

**MOTION FOR A STAY OF SALE, POSSESSION, ASSIGNMENT OR TRANSFER
OF REAL PROPERTY**

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball, Master in Equity

Case No. 2010-CP-46-4307

James L Dennis, Enid Dennis

Appellant

vs.

HSBC MORTGAGE SERVICES, INC.

Respondent

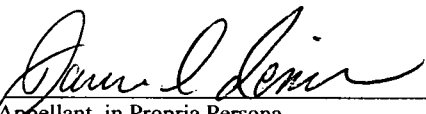
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MAY 21 2012
SC Court of Appeals

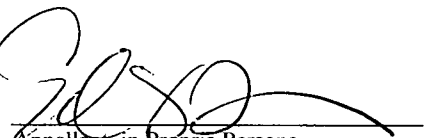
Appellants, James L Dennis, Enid Dennis hereby request pursuant to SC Appeals Court Rule 241, STAY AND SUPERSEDEAS IN CIVIL ACTIONS (b)(4), a Motion to stay Amended Notice of Sale Decree issued March 27th, 2012 with subsequent sale executed May 7th, 2012.

Appellants hereby request that a stay pending appeal be issued staying any and all sale, possession by issuance of Writ of Possession, Transfer by Quit Claim Deed or assignment of ownership be stayed until outcome and ruling in Appeals Case 2012209386.

Appellants request stay based upon a Motion of TRO and permanent injunction under Title 18 1345(1)(b), (2)(a), (3)(b), and Section 18 1348(2) with a request for a hearing issued to the Court of Common Pleas April 30th, 2012; received by the Master in Equity and the Respondent May 1st, 2012 along with supporting evidence and documentation sufficient to grant the TRO and injunction. The

order to deny the TRO motion was filed with the York County Court of Common Pleas May 7th, 2012 at 4:23pm after the sale commenced at 11:00am on May 7th, 2012 (*see attached exhibit*). Neither the Appellants nor the Respondent was properly served by the court making the sale invalid. James Dennis, Enid Dennis, Appellants in Propria Persona pleads the court for a Stay in this matter until the merits of the appeal are adjudicated.

By: 
Appellant, in Propria Persona

By: 
Appellant, in Propria Persona

PROOF OF SERVICE FOR A MOTION OF STAY

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball, Master in Equity

Case No. 2010-CP-46-4307

James L Dennis, Enid Dennis

Appellant

vs.

HSBC MORTGAGE SERVICES, INC.

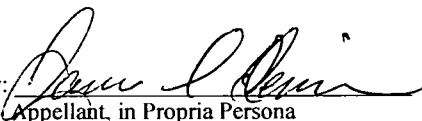
Respondent

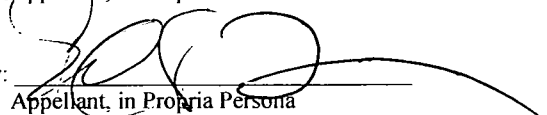
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PROOF OF SERVICE

We certify that an Original Motion for Stay of Sale Decree was filed with the Clerk of the S.C. Appeals Court along with any fees required by the clerk and copies mailed by U.S. Mail to the York County Clerk of Courts, P.O. Box 649, York South Carolina 29745 and Master of Equity, 1 North Congress Street, York South Carolina 29745 and by Certified Mail No: 7011 0110 0001 9009 5849 to HSBC MORTGAGE SERVICES, INC. addressed to the attorney of record, Nikole Boland of Riley, Pope & Laney LLC 2838 Devine Street, Columbia South Carolina on May 21st, 2012.

May 18th, 2012

By: 
Appellant, in Propria Persona

By: 
Appellant, in Propria Persona

1015 Charlotte Avenue #141
Rock Hill, South Carolina [29732-9998]

COUNTY OF YORK

Plaintiff

HSC MORTGAGE SERVICES, INC.

FILED-RECEIVED

2010 - CP - 46 - 4307

CASE NO.



