

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS IN AND FOR

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SC Court of Appeals

FARMERS & MERCHANT BANK OF SOUTH CAROLINA,

Plaintiff,

vs.

Case No.: 2019-CP-18-00302

ASHLEY TUCKER, et al.

Defendants.

_____ /

EMERGENCY MOTION TO STAY PENDING APPEAL

Defendant, ASHLEY TUCKER, moves this Court pursuant to S.C. R. 241(b)(4) Exception rule to an automatic stay pending an appeal for entry of an Order staying the foreclosure sale date for December 2nd, 2019 pending appeal, and would show:

1. Defendant has filed a Notice of Appeal of this Court's Order for foreclosure. That appeal is pending.
2. S.C. Code Ann. § 18-9-170. (Staying judgment for sale or delivery of land.) "If the judgment appealed from direct the sale or delivery of possession of real property, the execution of the judgment shall not be stayed unless a written undertaking be executed on the part of the appellant."

WHEREFORE Defendant respectfully requests relief in accordance with the foregoing.

Ashley Tucker