

The South Carolina Court of Appeals

Bank of America, N.A. Successor by Mortgage to BAC
Home Loans Servicing, LP, Respondent,

v.

Kermit G. White, Jr., Appellant.

Appellate Case No. 2014-001656

ORDER

Appellant filed a motion captioned "Motion for an Emergency Hearing to Stay His Eviction." Appellant requests this Court stay his eviction from the foreclosed premises pending resolution of the appeal. This Court construes Appellant's motion as a petition for supersedeas.

After careful consideration, this Court denies the petition for supersedeas. *See* S.C. Code Ann. § 18-9-170 (2014) (requiring that an appellant must post a bond to stay a foreclosure sale); *Parker v. Shecut*, 349 S.C. 226, 231, 562 S.E.2d 620, 623 (2002) (citing section 18-9-170 and stating "judgments directing the sale of real property are not automatically stayed on appeal"); *Muckenfuss v. Fishburne*, 68 S.C. 41, 45, 46 S.E. 537, 538 (1903) (stating that "[w]hen the court orders property to be sold to satisfy a mortgage, notice of appeal from the order does not stay the sale, unless an undertaking is given as required by" section 18-9-170).



FOR THE COURT

Columbia, South Carolina

FILED
11/24/14

cc: Kermit G. White, Jr.
Cynthia Marie Lover, Esquire
Dean Anthony Hayes, Esquire
Damon Christian Wlodarczyk, Esquire