The South Carolina Court of Appeals

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.

Appellate Case No. 2026-001570

ORDER

On July 16, 2026, Appellant filed a notice of appeal from two orders issued by the master-in-equity. The first order, issued on April 22, 2026, is the master's report and order of foreclosure and sale. The second order, issued on June 29, 2026, denied Appellant's motions to alter or amend the judgment pursuant to Rule 59 of the South Carolina Rules of Civil Procedure, set aside the judgment, and stay the execution of the judgment pending appeal.

On July 16, 2026, Appellant also filed an "emergency petition for writ of supersedeas," asking this court to stay the orders on appeal pending resolution of his appeal. Appellant indicated the judicial sale of the property was set for August 3, 2026. On July 17, 2026, he filed an affidavit in support of his petition for writ of supersedeas. On July 21, 2026, Respondent filed a return, arguing this court should deny Appellant's petition for writ of supersedeas because Appellant failed to post a written undertaking as required by section 18-9-170 of the South Carolina Code (2014). Respondent also stated the judicial sale had been delayed until September 8, 2026. On July 22, 2026, Appellant filed a reply in which he agreed "that South Carolina law requires a written undertaking . . . to stay the sale of real property directed by a judgment satisfying a mortgage or other lien." He noted an

amount of the undertaking or the manner of satisfaction had not been established; thus, he was unable to comply with section 18-9-170. A review of the public index showed Appellant's motion to stay filed with the master included a request to "waive, reduce, or narrowly tailor any bond or security requirement after giving [Appellant] an opportunity to be heard." According to the master's order denying Appellant's motion to stay, the master determined Appellant failed to show good cause to support the motion. There was no indication in the order that the master considered section 18-9-170 or Appellant's request to waive, reduce, or narrowly tailor any bond or security requirement. Accordingly, this court granted a temporary stay and remanded this case to the master for an expedited hearing on Appellant's petition for writ of supersedeas, including consideration of Appellant's statement of his willingness to execute a written undertaking. *See* Rule 241(d), SCACR (explaining an application for supersedeas must first be made to the lower court which entered the order on appeal); Rule 241(b)(4), SCACR (providing that a judgment directing the sale or delivery of possession of real property is not automatically stayed by the service of the notice of appeal); § 18-9-170 ("If the judgment appealed from direct[s] the sale or delivery of possession of real property, the execution of the judgment shall not be stayed unless a written undertaking be executed on the part of the appellant, with two sureties, to the effect that during the possession of such property by the appellant he will not commit or suffer to be committed any waste thereon and that if the judgment be affirmed he will pay the value of the use and occupation of the property from the time of the execution of the undertaking until the delivery of possession thereof pursuant to the judgment, not exceeding a sum to be fixed by a judge of the court by which judgment was rendered and which shall be specified in the undertaking.").

On August 20, 2026, the master presided over a hearing to address Appellant's emergency motion for writ of supersedeas. On September 21, 2026, the master entered an order finding the amount of the bond required to stay the order on appeal was "[t]he amount of the judgment, interest of 8.75% per annum falling due on the judgment during the pendency of the appeal, reasonable rental value for the use and occupation of the property, taxes becoming due during pendency of the appeal and costs of insurance and assessments that may come due during the pendency of the appeal." Thereafter, the master further found the "appeal could take thirty-six (36) months," a reasonable rent during the pendency of the appeal would be $2,000 per month for total rent of $72,000; the property taxes would likely total $10,507.14 over the next three years; insurance costs would likely total $6,855 over the span of three years; assessments would total $845 over the span of three years; and the judgment of $10,026.58 would accrue interest at 8.75% over thirty-six months for a total of $2,929.59. The master set the undertaking at

$103,263.31. The master further established that "[a]bsent said bond being fully obtained, the foreclosure sale will be conducted on November 2, 2026."

On September 21, 2026, Appellant filed a "renewed petition for review of security fixed on remand."[1] On October 9, 2026, Respondent filed a return to the petition for review of security fixed on remand. On October 12, 2026, Respondent filed a reply.

On September 28, 2026, Appellant filed a "petition to vacate judgment void on the face of the record with ancillary ex parte stay." On October 9, 2026, Respondent filed a return to the petition to vacate judgment. On October 12, 2026, Appellant filed a reply. On October 13, 2026, Appellant provided a "submission of trial court record documents in support of verified petition to vacate judgment." On October 16, 2026, Appellant provided this court with a copy of an order issued by the master on October 15, 2026.[2] In that order, the master found its position regarding the terms of the September 21, 2026 order imposing appeal bond and approving stay was unchanged and declined to change the terms of the appeal bond.

On October 19, 2026, Appellant filed a "supplemental notice of filing of Rule 59(e) motion before the master-in-equity," in which he requested the master alter or amend the order dated October 13, 2026. On October 23, 2026, Appellant filed a "notice of ruling below and request for decision on pending petitions before November 2, 2026." In this notice, Appellant explained the master issued an order on October 22, 2026, dismissing Appellant's motion to alter or amend the order dated October 13, 2026.

On October 23, 2026, Appellant filed a "motion for leave to file supplemental memorandum, with supplemental memorandum in support of verified petition to vacate judgment void on the face of the record." If Respondent would like to file a return to this motion, Respondent must do so within five days of the date of this order. Any reply must be filed within two days of the date of service of the return.

After careful consideration, we grant a temporary stay of the orders on appeal. This court will rule on the filings expeditiously.

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[1] Appellant filed a "renewed emergency petition for writ of supersedeas and for review of security fixed on remand" on August 21, 2026, but this court took no action on the petition because the master had not issued a ruling yet.

[2] The order was signed on October 13, 2026, and it was filed on October 15, 2026.

Kristi L. Hamm J.
FOR THE COURT

Columbia, South Carolina

FILED
Oct 30 2026

cc:
Cedric Javus Browne
Mark Andrew Nappier, Esquire
The Honorable Alan D. Clemmons