

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Mikell R. Scarborough, Master-in- Equity, Court Judge

Appellate Case No. 2013-2694

Nationstar Mortgage, LLC

Respondent,

v.

Rhonda Meisner

Appellant.

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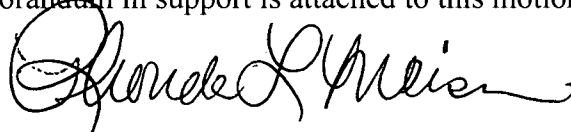
JUL 17 2014

SC Court of Appeals

MOTION FOR SUPERSEDEAS OF JUDGEMENT PURSUANT TO
SCACR 241 (C)(2)

Appellant Rhonda Lewis Meisner respectfully requests a supersedeas of judgment pursuant to SCACR Rule 241(C)(2). A memorandum in support is attached to this motion

July 17, 2014



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Counsel of Record:
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The Appellant makes this motion pursuant to S.C.A.C.R. Rule 241 (C)(2) for supersedes of Judgment pending appeal in order for the Court of Appeals to maintain subject matter jurisdiction during the appeal. The Defendant/Appellant Rhonda Meisner has complied with S.C. Code Ann. §18-9-130 (A)(2) regarding appeals from a judgment involving real property . The Code allows for the alternative of the purchase of a supersedes appeal bond by producing the property levied on and submit to the sale if the judgment is confirmed. However, Plaintiff's have not complied with S.C. Code Ann. §18-9-130 (A)(2) by giving a bond to the Defendant in double the appraised value or double the judgment amount should the Order of the magistrate be overturned. Instead they seek to "moot the appeal" by selling the contested property and denying the Appellant her right to a review by the Court of Appeals. The urgent request for a Supersedes of judgment pending appeal is strictly for the Court of Appeals to maintain jurisdiction over the proceedings and not to inhibit the Respondents actions. The Respondent in this matter is not seeking a deficiency judgment so they will not be prejudiced by the Supersedes of judgment pending appeal, the Supersedes is strictly for maintaining subject matter jurisdiction of the Appellate Courts. The resolution of the legal arguments of standing and subject matter jurisdiction that is the core of the appeal from the Master in Equity's ruling will be lost without a ruling on Supersedes of Judgment pending appeal even though the Appellant has complied with the Statutory protections for the Respondents.

The legislature has provided a fair policy for both the Appellant and the Respondent to maintain their rights pending appeal by the surrender of the

property at issue or the purchase of a bond. Likewise, the Respondent if he desires to sell the property subject to the mortgage must post a bond to the Defendant in two times the judgment amount or twice the value of the property. Here, in an ^{attempt} to evade judicial review, upon information and belief the Respondent is attempting to sell the property and "moot the appeal". The sale of the property by a Master in Equity is "sold" as is and does not confer a general warranty deed, instead it confers a Master's deed. In the event the Court of Appeals agrees with the Appellant then the resulting reversal of the Master's deed is contemplated in the "as is" designation of the sale of the property by the Respondents and the Appellants maintain access to the Court of Appeals for review of this important issue. For the above reasons, the Appellant requests a Supersedes of Judgment pending appeal solely for the purpose of the Court of Appeals maintaining jurisdiction during the pendency of the appeal.

Respectfully submitted,



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July 17, 2014

**PROOF OF SERVICE MOTION FOR SUPERSEDAS OF JUDGMENT
PURSUANT TO SCACR 241(C)(2)**

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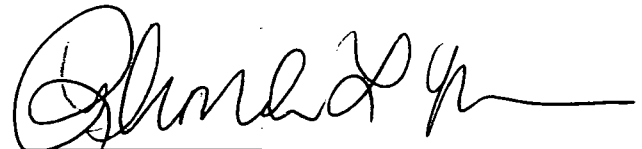
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SC Court of Appeals

PROOF OF SERVICE

I certify that I notified opposing counsel of the motion SUPERSEDAS OF JUDGMENT PENDING APPELLATE REVIEW via U.S. Mail on July 17,2014 to Magalie R. Arcure, Attorney for the Respondents at Finkel Law Firm Post Office Box 41489 Charleston, SC 29423 by depositing a copy of it in the United States Mail, postage prepaid, on July, 17, 2014 addressed to Attorneys for the Respondents.

July 17, 2014



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