

The South Carolina Court of Appeals

Katheryna Mulholland-Mertz, Appellant,

v.

Corie Crest Homeowners Association of Spartanburg,
Inc.; Richard T. Biggs; Kathleen A. Biggs; James
Hannah; Elizabeth A. Hannah, Respondents.

Appellate Case No. 2013-002500

ORDER

Appellant has filed a petition for writ of supersedeas, arguing the circuit court's order as to attorney's fees is automatically stayed by an appeal pursuant to Rule 241(a), SCACR. Respondent has filed a return arguing attorney's fees are money judgments as provided in Rule 241(b)(1), SCACR, and therefore, are not subject to the automatic stay. After careful consideration, Appellant's petition is granted. *See Woodside v. Woodside*, 290 S.C. 366, 378-79, 350 S.E.2d 407, 414-15 (Ct. App. 1986) (noting orders granting attorney's fees have historically not been considered a judgment, and therefore, do not fall within the money judgment exception to the automatic stay). Because the automatic stay applies in this case, Appellant is not required to post a bond.


FOR THE COURT

Columbia, South Carolina

cc:

FILED
3/7/14

James D. Calmes, III
A. Todd Darwin
John Hollis Inabinet