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Oct 21 2026

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.

**RESPONDENT EDGEFIELD HOLDINGS, LLC’S MOTION FOR EXPEDITED
BRIEFING AND DISPOSITION**

Respondent Edgefield Holdings, LLC (“Edgefield Holdings”), pursuant to Rule 240, SCACR, respectfully moves the Court to expedite this appeal and establish an accelerated schedule for completion of the record, briefing, submission, and disposition. Based on the ruling of the Special Referee, the judgments under review will lose their active energy in January 2027. If this appeal proceeds under the ordinary appellate schedule, the judgments will expire before appellate review can be completed, thereby creating a substantial risk that the appeal will become moot and that the Court will be unable to grant effective relief.

BACKGROUND

On February 24, 2025, Respondent Edgefield Holdings filed a lawsuit against Appellant 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 “Judgments”).

Under the Special Referee’s order dated September 4, 2026, the Special Referee held that the ten-year enforcement period for the Judgments under S.C. CODE ANN. § 15-39-30 begins at the date of filing in South Carolina, and not the date of their origination in the foreign jurisdiction, and therefore the active energy concludes on January 10, 11, and 19, 2027 for each of the three judgments.

While *Gordon v. Lancaster*, 425 S.C. 386, 823 S.E.2d 173 (2018) appears to stand for the clear rule that an **order** for execution must be entered within the ten-year rule of S.C. CODE ANN. § 15-39-30, the Court of Appeals has yet to rule definitively on whether the sale can occur outside of the ten-year period. *See Edgefield Holdings, LLC v. Christian E. Hamlin*, Appellate Case No. 2024-000658 (pending). If the sale must be completed by January 10, 2027, then time is certainly of the essence in this appeal. Because the standard time for appellate review could allow for an expiration of the ten-year period and thus allow for this appeal and the underlying action to become moot, the Court should grant this motion and allow for expedited briefing and disposition.

GROUND FOR EXPEDITED TREATMENT

On September 4, 2026, the Special Referee entered an order on cross-motions for summary judgment in favor of Edgefield Holdings. On September 15, 2026, the Special Referee denied Polasky’s motion to reconsider. On the same date, Polasky filed a notice of appeal. On October 5, 2026, Polasky filed a motion to prevent the Special Referee’s holding of a foreclosure hearing.

This Court granted Appellant's motion on October 16, 2026. The foreclosure hearing had been scheduled to take place on October 26, 2026.

The appealed orders were ruled upon the briefs filed by the parties, and therefore there are no transcripts that are required to be ordered for the appellate record. Under the ordinary appellate schedule, disposition is extremely unlikely to occur before the end of 2026.

Expedited treatment is warranted. Under Rule 240, SCACR, motions permit this Court to act upon a properly supported request for procedural relief. Expedited review is necessary because the judgments under review are inherently time-limited. The liens of the Judgments lose their active energy starting January 10, 2027. While argument exists that the foreclosure sale can take place after January 2027, there is a lack of clear precedent on the issue. Because the active energy of the Judgments could possibly expire in January 2027, this Court should review this matter in sufficient time to allow for the sale if the Special Referee's ruling is upheld.

Unless this appeal is resolved promptly, the imminent harm, prejudice, and practical consequence of a standard briefing schedule is that the active energy of the liens could be deemed to have expired, preventing Edgefield Holdings from the opportunity to recover against an asset of Polasky, as judgment debtor, that he refuses to apply to the balance owed under the Judgments.

Resolution after January 10, 2027 may render the appeal moot. At a minimum, disposition needs to occur with sufficient time to allow for a foreclosure hearing to be held and an order of foreclosure to be entered prior to January 10, 2027, with this Court expressly permitting a sale to occur after January 10, 2027, if the Special Referee in fact grants the requested relief. Alternatively, if the sale must occur prior to January 10, 2027, this Court would need to provide sufficient time for the Special Referee to hold a foreclosure hearing by December 14, 2026, in

order to allow for three weeks of advertising prior to a sale date (again, presuming, for the purposes of this motion, that the Special Referee determines that a sale should occur).

The appeal presents a discrete issue for review, which has already been fully briefed to the Special Referee, permitting review on an expedited schedule. The issue is straight forward: Does the ten-year active energy of a judgment arising from a foreign judgment commence on the date of entry of the judgment in the foreign jurisdiction or upon the filing of the judgment in South Carolina? This issue may be resolved on the existing record and does not require further factual development.

Expedited treatment will not unfairly prejudice the Appellant Polasky because he has already fully briefed the issue at hand. Polasky's counsel participated in the proceedings below, is familiar with the controlling facts and issues, and will have a reasonable opportunity to respond under the proposed schedule. The limited record permits expedited consideration because the record is complete, the summary judgment motions are supported by a consent stipulation of facts, and the record is very limited in size. Edgefield Holdings is prepared to file all remaining appellate materials and briefs according to the accelerated schedule proposed below.

Edgefield Holdings is prepared to comply with an accelerated schedule, dispensing with initial briefs, and proposes the following:

- a. Because no remaining materials are necessary to perfect the appeal, no deadline is required for any transcripts to be completed.
- b. Appellant's final brief and the record on appeal shall be filed within ten (10) days following the granting of this motion.
- c. Respondent's final brief shall be filed within seven (7) days after the filing of Appellant's final brief.

- d. Any reply brief shall be filed within five (5) days after the filing of Respondent's final brief.
- e. The appeal shall be submitted for decision, with oral argument if so ordered by the Court (which Edgefield Holdings will waive if time does not permit), at the earliest practicable date, but no later than December 1, 2026.
- f. Shorten or dispense with any rehearing period and send the remittitur immediately upon any decision.

For these reasons, Respondent Edgefield Holdings, LLC respectfully requests that the Court:

- 1. Grant this motion;
- 2. Expedite consideration and disposition of this appeal;
- 3. Establish the accelerated briefing schedule proposed above, or another schedule the Court deems appropriate;
- 4. Set the appeal for submission or oral argument at the earliest practicable date; and
- 5. Grant such other relief as the Court deems just and appropriate.

Respectfully Submitted,

s/Lawrence M. Hershon
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Attorneys for Respondent Edgefield
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John W. Polasky, Pucketts Ferry
Homeowners Association, Inc., Greenwood
County, South State Bank, N.A.,Defendants,
Of which John W. Polasky is,Appellant.

PROOF OF SERVICE

I, the undersigned, hereby certify that I have served the Motion for Expedited Briefing and Disposition on counsel of record via their AIS designated email addresses on October 21, 2026, as follows:

Andrew Sims Radeker <Drew@radekerlaw.com>
James Graham Padgett, III <padgett@bacotlawfirm.com>
Zachary Lee Weaver <zweaver@weaverlawsc.com>

s/ Lawrence M. Hershon
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Attorney for Respondent Edgefield Holdings, LLC



THE HERSHON LAW FIRM, P.A.

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Via Email <ctappfilings@sccourts.org> and FedEx

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 Motion for Expedited Briefing and Disposition and Proof of Service (submitted for electronic filing). The physical letter contains this firm's check for \$50.00 for the filing fee in the above-referenced matter.

Sincerely,

Lawrence M. Hershon

LMH:
Enclosures

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

