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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Appellate Case No. 2015-001717

SEP 01 2015  
SC Court of Appeals

Branch Banking and Trust Company ..... Respondent,

v.

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

Of whom Richard Brady a/k/a Rick Brady is ..... Appellant.

VERIFIED PETITION FOR ORDER GRANTING WRIT OF SUPERSEDEAS AND REQUEST  
FOR EX PARTE RELIEF OR EMERGENCY HEARING

YOU WILL PLEASE TAKE NOTICE that the Appellant, Richard Brady a/k/a Rick Brady,  
by and through his undersigned attorney, hereby moves, pursuant to Rule 241, SCACR, and  
Section 18-9-170, Code of Laws of South Carolina, for an order imposing a supersedeas to stay  
the foreclosure sale of the Appellant's residence.

The Appellant, on August 12, 2015, filed a Notice of Appeal of the Master in Equity's  
Order Granting Summary Judgment and Decree of Foreclosure and Sale, filed on July 17, 2015,  
and the Order Granting Motion to Stay Sale and Denying Motion Reconsider, filed on August 5,  
2015.

By this Petition, the Appellant seeks to suspend or stay the enforcement of the decree until  
the appeal is concluded. The said decree is the subject of, and in all respects affected by, the appeal  
in accordance with Rule 205, SCACR.

The Respondent, Branch Banking and Trust Company, has scheduled the Appellant's  
residence for sale on September 8, 2015, and the Appellant served a Motion to Set Bond, filed on

August 18, 2015, in an effort to have his Appeal Bond (copy attached as Exhibit "A") approved by the Master in Equity in order to stay the foreclosure sale during the appeal.

A hearing on the Motion to Set Bond was held before the Master in Equity on August 27, 2015. The Plaintiff objected to the said Appeal Bond at the hearing, and it subsequently submitted the Plaintiff's Exception to Appeal Bond (copy attached at Exhibit "B").

The Master in Equity, after considering the Appeal Bond and hearing the arguments of counsel, summarily and unjustifiably declined to accept the Appeal Bond. The Appellant has not received a copy of a formal order issued by the Master in Equity confirming his ruling from the bench.

The Appellant is entitled to a stay of the foreclosure sale of his residence if a bond, in conformity with Code Section 18-9-170, is executed by the Appellant and two sureties. The Appellant believes that the offered Appeal Bond complies, in all respects, with said statute. He nevertheless indicated, through his attorney, that he would follow instructions of the Master in Equity with regard to revising the Appeal Bond in order that it would meet his approval, but the Master in Equity declined to provide any such instructions.

Furthermore, the Appellant is informed and believes that the Respondent's mortgage is more-than-fully secured, and he therefore asserts that the court should consider this factor and determine that the offered Appeal Bond is more than adequate to provide complete protection to the Respondent during the appeal. At the hearing before the Master in Equity, the Master in Equity was made aware of a February 2015 appraisal of the Appellant's residence, which indicated a value of \$450,000.00 (copy attached as Exhibit "C") and a March 2015 Listing Agreement, which indicated a target marketing price of \$540,000.00 (copy attached as Exhibit "D"). This information on value is quite relevant, and the Respondent's attorney was unable to suggest how his client's

debt would not be fully protected through the appeal even without the offered Appeal Bond.

The Appellant requests that this court review the lower court's ruling and issue an Order imposing a writ of supersedeas.

REQUEST FOR EX PARTE RELIEF OR EMERGENCY HEARING

In light of the imminent sale of the Appellant's residence on September 8, 2015, this request for a stay of the sale, which is necessary to prevent a contested issue from becoming moot, constitutes an extraordinary circumstance warranting the issuance of an ex parte order granting the requested relief (stay of the foreclosure sale) on a temporary or final basis. If such relief cannot be granted without a hearing, the Appellant requests that an emergency hearing on this Petition be scheduled immediately.

As indicated herein, and in the attachments hereto, immediate and irreparable injury, loss or damage to the Appellant will result if the enforcement of the foreclosure decree is not stayed immediately.



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Attorney for Appellant, Richard Brady a/k/a  
Rick Brady

Columbia, South Carolina  
September 1, 2015

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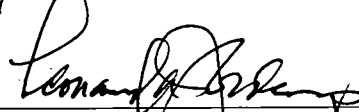
VERIFICATION

PERSONALLY appeared Richard Brady a/k/a Rick Brady, who, first being duly sworn, deposes and says that he has read the Verified Petition for Order Granting Writ of Supersedeas and Request for Ex Parte Relief or Emergency Hearing, and that the matters set forth therein are true and complete to the best of his knowledge and belief.

EXECUTED at Columbia, South Carolina.

  
Richard Brady a/k/a Rick Brady

SWORN to before me this  
19 day of September, 2015

  
(L.S.)  
Notary Public for South Carolina  
My Commission Expires: 2/8/23

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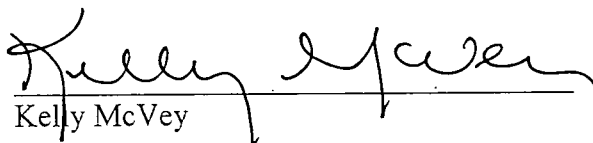
CERTIFICATE OF MAILING

I, Kelly McVey, of Jordan Law Firm, attorney for the Appellant, Richard Brady a/k/a Rick Brady, hereby certify that I have this 1<sup>st</sup> day of September, 2015; served copies of the Verified Petition for Order Granting Writ of Supersedeas and Request for Ex Parte Relief or Emergency Hearing, Memorandum in Support of Verified Petition for Order Granting Writ of Supersedeas and Affidavit of Leonard R. Jordan, Jr. upon Vance L. Brabham, III, Esquire, attorney for the Respondent, Branch Banking and Trust Company, and upon Jeffrey L. Silver, Esquire, attorney for First Community Bank, and Lauren Sutton Hogan, Esquire, attorney for County of Richland, by mailing copies thereof, postage prepaid, to the said counsel at the addresses indicated below:

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Attorney at Law  
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Jeffrey L. Silver, Esquire  
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Kelly McVey