

The South Carolina Court of Appeals

United States of America, acting through the Farmers
Home Administration, United States Department of
Agriculture, Respondent,

v.

Maxie Lee Thomas, Jr. a/k/a Maxie Lee Thomas,
deceased, and all other heirs at law and/or distributees of
Maxie Lee Thomas, Jr. a/k/a Maxie Lee Thomas,
deceased, his heirs, personal representatives, executors,
administrators, successors and assigns, and any spouses if
any he has, and all persons entitled to claim under or
through him or any of them; all persons unknown
claiming any right, title, estate, interest in or lien upon
the real estate described in the Complaint herein; also any
persons who may be in the military service of the United
States of America, being a class designated as John Doe;
and any unknown minors or persons under a disability
being a class designated as Richard Roe; Laura Ann
Toney; and Brittany Nichol Thomas, Defendants,

Of whom Laura Ann Toney is the Appellant.

Appellate Case No. 2015-002380

ORDER

Appellant has filed a motion for an injunction, which we construe as a motion to stay the sale of the real property at issue in this case pursuant to Rule 241, SCACR. After careful consideration, Appellant's motion is denied. *See* S.C. Code Ann. § 18-9-170 (2014) ("If the judgment appealed from directs the sale or delivery of possession of real property, the execution of judgment shall not be stayed unless a written undertaking be executed on the part of the appellant, with two sureties, to the effect that during the possession of such property by the appellant he will not

commit or suffer to be committed any waste thereon and that if the judgment be affirmed he will pay the value of the use and occupation of the property from the time of the execution of the undertaking until the delivery of possession thereof pursuant to the judgment"); Rule 241(d)(1), 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.").



FOR THE COURT

Columbia, South Carolina

cc:
Laura Toney
Taylor Anthony Peace, Esquire

FILED

September 29, 2016