

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

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SEP 09 2019
SC Court of Appeals

CASE NO. 2009-CP-26-05915
APPEAL NO. 2019-001119

Plantation Federal BankRespondent,

v.

Chester A. Crocket Appellant

and

C&C Development, LLC; Michael Chaffin; Bruce J. Ahmes;
S&D General Contractors, LLC; Col-Cor Industries, Inc.
d/b/a Active Glass and Mirror; First Electric, Inc.; Wallcraft
Construction, Inc. and Carolina Dirt Works, LLC..... Other Defendants.

**RESPONDENT'S MOTION TO EXPEDITE APPEAL
(INCLUDING PENDING MOTION TO DISMISS)**

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ATTORNEYS FOR RESPONDENT

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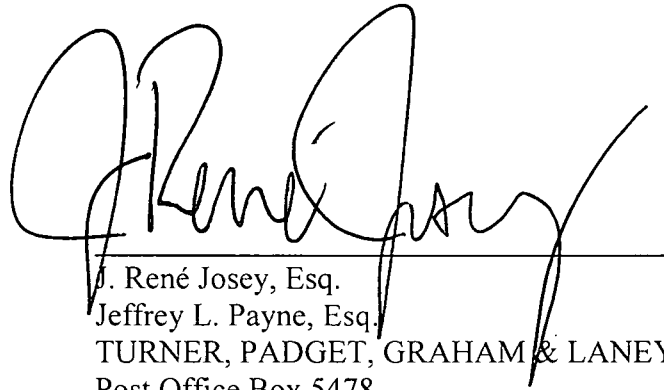
This is an effort to collect a nine-year old mortgage foreclosure judgment which has long stood as the law of this case. An appeal was filed from post-judgment supplemental proceedings on July 9, 2019. Almost within a week, on July 17, 2019, this Court sent Appellant's counsel a letter raising concerns with the appealability of the present matter. On July 22, 2019, the Respondent Bank filed its Motion to Dismiss for Lack of Appealability expressing concern that an inappropriate appeal was only being used to forestall judgment collection efforts; in filing that motion, Respondent requested prompt consideration of the same (both in its cover letter and in footnote 2) and repeated that request in its subsequent Reply Memorandum in Support of the Motion to Dismiss (footnote 1).

In the two months since filing this appeal, Appellant has erroneously asserted the protection of the automatic stay found in SCACR 241 despite its literal non-applicability to money-judgments, SCACR 241(b)(1)(exception for "Money judgments as provided in S.C. Code Ann. § 18-9-130") , and its precedential non-applicability to post-judgment orders that leave the status-quo judgment in place. Stearns Bank v. Glenwood Falls, 375 S.C. 423, 653 S.E.2d 274 (2007). Moreover, the trial court now has heard cross-motions to compel discovery (filed by the Bank) and to quash discovery as stayed (filed by the judgment-debtor Appellant). When the trial court indicated its intention to grant the motion to compel and deny the motion to quash, Appellant's counsel advised that another appeal to this Court would be forthcoming (despite the lack of appealability of such a discovery order).

In order to assist both this Court and the trial Court with efficient disposition of these matters, and to facilitate its own objectives of debt collection at reduced cost, the Respondent Bank makes this Motion to Expedite the Appeal. Respondent ask that the entire matter be

considered and heard on an accelerated basis and particularly the pending Motion to Dismiss the Appeal.

September 6th, 2019

A large, stylized handwritten signature in black ink, appearing to read "J. René Josey". The signature is written over a horizontal line.

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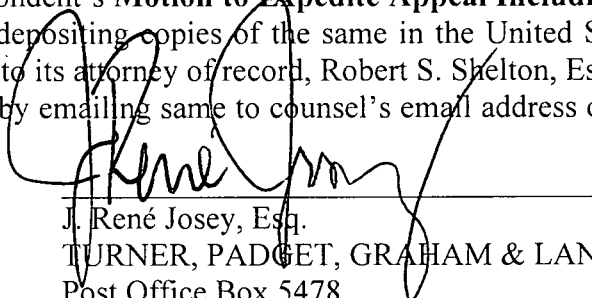
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PROOF OF SERVICE

I certify that I have served Respondent's **Motion to Expedite Appeal Including Motion to Dismiss** on Chester A. Crocket, by depositing copies of the same in the United States mail, postage prepaid, on September 6, 2019, to its attorney of record, Robert S. Shelton, Esquire, P.O. Box 357, Myrtle Beach, SC 29578 and by emailing same to counsel's email address on file with the South Carolina Bar.



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