

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

**APPEAL FROM ANDERSON COUNTY
Anderson County Master-In-Equity
ELLIS DREW, JR., MASTER-IN-EQUITY**

Case No. 2012-CP-04-01029

174039

The Bank of New York Mellon, f/k/a The Bank of New York, as Trustees for the Benefit of the Certificateholders of the CWABS, Inc., Asset-backed Certificates, Series 2006-SD2 ,.....Respondents,

vs.

Stephen Holsey, Teresa Terry, f/k/a Teresa Holsey, Frank M. Musgrove, Jr., Janet M. Musgrove, Apple Creek Associates of Hampton, Ltd., and the United States of America, acting by and through its agency, United States Attorney' Office for the District of South Carolina, of which Stephen Holsey, Teresa Terry, f/k/a Teresa Holsey are the.....Appellants

**MOTION FOR A STAY OR INJUNCTION AGAINST
THE SALE OF THE APPELLANTS' HOUSE
PENDING APPEAL**

The Appellants move this Court, pursuant to Rule 225(a) of the SCACR and Rule 62(c) of the SCRCF for an Order for a Stay or Injunction enjoining the Respondents and/or the Anderson County Master-In-Equity from selling the Appellants' house pending this Appeal to enforce a Judgment of Foreclosure issued by the Trial Court below in its Order of September 16, 2014 wherein the Trial Court awarded the

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Respondents a judgment of Foreclosure to sell the Appellants' home on a debt of some \$306,430.26 and ordered the Appellants' home to be sold **but it waived a deficiency judgment.** Further, this said motion will be based on the following grounds:

1. That this loan was one of those predatory loans that, prior to this Foreclosure action, was part of a Class Action lawsuit by the U. S Federal Trade Commission against the Respondent's Predecessor in Title, Countrywide Mortgage Company, against the company for allegedly engaging in unlawful mortgage practices;

2. That in this contested case below, the Attorney for the Respondents in the trial court below, over the objections of the Appellants' counsel, was allowed to testify for the Respondents but the Respondents' attorney was not familiar with the history of this within predatory loan to shed light on this loan's tortuous history and nor was the attorney aware that this predatory loan part of a class action lawsuit by the U. S. Federal; Trade Commission and this issue of the Respondents' attorney testifying in this contested case below over the objections of the Appellants' counsel will be one of the Appellants' issue on appeal;

3. That the lower trial court did not grant a monetary judgment against the Appellants and **a deficiency judgment was waived against the Appellants;**

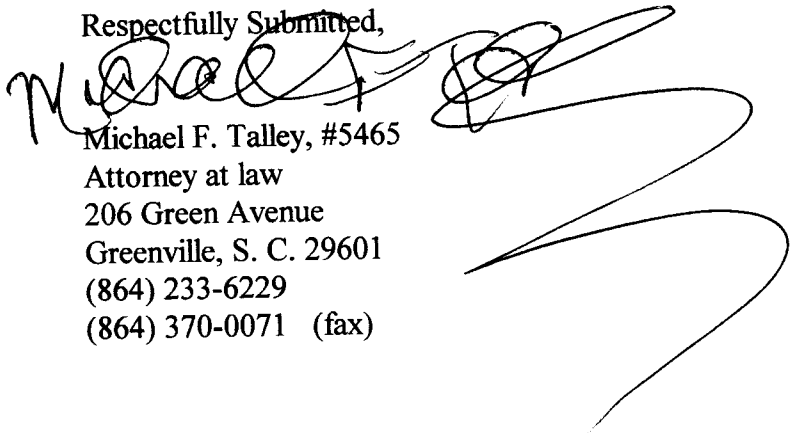
4. That accordingly, there was no monetary judgment awarded against the Appellant **and nor was a deficiency judgment sought against the Appellants** for which a surety should be imposed against the Appellants pending this Appeal, and,

5. That since a deficiently judgment was waived, there is no reason for the Appellants to post a surety for the Appellants to be granted a Stay enjoining their home from being sold pending this Appeal;

6. That further, the appellants' request for a loan modification was denied by the Respondents which will be another issue of the Appellants on appeal as well as the lower court's failure to grant the Appellants a continuance; and,

