

The South Carolina Court of Appeals

H. Thad White, Respondent,

v.

Petrel International, LLC, Appellant.

Appellate Case No. 2014-002764

ORDER

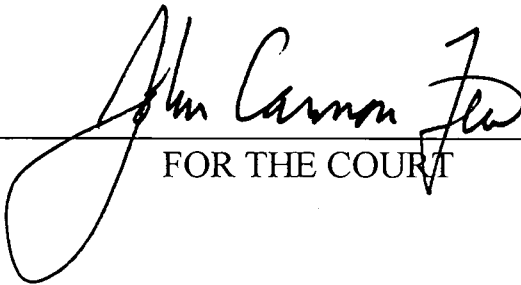
On October 7, 2015, this court received a motion from Appellant for an extension of time to file its final brief.¹ In an order dated November 25, 2015, this court held the motion in abeyance and directed Appellant to serve Respondent with the record on appeal, which was past due, by December 15, 2015. On December 15, 2015, Appellant served Respondent with the record on appeal and filed the record with this court, along with a motion to file the record out of time. Appellant's motions are granted.

Respondent has filed a motion to dismiss the appeal, or alternatively to require Appellant to post a bond pending the disposition of this appeal.² This motion is

¹ Appellant subsequently filed its final brief on October 27, 2015.

² In his motion, Respondent notes Appellant has remained in possession of the subject real estate during the pendency of this appeal despite an order by the special referee directing a sale of the property. Respondent cites section 18-9-170 of the South Carolina Code (2014) as authority for this court to require Appellant's bond; however, that statute provides only that the execution of a judgment directing the sale or delivery of possession of real property may be stayed if Appellant were to execute a written undertaking in Respondent's favor. *See* § 18-9-170. Additionally, the statute directs the amount of the undertaking to be "fixed by a judge of the court by which judgment was rendered." *Id.* We further note the judgment on appeal is not subject to the automatic stay for civil cases. *See id.* ("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

denied.


FOR THE COURT

Columbia, South Carolina

cc: Bryan Wesley Braddock, Esquire
Eleazer R. Carter, Esquire

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undertaking be executed on the part of the appellant" (emphasis added)); Rule 241(b)(4), SCACR (providing an exception to the automatic stay for "[j]udgments directing the sale or delivery of possession of real property as provided in S.C. Code Ann. § 18-9-170").