

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

U.S. Bank, NA as trustee relating to the  
Chevy Chase Funding, LLC Mortgage  
Backed Certificates, Series 2004-B,

Plaintiff,

vs.

Alyce F. Otto, individually; Alyce F. Otto,  
Trustee Under declaration of Trust of Alyce  
F. Otto dated November 17, 2009, TD Bank,  
NA; The United States of America, acting by  
and through its agency the Internal Revenue  
Service; Laura Kerhulas Giese, as Co-Trustee  
of the Theodore Ernest Kerhulas Trust Under  
Declaration of Trust dated May 25, 2004;  
Mark Warner Kerhulas, as Co-Trustee of the  
Theodore Ernest Kerhulas Trust Under  
Declaration of Trust dated May 25, 2004;  
Jackson L. Munsey, Jr.; Citibank, NA

Defendants,

AND

Alyce F. Otto, Trustee Under declaration of  
Trust of Alyce F. Otto dated November 17,  
2009,

Plaintiff,

vs.

Jackson L. Munsey, Jr.,

Defendant.

IN THE COURT OF COMMON PLEAS OF  
THE SEVENTH JUDICIAL CIRCUIT

CASE NOS.: 2012-CP-42-3549  
AND  
2012-CP-42-2874

**ORDER DENYING  
MOTION TO RECONSIDER**

**RECEIVED**

**MAR 11 2020**

**SC Court of Appeals**

This matter came before me upon the Motion to Reconsider filed by Jackson L. Munsey, Jr., for this Court to reconsider its previous order filed February 17, 2020, in the above-captioned consolidated actions. Upon review of the Motion to Reconsider, this Court's Order as To Bond

and Judgment, as well as the pleadings, the Motion to Reconsider filed by Jackson L. Munsey is DENIED.

Munsey's counsel has earlier indicated to the court that Munsey will likely appeal. The Order entered by this Court on February 17, 2020 deals with the Bond presently being held by the Clerk of Court as well as the entry of a personal judgment against Jackson L. Munsey, Jr.

After computation and credits, the personal judgment entered against Jackson L. Munsey, Jr., was found to be \$210,143.05. Section 18-9-130(A)(1) provides that "Notice of Appeal from a judgment directing the payment of money does not stay the execution of the judgment unless the presiding judge before whom the judgment was obtained grants a stay of execution. **Based on the foregoing Section, a stay of execution of the personal judgment against Jackson L. Munsey, Jr., in the amount of \$210,143.05 pending appeal will be granted in the event a bond or other surety to guarantee the payment of the foregoing judgment pending appeal in the amount of \$210,143.05 is deposited with the Clerk of Court.**

As to the bond presently being held by the Clerk of Court, and the Order entered by this Court on February 17, 2020 directs the how the Appeal Bond is to be distributed by the Clerk of Court. Under S.C. Code Ann. § 18-9-150, when an appeal is brought of a judgment that directs the delivery of personalty, the appeal stays execution of the judgment if "the things required to be assigned or delivered be brought into court[.]" The bond funds are presently being held by the Clerk of Court. Accordingly, in the event that Munsey serves and files a notice of appeal of the aforesaid order on or before March 18, 2020, the Spartanburg County Clerk of Court shall continue to hold the bond funds until the issuance of a remittitur. If Munsey does not serve and file a notice of appeal of the aforesaid order on or before March 18, 2020, the clerk shall disburse the bond funds in accordance with this Court's Order filed February 17, 2020.

And IT IS SO ORDERED.

The Honorable Gordon G. Cooper  
Master-in-Equity for Spartanburg County



Spartanburg Common Pleas

**Case Caption:** Us Bank Na , plaintiff, et al VS Alyce F Otto , defendant, et al  
**Case Number:** 2012CP4203549  
**Type:** Master/Order/Other

It is So Ordered

s/Judge Gordon G Cooper-3065