

The South Carolina Court of Appeals

Jean P. Elliott, aka Betty Jean Elliott, Individually and as
Personal Representative of the Estate of Ervin W. Elliott,
Respondent,

v.

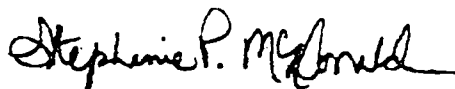
Alberto Alvarez, J. Guadalupe Lededma-Martinez and
Estrela Gutierrez-Garcia, Defendants,

Of whom Alberto Alvarez is the Appellant.

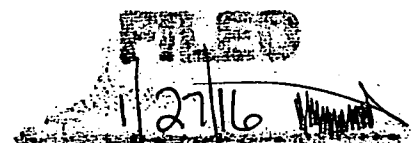
Appellate Case No. 2016-000152

ORDER

Appellant has filed a petition for supersedeas. This is an appeal from an order and judgment of foreclosure and sale. Pursuant to Rule 241(b)(4) of the South Carolina Appellate Court Rules, judgments directing the sale or delivery of possession of real property are only stayed by the service of the notice of appeal if certain conditions are met as provided in section 18-9-170 of the South Carolina Code (2014). Further, it does not appear that Appellant has filed his petition for supersedeas with the master-in-equity or sought relief before the master-in-equity pursuant to section 18-9-170. *See* Rule 241(d), 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 tribunal which entered the order or decision on appeal."); S.C. Code Ann. § 18-9-170 (providing that any bond given to stay a foreclosure sale is set by the court that rendered the underlying judgment). Accordingly, Appellant's petition for supersedeas is denied.



FOR THE COURT



Columbia, South Carolina

cc:

Alberto Alvarez

C. Richard Stewart, Esquire