, South State Bank, N.A.,

.....Defendants,

Of which John W. Polasky is,

.....Appellant.

**RETURN IN OPPOSITION TO APPELLANT’S MOTION AND PETITION TO
PREVENT LOWER COURT FROM PROCEEDING WITH MATTERS AFFECTED BY
APPEAL AND TO DECLARE POST-APPEAL LOWER COURT ORDER VOID**

On February 24, 2025, Respondent Edgefield Holdings, LLC (“Edgefield Holdings”) filed a lawsuit against John W. Polasky (“Polasky”) seeking foreclosure of the liens of multiple judgments initially filed in North Carolina on July 1, 2008 and subsequently domesticated to and filed in Greenwood County, South Carolina on January 10, January 11, and January 19, 2017.

The defenses asserted by Polasky in the Circuit Court and this appeal serve a single purpose – to cause delay to Edgefield Holdings’ right to execute on its Judgments so that the ten-year active energy of the Judgments can be improperly side-stepped by debtor Polasky.

On September 3, 2026, the special referee entered an order that partially granted the relief sought by Edgefield Holdings (by holding that the ten-year active energy of the Judgments commenced in January 2017 and not in July 2008 as argued by Polasky) while reserving matters to still be ruled upon – specifically, the setting for sale of the real property, establishment of the amounts owed, and the terms and conditions of the sale.

On September 11, 2026, Plaintiff filed its Motion for Expedited Foreclosure Hearing. On September 14, 2026, Defendant Polasky filed a Motion to Reconsider the September 3rd Order. On September 15, 2026, the Court entered an order denying the Motion to Reconsider. Immediately thereafter and on the same date, Defendant Polasky filed a Notice of Appeal with the South Carolina Court of Appeals. The Motion for Expedited Foreclosure Hearing was heard by the special referee on September 28, 2026, with an order granting the motion entered on September 30, 2026.

“The right of appeal arises from and is controlled by statutory law. *Ex Parte Capital UDrive- It, Inc.*, 369 S.C. 1, 6, 630 S.E.2d 464, 467 (2006) (citing *N.C. Fed. Sav. and Loan Assn. v. Twin States Dev. Corp.*, 289 S.C. 480, 347 S.E.2d 97 (1986)). “An appeal ordinarily may be pursued only after a party has obtained a final judgment” unless a statute provides otherwise. *Id.* (citing *Mid-State Distributors, Inc. v. Century Importers, Inc.*, 310 S.C. 330, 335, 426 S.E.2d 777, 780–81 (1993)); *see also Tillman v. Tillman*, 420 S.C. 246, 250, 803 S.E.2d 184, 186 (Ct. App. 2017); *Richardson v. Halcyon Real Estate Servs.*, 439 S.C. 419, 887 S.E.2d 448 (Ct. App. 2023); S.C. CODE ANN. § 14–3–330(1) (1976); Rule 201(a), SCACR. A judgment is final only if it disposes of the cause as to all parties, reserves no further questions or directions, and leaves nothing but execution. *Norwest Props., LLC v. Strebler*, 424 S.C. 617, 819 S.E.2d 444 (Ct. App. 2018); *Kriti Ripley, LLC v. Emerald Investments, LLC*, 404 S.C. 367, 379, 746 S.E.2d 26, 32 (2013)

(internal citations omitted); *Hagood v. Sommerville*, 362 S.C. 191, 607 S.E.2d 707 (2005). An order is interlocutory if it reserves an issue, leaves open further action by the court, or requires some further judicial act before the parties' rights are resolved. *Richardson*, 439 S.C. 419, 887 S.E.2d 448; *Tillman*, 420 S.C. at 250, 801 S.E.2d at 760.

It is without question that the September 3rd order reserves issues and leaves open further actions by the trial court. More than execution remains to be completed. That is why a hearing has been set by the lower court for October 26, 2026: to set the amount of the debt and the terms and conditions of sale. Based on these clear items remaining to be completed, the September 3rd order is interlocutory. Edgefield Holdings' lawsuit seeks not only a determination of validity of the lien, which the September 3rd order addressed; it also seeks the sale of property to satisfy said lien, which the September 3rd clearly does not address. While an interlocutory order can still be appealable if it meets the requirements under S.C. CODE ANN. § 14-3-330, this order does not meet any of those factors. "Piecemeal appeals should be avoided and most errors can be corrected by the remedy of a new trial." *Hagood v. Sommerville*, 362 S.C. 191, 196, 607 S.E.2d 707, 709 (2005); *see also Tillman v. Tillman*, 420 S.C. 246, 250, 801 S.E.2d 757, 760 (Ct. App. 2017) ("To avoid circuitous litigation and needless appeals, we construe section 14-3-330 narrowly, eyeing the nature and effect of the order, not merely its label.").

Polasky instead attempts to argue that no matter what an automatic stay applies to any order for summary judgment, ignoring the law cited above. These arguments are unavailing and fail as a matter of law. Because the lower court's order was not a final order, it therefore was interlocutory and not appealable. Furthermore, the lower court rightfully retained jurisdiction to hold a final foreclosure hearing. No relief from stay is required at this time because the appeal has been improperly filed.

A single appeal following final judgment for execution upon the subject real property best serves judicial economy, “avoid[s] circuitous litigation and needless appeals”, and therefore, comports with the intent of section 14-3-330. *Tillman*, 420 S.C. at 250, 801 S.E.2d at 760.

CONCLUSION

Based on the foregoing, Edgefield Holdings respectfully requests that Polasky’s motion be denied, that this Court hold that the special referee has retained jurisdiction, and that Polasky’s appeal be dismissed or otherwise held in abeyance until a ruling from the October 26, 2026 hearing is issued.

Respectfully Submitted,

s/Lawrence M. Hershon
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October 15, 2026



THE HERSHON LAW FIRM, P.A.

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SC Court of Appeals

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Via Email <ctappfilings@sccourts.org>

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: *Edgefield Holdings, LLC v. John W. Polasky*
Appellate Case No. 2026-002044

Mrs. Kitchings:

Enclosed please find Respondent Edgefield Holdings, LLC's Return to Appellant's Motion and Petition in the above-referenced matter.

Sincerely,

Lawrence M. Hershon

LMH:
Enclosure

cc: Andrew Sims Radeker, Esq. (via email)
James Graham Padget, III, Esq. (via email)
Zachary Lee Weaver, Esq. (via email)

