

# The South Carolina Court of Appeals

The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the Benefit of the Certificate holders 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, Defendants,

Of whom Stephen Holsey and Teresa Terry a/k/a Teresa Holsey are the Appellants.

Appellate Case No. 2014-002321

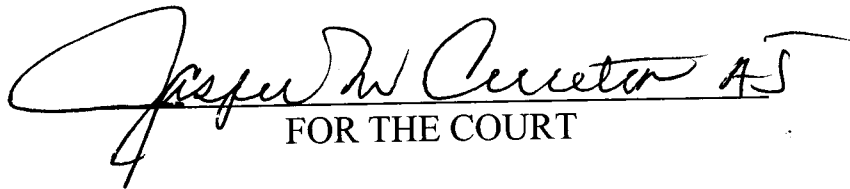
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## ORDER

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After careful consideration, Appellants' petition for supersedeas seeking to stay the order on appeal is denied. *See* Rule 241(d)(1), SCACR ("Except where extraordinary circumstances make it impracticable, an application for an order lifting the automatic stay or for supersedeas must first be made to the lower court or administrative tribunal which entered the order or decision on appeal."); Rule 241(b)(4), SCACR (providing that "[j]udgments directing the sale or delivery of possession of real property" is an exception to the general rule that the service of a notice of appeal acts to automatically stay matters decided in the judgment); Rule 241(b), SCACR (providing that "[w]here specific conditions must be met before the exception applies, those conditions must be strictly complied with"); S.C. Code Ann. § 18-9-170 (2014) ("If the judgment appealed from direct 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.").

  
FOR THE COURT

Columbia, South Carolina

cc:  
Michael F. Talley, Sr., Esquire  
Kristen Elisa Washburn, Esquire

**FILED**  
11/5/14 