

Prepared by:

*[Signature]*

Date:

26 June 2019

EMERGENCY  
MOTION TO STAY  
IN

COURT OF APPEALS

FROM

STATE OF SOUTH CAROLINA, GREENWOOD COUNTY

CIVIL/COURT OF SPECIAL REFERENCE  
CURTIS G. CLARK

RECEIVED

JUN 28 2019

SC Court of Appeals

CASE # 2011-CP-24-01448

WILMINGTON SAVINGS FUND  
SOCIETY, et. al.

RESPONDENT

✓

STAN J. KIMBALL

APPELLANT

MOTION TO STAY/DISMISS

APPELLANT DOES REQUEST

THE STAY, DISMISSAL, OR RETURN

TO COURT FOR HEARING(S) AND JURY.

# MOTION TO STAY

Prepared by:

Date:

2 June 19

1  
2 1. FINAL WRIT OF ASSISTANCE

3  
4 SIGNED 28 MAY, FILED 05 JUNE, POSTED

5  
6 18 JUNE 2019, SHOULD BE STAYED, DENIED

7  
8 AND/OR OVERTURNED.

9  
10 2. APPELLANTS MOTION(S) IN

11  
12 COURT OF COMMON PLEAS TO ADDRESS

13  
14 FALSE STATEMENTS IN THE WRIT(S) AND

15  
16 ORDERS WAS NOT HEARD UNTILL 21

17  
18 JUNE 2019. JUDGE C. G. CLARK WENT ON

19  
20 VACATION AFTER THE HEARING, AND NO

21  
22 PAPERS WERE SIGNED/PRODUCED UNTIL HIS RETURN

23  
24 3. RESPONDENT(S) HAVE FAILED TO

25  
26 FULFIL ORDERS TO PRODUCE AND

27  
28 2/5

# MOTION TO STAY

Prepared by:

Date:

26 Jun 19

1  
2 THE SPECIAL REFEREE HAS  
3  
4 FAILED TO ENFORCE (HIS) OWN ORDERS

5  
6 4. RESPONENT AND SPECIAL REFEREE  
7  
8 HAVE DENIED APPELLANT (HIS) RIGHT  
9  
10 TO APPEAL(S) AND TRIALS.

11  
12 5. APPELLANT DOES CLAIM PERJURY AND  
13  
14 OR EXTORTION BY RESPONENT(S); TO WIT  
15  
16 FALSE CLAIM(S) OF AMOUNT DUE  
17  
18 AND FAILURE TO CREDIT PAYMENT(S)  
19  
20 MADE. ALSO SEE # 3.

21  
22 6. THE PROPERTY IS A CRIME SCENE. THE  
23  
24 GREENWOOD SHERIFF DEPARTMENT IS/WAS  
25  
26 A PARTY TO A BREAK-IN - STILL OPEN  
27

# MOTION TO STAY

Prepared by:

Date:

26 June 19

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CONF

6. THE OFFICER INVOLVED WAS

REMOVED FROM OFFICE FOR "CAUSE".

INSURANCE HAS NOT YET PAID. ENFORCEMENT

OF WRIT WOULD BE IN CONFLICT WITH

17-28-10, PRESERVATION OF EVIDENCE.

7. APPELLANT HAS PRODUCED BOND(S)

SURETIES 18-E-170(?) AND AT ONE TIME

30 MONTHS OF MONIES. RESPONDENT CLAIMS

NO SUCH OFFER(S) SEE ALSO #5.

8. APPELLANT WAS NOT ALLOWED TO

BID AT/ON 03 DECEMBER 2019 SALE.

MOTION TO STAY

Prepared by: SK  
Date: 26 June '19

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APPELLANT DOES THEREFORE  
RESPECTFULLY REQUEST A STAY  
AS QUICKLY AS POSSIBLE.

APPELLANT WELCOMES ORAL  
ARGUMENTS.

THANK YOU.

STAN J. KIMBALL  
~~SK~~ 26 June 2019  
POB # 1779  
GREENWOOD  
S.C., 29648

864.941.7799

STATE OF SOUTH CAROLINA  
COUNTY OF GREENWOOD

Wilmington Savings Fund Society FSB, doing  
business as Christiana Trust, not in its  
individual capacity but solely as legal title  
Trustee for BCAT 2014-9TT,

PLAINTIFF,

VS.

Stan J. Kimball, Carole Kimball and Bank of  
America, N.A.,

DEFENDANT(S).

