

# The South Carolina Court of Appeals

Bank of America, N.A. successor by merger to BAC  
Home Loans Servicing, LP f/k/a Countrywide Home  
Loans Servicing, LP, Respondent,

v.

Shawn L. Bethea; South Carolina Department of Motor  
Vehicles, Defendants,

Of whom Shawn L. Bethea is the Appellant.

Appellate Case No. 2015-000985

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## ORDER

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On March 1, 2016, this court denied Appellant's motion to stay the underlying order of foreclosure, explaining that Appellant failed to (1) file the motion with the lower court as set forth in Rule 241(d) of the South Carolina Appellate Court Rules, and (2) comply with the requirements for a stay of the sale or delivery of land pursuant to section 18-9-170 of the South Carolina Code (2014), which provides that the judgment shall not be stayed unless a written undertaking is executed by the appellant, including two sureties.

Appellant has now filed a second motion for a stay, which we construe as a motion for panel review of this court's denial of Appellant's first motion for a stay. Appellant argues the special referee erred in finding that the mobile home is a fixture on the real property, and therefore, Respondent has no interest in the mobile home.

Initially, we note that we will consider the merits of this appeal when this case is finally briefed and assigned to a panel for review. Further, after careful consideration of Appellant's request that the underlying order be stayed on appeal,

Appellant's motion is denied. Appellant still has not provided proof that he filed a motion to stay with the special referee or complied with section 18-9-170.<sup>1</sup> Accordingly, Appellant's motion is denied.

H. B. Wain J.

U. Ke J.

John O. Smith J.

Columbia, South Carolina

cc:  
Shawn L. Bethea  
Henry Guyton Murrell, Esquire  
John Judson Hearn, Esquire  
Trent M. Grissom, Esquire

**FILED**  
March 14, 2010

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<sup>1</sup> We note that even if the underlying order directed the delivery of personal property, Appellant would be required to comply with section 18-9-150 of the South Carolina Code (2014), which sets forth requirements for a stay of the delivery of personal property and provides that the order will not be stayed unless an undertaking is entered by the Appellant with at least two sureties.