

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
CASE NO.: 2014-CP-40-574

RECEIVED

Branch Banking and Trust Company,)
)
Plaintiff,)

vs.)

Richard Brady a/k/a Rick Brady; First)
Community Bank; County of Richland; and)
East Richland County Public Service)
District,)
)
Defendants.)

AUG 12 2015
SC Court of Appeals

ORDER GRANTING MOTION TO
STAY SALE AND DENYING
MOTION TO RECONSIDER

2015 AUG -5 AM 11:07
CLERK OF COURT
COURT HOUSE
COLUMBIA, SC

By Motion to Stay Sale and Motion to Reconsider and to Alter or Amend Order Granting Summary Judgment and Decree of Foreclosure and Sale, served and filed on July 22, 2015, the Defendant, Richard Brady ("Movant"), moved the Court for an Order staying the foreclosure sale scheduled for August 3, 2015, for a reconsideration of the Master in Equity's Order Granting Summary Judgment and Decree of Foreclosure and Sale ("Order/Decree"), filed on or about July 17, 2015, and for an Order which alters or amends said Order/Decree to address the grounds and exceptions enumerated in the Motion.

This Motion came to be heard by the undersigned on July 24, 2015¹. In attendance were: Leonard R. Jordan, Jr., attorney for Movant, Vance L. Brabham, III, attorney for Plaintiff, Jeffrey L. Silver, attorney for First Community Bank and Lauren Sutton Hogan, attorney for Richland County.

I find that, in light of the fact that the Order/Decree was not entered until July 17, 2015, the commencement of advertising of a Notice of Sale prior thereto was premature and, further, that Rule 62(a) of the South Carolina Rules of Civil Procedure imposes an automatic stay for a period of 10 days after the entry of a judgment of any proceedings enforcing such judgment, the sale cannot be held on August 3, 2015. I further find that the sale should be re-scheduled for the next available sale date and that the Movant should be required to reimburse the Plaintiff for the advertising of the notice of sale for the August 3, 2015, sale or, alternatively, for some subsequent

¹ It is noted that, as of the motion hearing, no party to this suit had received a filed-copy of the Order/Decree.

sale.

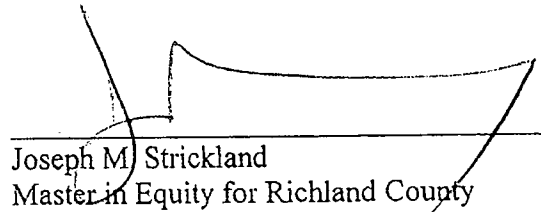
WHEREFORE, it is

ORDERED that the Motion to Stay Sale is GRANTED and that the sale of the subject real property shall not be scheduled before September 8, 2015.

IT IS, FURTHER, ORDERED that the Defendant, Richard Brady, be and he is hereby ordered to reimburse the Plaintiff for the advertising of the notice of sale for the August 3, 2015, sale or, alternatively, some subsequent sale.

IT IS, FURTHER, ORDERED that the Motion to Reconsider and to Alter or Amend Judgment is DENIED.

AND IT IS SO ORDERED.



Joseph M. Strickland
Master in Equity for Richland County

Columbia, South Carolina

Aug. 5, 2015