(191106.00005)

IN THE COURT OF COMMON PLEAS

CASE NO. 2011-CP-24-01448

FINAL WRIT OF ASSISTANCE

FILED OF 8TH JUDICIAL CIRCUIT, SC  
2019 JUN 28 11:05 AM

RECEIVED

JUN 28 2019

SC Court of Appeals

This matter came before me upon Motion of the Wilmington Savings Fund Society FSB, doing business as Christiana Trust, not in its individual capacity but solely as legal title Trustee for BCAT 2014-9TT ("Plaintiff") seeking a Writ of Assistance to be issued by this Court to the Sheriff of Greenwood County, South Carolina, ordering and directing him to remove, peaceably or forcibly, the defendants, Stan J. Kimball ("Kimball") and Carole Kimball (collectively, with Kimball, "Defendants"), together with any and all persons claiming under said Defendants and any and all of their personal property located within or on the subject premises located at 101 Barrett Dr, Greenwood, SC 29649, tax map number 6836-126-692 ("Property"). Hereinafter, Plaintiff and Defendants may be referred to collectively as the "Parties."

GC  
# ( Plaintiff was the successful bidder at the public foreclosure sale of the Property on December 3, 2018, and has complied with its bid and a deed has been issued to Plaintiff and recorded.

Pursuant to that certain Order entered on April 18, 2019 ("April 18 Order"), this Court provided the Parties an opportunity to attempt to reach a mutual resolution to this Eviction matter on or before May 6, 2019 ("Deadline"). No resolution was reached between the Parties on or before the Deadline, and no resolution has been reached to date. A true and correct copy of the filed April 18 Order is attached hereto as **Exhibit "A"** and is incorporated herein by reference.

Additionally, this Court finds that, pursuant to The South Carolina Court of Appeals Order filed on May 14, 2019, ("Appellate Denial Order") there is no pending appeal in this case that would entitle Defendants or any other persons to a stay of the entry of this Final Writ of Assistance, of the eviction of Defendants or other persons from the Property in this matter, and the lock-out in this matter. A true and correct copy of the filed Appellate Denial Order is attached hereto as **Exhibit "B"** and is incorporated herein by reference.

Although it appears that Kimball may have submitted a Motion to Vacate Writ of Assistance and Order in May 2019 ("Motion to Vacate") to this Court or the Clerk of Court for Greenwood County, neither Plaintiff nor Counsel for Plaintiff was ever served with a filed copy of said Motion to Vacate. Furthermore, Kimball's Motion to Vacate is premature and moot, because it was submitted prior to the entry of this Final Writ of Assistance.

Based on the foregoing, it is hereby ORDERED, ADJUDGED, AND DECREED that the Defendants Stan J. Kimball and Carole Kimball, together with any and all occupant(s) shall vacate the Property on or before ten (10) days after a copy of this Final Writ of Assistance is served or posted on said Property, and that Plaintiff is entitled to recover possession of the Property on said date.

IT IS FURTHER ORDERED that the Greenwood County Sheriff's Office shall serve a copy of this Final Writ of Assistance on Defendants and any occupant(s) of the Property, or shall post a copy of same on the Property at 101 Barrett Dr, Greenwood, SC 29649, in the absence of finding the occupant(s).

IT IS FURTHER ORDERED that if the Property is not vacant on the aforesaid date, then upon receipt of a copy of this Order, the Sheriff of Greenwood County, or his/her authorized deputies, be and hereby is directed and authorized to enter upon the afore-described Property, by force if the same be necessary, and seize the said Property, and to remove therefrom any and all such persons who may be occupying the same, together with all possessions therein, including the Defendants, Stan J. Kimball and Carole Kimball, and to put Plaintiff in full, peaceful, and quiet possession of the Property without delay, and thereafter, and within ten (10) days, make due return to the Clerk of Court for Greenwood County, South Carolina, showing how this Final Writ of Assistance has been executed, the date of execution, and all costs of execution. A copy of such return shall also be sent to Scott and Corley, P.A., attorney for Plaintiff herein.

IT IS FURTHER ORDERED that should personal service not be affected by the Sheriff of Greenwood County, that copies of this Final Writ of Assistance be posted in a conspicuous place at or near the front entrance of the subject Property.

IT IS FURTHER ORDERED that if the occupants have voluntarily vacated the Property or have been ejected from the Property leaving personal property, automobiles, boats, furnishings, fixtures, or other items, Plaintiff is authorized to remove therefrom all personal property, automobiles, boats, furnishings, fixtures, or other items, which personal property, being deemed abandoned, shall be removed by Plaintiff or its agents from the subject real Property by placing said personal property on the public street or highway or by any other means.

IT IS FURTHER ORDERED that any allegation of a pending appeal or stay that may be asserted by Kimball, the Defendants or any Occupants shall be of no merit or effect and shall be disregarded by the Sheriff's Department.

CGC  
# 2

IT IS FURTHER ORDERED that this Order shall constitute a final judgment and Final Writ of Assistance pursuant to Rule 53(b), SCRCP; and,

IT IS SO ORDERED.

