

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
COUNTY OF FAIRFIELD) CIVIL ACTION NO. 2012-CP-20-00132

ArrowPointe Federal Credit Union,)
)
Plaintiff,)
)
vs.)
)
Jimmy Eugene Bailey; Laura Jean Bailey;)
and U.S. Bank National Association not in its)
individual capacity but solely in its capacity as)
Indenture Trustee for WVUE 2015-1;)
)
Defendants.)

**MOTION FOR WRIT OF
SUPERSEDEAS**

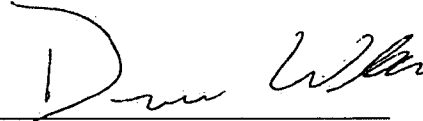
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The undersigned movant, Defendant U.S. Bank National Association not in its individual capacity but solely in its capacity as Indenture Trustee for WVUE 2015-1, (hereinafter, "U.S. Bank"), pursuant to Rule 62, SCRCP, and Rule 225, SCACR, hereby moves this Court for an order of supersedeas in the above-styled action. In support of this Motion, U.S. Bank would show:

1. On or around January 18, 2018, the Honorable Carol A. Tolen, as Special Referee for Fairfield County, entered into that certain Order (the "Order") providing that the property which is the subject of this action, known commonly as 247 Morninglow Drive, Winnsboro, South Carolina, (the "Subject Property"), be sold as provided in the Order. Additionally, the Order further denied the relief sought by U.S. Bank which requested, in part, that U.S. Bank's Mortgage be considered a replacement mortgage and thus entitled to priority over the Plaintiff's Mortgage. After receipt of the Order, U.S. Bank timely filed and served a Notice of Appeal with the South Carolina Court of Appeals, seeking to have the Order overturned.

2. U.S. Bank now requests that the sale of the Subject Property be stayed pending the resolution of the instant appeal.
3. U.S. Bank requested that the Plaintiff, ArrowPointe Federal Credit Union ("Plaintiff"), consent to the stay requested, and Plaintiff's consent has not been obtained.
4. Because the value of the real property to be sold greatly exceeds the mortgagee Plaintiff's Total Debt ruled upon in the Order, U.S. Bank would request that this court not require an undertaking pursuant to SC Code Section 18-9-170 SC Code Section 18-9-190.

WHEREFORE, the movant, U.S. Bank, requests that the Court enter an Order granting a writ of supersedeas providing that the sale of the Subject Property be stayed pending the resolution of the underlying appeal, and for such other and further relief in favor of U.S. Bank as the Court deems just and appropriate.



Drew B. Walker (SC Bar No. 78271)
Rogers Lewis Jackson Mann & Quinn, LLC
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Attorney for the Appellant

3/16, 2018
Columbia, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF FAIRFIELD

ArrowPointe Federal Credit Union,
Plaintiff,

v.

Jimmy Eugene Bailey, Laura Jean Bailey, and U.S. Bank National Association not in its individual capacity but solely in its capacity as Indenture Trustee for WVUE 2015-1,
Defendants.

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

CASE NO.: 2012-CP-20-00132

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CERTIFICATE OF SERVICE

The undersigned, of the law office of Rogers Lewis Jackson Mann & Quinn, LLC, does certify that on **March 10th**, 2018, she did cause to have served by U.S. Postal Service, regular mail with postage prepaid and return address clearly indicated, copies of the **MOTION FOR WRIT OF SUPERSEDEAS** to the following:

Sean Foerster, Esq. PO Box 100200 Columbia, SC 29202 <i>Attorney for Defendant DLJ Mortgage Capital, Inc.</i>	Christy C. Jones, Esq. Sherpy & Jones, P.A. PO Box 2599 Lexington, SC 29071 <i>Attorney for the Plaintiff</i>
Jimmy Eugene Bailey 247 Morninglow Drive Winnsboro, SC 29180	Laura Jean Bailey 247 Morninglow Drive Winnsboro, SC 29180
The Honorable Jenny A. Kitchings South Carolina Court of Appeals 1220 Senate Street Columbia, SC 29201	SC Court Administration 1220 Senate Street, Suite 200 Columbia, SC 29201



Pamela Baker, Paralegal
Rogers Lewis Jackson Mann & Quinn, LLC

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FAIRFIELD)
)
)
)
ArrowPointe Federal Credit Union)
 Plaintiff,)
 vs.)
)
Jimmy Eugene Bailey, et al.)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 SIXTH JUDICIAL CIRCUIT
 CASE NO.: 2012-CP-20-00132

**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

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Plaintiff's Attorney: Christy C. Jones, Bar No. _____ Address: PO Box 2599, Lexington, SC 29071 Phone: 803-356-3327 Fax 803-356-3591 E-mail: ccj@sherpy-jones-law.com Other: _____	Defendant's Attorney: Drew B. Walker, Bar No. 78271 Address: PO Box 11803, Columbia, SC 29211 Phone: 803-256-1268 Fax 803-252-3653 E-mail: dwalker@rogerslewiscom Other: _____
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: <u>Motion for Writ of Supersedeas</u> Estimated Time Needed: <u>15 minutes</u> Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	
SECTION II: Motion/Order Type	
<input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
<u>[Signature]</u> Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant	<u>March 16, 2018</u> Date submitted
SECTION III: Motion Fee	
<input checked="" type="checkbox"/> PAID - AMOUNT: \$25.00 <input type="checkbox"/> EXEMPT: (check reason)	
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP) <input type="checkbox"/> 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: _____ <input type="checkbox"/> Other: _____	
JUDGE'S SECTION	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____
CLERK'S VERIFICATION	
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

ROGERS LEWIS

ATTORNEYS AT LAW

Drew Walker
Direct: (803) 978-2836
dwalker@rogerslewis.com

March 16, 2018

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SC Court of Appeals

Via US Mail

The Honorable Judy Bonds
Fairfield County Clerk of Court
PO Drawer 299
Winnsboro, SC 29180-0299

RE: Arrowpointe Federal Credit Union v. Jimmy Eugene Bailey, et al.
Case No. 2012-CP-20-00132
Appellate Case No. 2018-000230

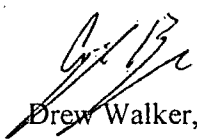
Dear Ms. Bonds:

Enclosed please find an original and one copy of Defendant U.S. Bank National Association not in its individual capacity but solely in its capacity as Indenture Trustee for WVUE 2015-1's Motion for Writ of Supersedeas, and the Motion Cover Sheet with fee of \$25.00. Once filed, it may be returned in the enclosed envelope.

Thank you for your assistance. If you have any questions, please do not hesitate to contact me.

Sincerely,

ROGERS LEWIS JACKSON MANN & QUINN, LLC

 with permission:
Drew Walker, Esq.

Enclosures

cc: Sean Foerster, Esq.
Christy C. Jones, Esq.
Jimmy Eugene Bailey
Laura Jean Bailey
The Honorable Jenny A. Kitchings
SC Court Administration

ROGERS LEWIS

ATTORNEYS AT LAW

Rogers Lewis Jackson Mann & Quinn, LLC

PO Box 11803 (29211)

1901 Main Street, Suite 1200 • Columbia, SC 29201

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MAR 16 2018

The Honorable Jenny A. Kitchings
South Carolina Court of Appeals
1220 Sehate Street
Columbia, SC 29201

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