7. On the Applicable State law and Federal law and Rule 225(a) of the SCACR and Rule 62(c) of the SCRCRCP.

Respectfully Submitted,



Michael F. Talley, #5465
Attorney at law
206 Green Avenue
Greenville, S. C. 29601
(864) 233-6229
(864) 370-0071 (fax)

Dated: October 30 20014

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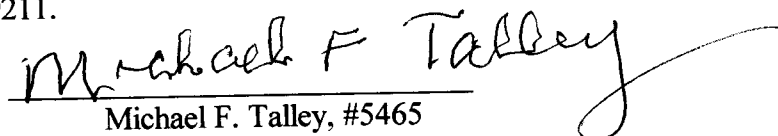
The Bank of New York Mellon, f/k/a The Bank of New York, as Trustees for the Benefit of the Certificateholders of the CWABS, Inc., Asset-Backed Certificates, Series 2006-SD2, Respondents,

v.

Stephen Holsey, Teresa Terry, a/k/a Teresa Holsey, Frank M. Musgrove, Jr., Janet M. Musgrove, Apple Creek Associates of Hampton Ltd., and the United States of America, acting by and through its agency, United States Attorney's Office for the District of South Carolina, of which Stephen Holsey, Teresa Terry, f/k/a Teresa Holsey are the Appellants.

PROOF OF SERVICE

I certify that I, as one of the Appellants' undersigned attorneys, have served a copy of the Appellants' Motion For A Stay upon the Respondents, The Bank of New York Mellon, et. al., by depositing a copy of same in the United States Mail, postage pre-paid, on October 30, 2014, addressed to the Respondent's Attorney of record, Ms. Kristen E. Washburn, The Korn Law Firm, 1300 Pickens Street, P. O. Box 12369, Columbia, South Carolina, 29211.



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October 30, 2014

Ms. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
P. O. Box 11629
Columbia, S. C. 29211

RE: The Bank of New York Mellon, f/k/a the Bank of New York et. al.,
vs. Stephen Holsey, Teresa Terry, f/k/a Teresa Holsey, Frank M. Musgrove, Jr.
Janet M. Musgrove, Apple Creek Associates of Hampton Ltd., and the United
States of America, acting by and through its agency, United States Attorney's
Office for the District of South Carolina, of which Stephen Holsey, Teresa Terry,
f/k/a Teresa Holsey, are the Appellants.
Case No. 2012-CP-04-01029

Dear Ms. Kitchings:

Enclosed please find the original and a six (6) copies of a Motion for a Stay
for filing on behalf of the Appellants, Stephen Holsey and Teresa Terry, along
with our Proof of Service upon the Respondents, attorney, Ms. Kristen E. Washburn.
We are also enclosing our office check of \$25.00 for the filing. fee.

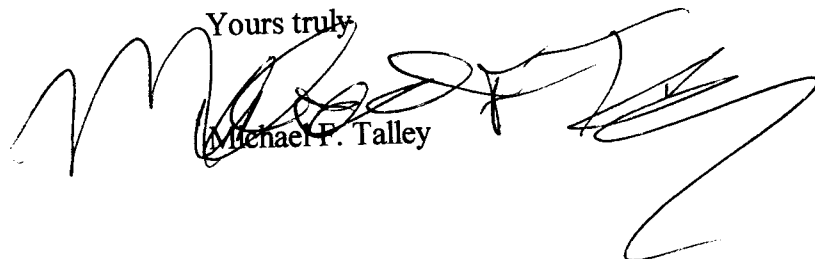
Along with this letter and a copy, we are filing a copy of the Appellants'
Motion For a Stay upon the lower Court S. C. Court of Appeals and a copy of our Proof
of Delivery.

After filing, please forward our office a filed copy of our Proof of Service
in the enclosed self-addressed-stamped envelope.

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Thank you.

Yours truly

A large, stylized handwritten signature in black ink, appearing to read 'M. Talley', is written over the typed name.

Michael P. Talley

MFT/

Enclosures::

cc: Anderson County Clerk of Court
Ms. Kristen E. Washburn, Esquire
The Honorable Ellis Drew, Jr., Master-In-Equity
Mr. Stephen Holsey

Mr. Michael F. Talley, LLC
Attorney at Law
206 Green Avenue
Greenville, S. C. 29601

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