COPY

2012 APR 30 PM 12:09

MOTION AND ORDER INFORMATION FORM AND COVER SHEET

DAVID HAMILTON C.C.P.&G.S.

Defendant James i. Dennis / Enid Dennis YORK COUNTY, SC

| | | | |
|--|-----------------------------|--|-----------------------------|
| Plaintiff's Attorney: Address: phone: e-mail: | , Bar No. fax: other: | Defendant's Attorney: Address: phone: e-mail: | , Bar No. fax: other: |
|--|-----------------------------|--|-----------------------------|

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
- FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information
 Nature of Motion: *EX PARTE TRO / Permanent Injunction under Title 18*
 Estimated Time Needed: *1 hour* Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type
 Written motion attached
 Form Motion/Order
 I hereby move for relief or action by the court as set forth in the attached proposed order.
 Signature of Attorney for Plaintiff / Defendant *James I. Dennis / Enid Dennis* Date submitted *4/30/2012*

SECTION III: Motion Fee
 PAID - AMOUNT:
 EXEMPT: Rule to Show Cause in Child or Spousal Support
 (check reason) Domestic Abuse or Abuse and Neglect
 Indigent Status State Agency v. Indigent Party
 Sexually Violent Predator Act Post-Conviction Relief
 Motion for Stay in Bankruptcy
 Motion for Publication Motion for Execution (Rule 69, SCRPC)
 Proposed order submitted at request of the court; or,
 reduced to writing from motion made in open court per judge's instructions
 Name of Court Reporter:
 Other:

JUDGE'S SECTION
 Motion Fee to be paid upon filing of the attached order.
 Other:
 JUDGE: _____
 CODE: _____ Date: _____

CLERK'S VERIFICATION
 Date Filed: _____
 Collected by: _____
 MOTION FEE COLLECTED: _____
 CONTESTED - AMOUNT DUE: _____

STATE OF SOUTH CAROLINA
COUNTY OF YORK
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2010CP4604307

| | |
|-------------------------------|--|
| HSBC Mortgage Services Inc | James L Dennis Enid Dennis Stonewood Homeowners Association of York County Inc |
| PLAINTIFF(S) | DEFENDANT(S) |

| | |
|---------------|---|
| Submitted by: | Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant |
|---------------|---|

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON): Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded; Other:

FILED - RECEIVED
 2012 MAY -7 PM 4:23
 DAVID HAMILTON
 C.C.P. & G.S.
 YORK COUNTY, SC

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

This matter comes before me on May 1, 2012, upon the verified motion of Defendants James and Enid Dennis, *ex parte*, for a temporary restraining order ("TRO"), restraining the foreclosure sale of the property that is the subject of this action. Based on the substantial record in this case, including the verified motion, I find and conclude that the moving Defendants cannot demonstrate a likelihood of success on the merits of the motion at this stage of this case. Therefore, the TRO is denied. This ruling is without prejudice to the right of the Dennis Defendants to set a hearing on the permanent injunctive relief sought, after proper notice to all parties.

AND IT IS SO ORDERED.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk:

mm
#1

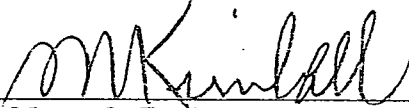
INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

| Judgment in Favor of (List name(s) below) | Judgment Against (List name(s) below) | Judgment Amount To be Enrolled (List amount(s) below) |
|--|--|--|
| | | |
| | | |

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**


Master In Equity

3063
Judge Code

5/1/2012
Date

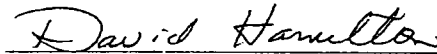
For Clerk of Court Office Use Only

This judgment was entered on ⁵⁻⁷⁻¹² and a copy mailed first class or placed in the appropriate attorney's box on ⁵⁻⁷⁻¹² to attorneys of record or to parties (when appearing pro se) as follows:

Heath M Stewart III Riley Pope & Laney L L C P O Box
1412 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)



David Hamilton - Clerk of Court



Court Reporter N/A