*Curtis G. Clark*

Curtis G. Clark  
Special Referee for Greenwood County

#3

Greenwood, South Carolina

May 28, 2019

**RECEIVED**

JUN 28 2019

SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF Greenwood )  
WILMINGTON SAVINGS FUND et al. )  
 Plaintiff, )  
 vs. )  
STAN KIMBALL )  
 Defendant. )

IN THE COURT OF COMMON PLEAS  
 8th JUDICIAL CIRCUIT  
 CASE NO: 2011-CP-24-01448  
 MOTION AND ORDER INFORMATION  
 FORM AND COVERSHEET

SC - PROPOSED J.C. 111 600 50 P.114

Plaintiff's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: <u>PROUSE</u> _____, Bar No. _____ Address: <u>Box 1779</u> Phone: _____ Fax <u>29648</u> E-mail: _____ Other: <u>941.7799</u>
---	--

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: \_\_\_\_\_  
 Estimated Time Needed: \_\_\_\_\_ 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 Date submitted 3-MAY '19

**SECTION III: Motion Fee**

PAID - AMOUNT: \$ 25  
 EXEMPT: (check reason)

- Rule to Show Cause in Child or Spousal Support
- 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, SCRCP)
- 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: \_\_\_\_\_

<b>JUDGE'S SECTION</b> <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ <b>RECEIVED</b> Date: _____
--	---

**CLERK'S VERIFICATION**

**JUN 28 2019**

**SC Court of Appeals**

Collected by: \_\_\_\_\_ Date Filed: \_\_\_\_\_  
 MOTION FEE COLLECTED: \$ \_\_\_\_\_  
 CONTESTED - AMOUNT DUE: \$ \_\_\_\_\_

CASE # 2011-CP-24-01448

2019 MAY 27 PM 4:55  
STATE OF SOUTH CAROLINA  
COUNTY OF GREENWOOD

IN THE COURT OF COMMON PLEAS

STATE OF SOUTH CAROLINA  
COUNTY OF GREENWOOD

WILMINGTON SAVINGS et al.

PLAINTIFF(S)

VS.

STAN KIRBALL et al.

DEFENDANT(S)

MOTION TO DISMISS -  
DENY - AND  
TO VACATE :

FINAL WRIT OF  
ASSISTANCE

DEFENDANT SEEKS MOTION TO  
VACATE BASED ON THE FACTS.

Case # 201-CP-24-01448 Date: 27 MAY 19

1. WRIT(S) OF ASSISTANCE WERE  
ISSUED WHILE CASE IS/WAS UNDER  
APPEALS

2. PLAINTIFF REQUESTED THE GREENWOOD  
COUNTY SPECIAL REFERENCE TO SIGN  
AN ORDER FROM 24 APRIL 2019 HAVING  
NOT MEET THE TIME AND TERMS  
OF SAME.

3. DEFENDANT DID RECEIVE A COPY  
OF SIGNED ORDER, DATED 18 APRIL 2019,  
POSTMARKED 24 APRIL 2019, AND RECEIVED  
26 APRIL 2019.

4. PLAINTIFF, IN THE FINAL WRIT OF ASSISTANCE, DOES ADMIT TO FAILURE TO COMPLY IN A TIMELY MATTER WITH THE COURTS 04 APRIL 2015 ORDERS.

5. ON 15 MAY 2019 DEFENDANT DID FIND ON HIS FRONT PROOF A LETTER DATED 13 MAY 2019 FROM PLAINTIFF, WELL PAST THE 30 DAY LIMIT OF THE ORDER; IT DID NOT MEET THE TERMS AGREED UPON AT THE HEARING

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JUN 28 2019

SC Court of Appeals

CASE# 2011-CP-24-01488

Prepared by:

SN

Date:

27 May 2019

5... AND SIMPLY BASED ON  
"TIME" ALONE WRIT SHOULD BE  
DENIED.

6. FURTHERMORE IN REFERENCE  
TO PLAINTIFFS LAST TWO (2) ORDERS  
DEFENDANTS APPEAL(S) OR STAY(S)  
HAVE NO MERIT OR EFFECT IS  
WITHOUT LEGAL MERIT/FACT AND  
UNCONSCIONABLE!

7. NOTE PLAINTIFF(S) REFERENCE TO  
RULE 53(b) THAT SAID ORDER  
SHALL CONSTITUTE A FINAL JUDGEMENT  
AND FINAL WRIT OF ASSISTANCE IS INCORRECT

W/L

CASE# 2011-CP-24-01448

Prepared by:

STP

Date:

20 May 2019

8. NOTE: RULE 53(b); AS A  
REMINDEE TO ALL, DEFENDANT, HAS  
REQUESTED A JURY PURSUANT  
TO RULE 38; ALSO RULE 53(b)(e)  
AND THE STATE FOLLOW THE FEDERAL  
RULE(S) ON APPEAL(S) WITH THE 10 DAY  
ALLOWANCE.

