

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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DEC 06 2019

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 3rd, 2019 pending appeal, and would show:

1. Defendant has filed a Notice of Appeal of the trial Court's Order for foreclosure. That appeal is pending.
2. The trial court denied my motion for stay for two reasons stating:
 - a) My motion could not state under the signature line, (Power of Attorney) for Curtis Tucker.
 - b) That I am not a lawyer and cannot represent Curtis Tucker in this matter.
3. My Power of Attorney over Curtis Tucker is in fact is true and correct and was accepted on the record by the trial court judge during the case proceedings.
4. I Ashley Tucker am the party of interest in this case & the legal wife of Curtis Tucker.
5. 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.

**PROOF OF SERVICE OF
EMERGENCY MOTION TO STAY PENDING APPEAL**

THE STATE OF SOUTH CAROLINA
In the Court of Appeal

APPEAL FROM DORCHESTER COUNTY
Court of Master-in-Equity

James E. Chellis, Judge

Case No. 2019-CP-18-00302

Farmers & Merchant Bank of South Carolina, Respondent.

v.

Curtis R. Tucker; Ashley Tucker; SC Housing Corp.,
Acting through South Carolina State Housing Finance
And Employment Lending Program; and South Carolina
Federal Credit Union, Defendant,
of whom Ashley Tucker is the Appellant.

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PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Farmers & Merchant Bank of South Carolina by depositing a copy of it in the United States Mail, Certified Mail with reg# 0000 0000 0000 0000 0000, on November 4th, 2019, addressed to their attorney of record, Elizabeth A. Blackwell, Post Office Box 22129, Charleston, South Carolina 29419.

December 4th, 2019

STATE OF SOUTH CAROLINA
COUNTY OF Dorchester
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2019CP1800302

Farmers & Merchants Bank Of South Carolina
PLAINTIFF(S)

Curtis R. Tucker et al
DEFENDANT(S)

- DISPOSITION TYPE (CHECK ONE)**
- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
 - DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
 - ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
 - ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy arbitration award; subject to right to restore to confirm, vacate or modify arbitration award; Other
 - STAYED DUE TO BANKRUPTCY**
 - DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** Affirmed; Reversed; Remanded; Other

2019 DEC 03 PM 12:39
COURT OF COMMON PLEAS
DORCHESTER COUNTY

2019 DEC 03 PM 12:39

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2019 Dec 03 12:39 PM
DORCHESTER - COMMON PLEAS - CASE#2019CP1800302

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

The Motion is defective for failure to be presented by an attorney licensed to practice law in SC. See Brown v. Coe, 365 S.C. 137, 616 S.E.2d 705, 2005 WL 1877898, order clarified, 365 S.C. 664, 620 S.E.2d 323, 2005 WL 2358442 (2005). The signature block of the motion is Curtis Tucker by Ashley Tucker Power of Attorney. Ashley Tucker is not an attorney authorized to practice law. Ashley Tucker has received instruction from this Court in prior hearings that she lacked the authority to represent Curtis Tucker in proceedings before this court. Additionally, Ashley Tucker stated the filing fees at the Court of Appeals were her bond. She made no other proffer of a supersedeas bond as required by Rule 241 (d) and SC Code Ann Section 18-9-170 with the motion.

The motion to stay the sale is denied.

ORDER INFORMATION

This order ends does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 12/03/2019.

South Carolina State Housing Finance
Development Authoritys South Carolina Homeownership
Employment Lending Program
South Carolina Federal Credit Union
Ashley Tucker for Ashley Tucker
Ashley Tucker for Ashley Tucker
Curtis R. Tucker for Kelley Woody

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NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCF.

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Dorchester Common Pleas

Case Caption: Farmers & Merchants Bank Of South Carolina VS Curtis R. Tucker ,
 defendant, et al
Case Number: 2019CP1800302
Type: Order/Electronic Form 4

So Ordered

s/James E. Chellis, Master in Equity, SCJD#3078

Electronically signed on 2019-12-03 11:32:21 page 3 of 3

ELECTRONICALLY FILED - 2019 Dec 03 12:36 PM - DORCHESTER - COMMON PLEAS - CASE#2019CP1800302

JURAT

COUNTY OF DORCHESTER

STATE OF SOUTH CAROLINA

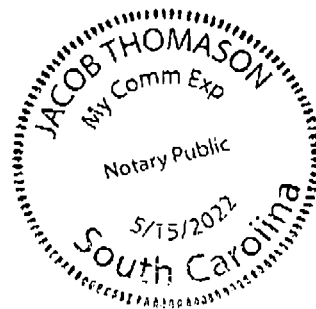
)
) SS
)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on 12/4/2019.

By: Ashley Tucker
Ashley Tucker
155 Shady Ln.
Summerville, South Carolina 29485

On this 5th day of December, 2019, before me personally came and appeared Ashley Tucker, known, and known to me, to be the living man described in and who executed the foregoing instrument, and who duly acknowledged to me that he executed same for the purpose therein contained. IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Jacob Thomason
Notary Public
My Commission Expires: May 15, 2022
Notary's Seal



JURAT

COUNTY OF DORCHESTER

STATE OF SOUTH CAROLINA

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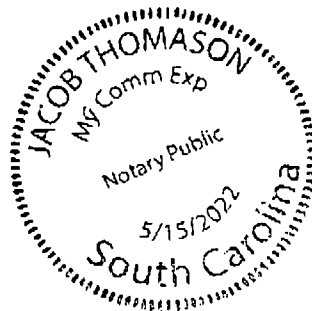
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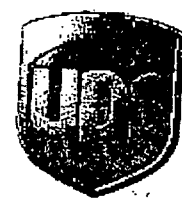
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Jacob Thomason
Notary Public
My Commission Expires: May 15, 2022

Notary's Seal



The UPS Store™



717 Old Trolley Road · Suite #6 · Summerville, SC 29485

843.832.0904 (phone)

843.832.9007 (fax)

SC Court of Appeals

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FAX

To Katoya
Court of Appeals From Ashley Tucker

Company 803-734-1839 Phone Number 843 557 2729

Fax Number ~~803-734-1839~~ Fax Number _____

Date 12-5-19 Total Pages (including cover) 1