AS SUCH, DEFENDANT ASKS THE  
COURT TO GRANT MOTION(S) TO UNCLATE  
AND/OR STAY, AND REAFFIRM RIGHT TO JURY  
TRIAL, DENIED.

PAGE # 2011-CV-24-01448

Prepared by:

*[Signature]*

Date:

27 May 2019

THANK YOU

*[Signature]*

27 May 2019

DEFENDANT

STAN KIMBALL

POB # 1779

GREENWOOD

S.C. - 29648

C 864-941-7799

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JUN 28 2019

SC Court of Appeals

1.11

FILED IN CLERK'S OFFICE  
2019 MAR 22 PM 4:44  
CLERK'S OFFICE  
GREENWOOD COUNTY

Prepared by: *[Signature]*  
Date: *21 MARCH 2019*

COURT OF COMMON PLEAS  
# 2011-C.P. 24-01448

STATE OF SOUTH CAROLINA  
COUNTY OF GREENWOOD

WILMINGTON SAVINGS FUND SOCIETY, et. al.  
PLAINTIFF(S)

VS

STAN J. KIMBALL, et. al.  
DEFENDANT(S)

**RECEIVED**  
JUN 28 2019  
SC Court of Appeals

AND  
MOTION TO STAY OR DISMISS

NOW COMES THE DEFENDANT(S) WHO

DO HEREBY REQUEST THAT THE COURT

GRANT THE MOTION(S) FOR THE FOLLOWING  
REASONS AND ACTIONS.

1. THE CASE IS UNDER APPEAL, WITH MOTIONS.
2. DEFENDANTS DID NOT RECEIVE NOTICES OF  
EVECTION HEARING / WRIT OF ASSISTANCE HEARING

Prepared by:

Date:

21 MARCH 2019

Case # 2011 CP 24 01444

Filed CP 8th Jud Cir Greenwood, SC  
2019 MAR 22 PM 4:45

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3. NO NOTICE GIVEN OF CHANGE OF ATTORNEYS  
AND COUNSELORS, AGAIN. (4TH TIME)

4. CASE SHOULD NOT BE ADVANCED DUE TO  
KNOWN FRAUD BY PLAINTIFFS AND THEIR  
ATTORNEYS, et. al.

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JUN 28 2019

SC Court of Appeals

SMAN J. KIMBALL

21 MARCH 2019

POB 1779

GREENWOOD S.C.

29648

2/2

Prepared by: SP  
Date: 21 MAY 2019

CASE # 2011-CP-24-01448

IN THE COURT OF COMMON PLEAS

STATE OF SOUTH CAROLINA  
COUNTY OF GREENWOOD

RECEIVED

JUN 28 2019

SC Court of Appeals

WILMINGTON SAVINGS FUND et al

vs.

STAN KIMBALL, DEFENDANT(S)

MOTION

TO

VACATE

WRIT OF ASSISTANCE

AND

ORDER

DEFENDANT SEEKS A MOTION TO


VACATE BASED ON THE FACTS.

1. WRIT(S) OF ASSISTANCE WERE ISSUED

WHILE CASE UNDER APPEAL.

2. ORDER DATED 04 APRIL 2019, 10 APRIL 2019  
SIGNED 18 APRIL 2019 HAS NOT FOLLOWED  
PROCEDURAL GROUNDS

FILED IN THE COURT OF COMMON PLEAS  
GREENWOOD COUNTY, SOUTH CAROLINA  
2019 MAY 22 AM 9:58

Prepared by: 

Date: 01 May 2019

CBE # 2011-CP-24-01448

3. PLAINTIFF(S), HAVE NOT COMPLIED WITH THE COURT'S ORDER(S)

RECEIVED

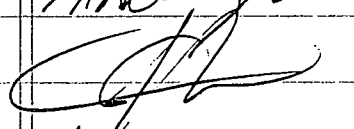
JUN 28 2019

4. AS OF TODAY'S DATE, 01-MAY-2019, THERE HAS BEEN NO RESPONSE FROM PLAINTIFF(S) OR THEIR AGENTS.

SC Court of Appeals

5. DEFENDANT(S) SHOULD BE GRANTED HIS MOTION, ALSO, AS HE HAS MADE AVAILABLE (THE) TWO SURETIES UNDER SOUTH CAROLINA CODE (189.170), NUMEROUS TIMES TO PLAINTIFF, TO STAY A JUDGEMENT.

AS SUCH DEFENDANT ASKS THE COURT TO GRANT MOTION(S) TO VACATE.

Thank you  
  
01 May 2019

STAN KIMBALL  
DEFENDANT  
P.O.B. # 1779  
GREENWOOD, S.C.  
29648

864-941-7799