

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM EDGEFIELD COUNTY
G. Thomas Cooper, Jr., Circuit Court Judge

Case No. 2019-001689

RECEIVED

Jun 05 2020

SC Court of Appeals

Bettis C. Rainsford,

Appellant.

v.

Apex Bank, Jim Clayton, Matt Daniels, and Brad Hailey,

Defendants.

Of whom, Matt Daniels and Brad Hailey are the Respondents.

APEX BANK'S MOTION FOR CLARIFICATION ON
ORDER GRANTING MOTION TO STAY

On April 8, 2020, Bettis C. Rainsford (“Appellant”) filed a Petition for Supersedeas pursuant to Rule 241(d)(2) of the *South Carolina Rules of Appellate Procedure*. On April 17, 2020, Apex Bank filed a Response in Opposition to Appellant’s Petition for Supersedeas. At this Court’s request, Appellant filed a Reply on May 22, 2020. On May 27, 2020, this Court issued an Order granting Appellant’s motion to stay, and a cover letter from the Clerk of the Court of Appeals requests a status update be sent to the Court every sixty (60) days. Apex Bank seeks clarification of that Order.

In his initial Petition for Supersedeas, Appellant “respectfully requests the Court issue a supersedeas clarifying that the three motions pending before the circuit court are automatically stayed until a determination of this appeal as they concern matters affected by the appeal.” (Petition for Supersedeas, p.11.) Appellant references three motions in his Petition as the following:

- a. Apex Bank Motion to Dismiss, filed May 23, 2018 in Case 2016-CP-19-00168;
- b. Apex Bank Motion for Appointment of a Receiver on August 15, 2019 in Case 2010-CP-19-00238; and
- c. Jim Clayton Motion to Dismiss, filed December 3, 2018 in Case 2016-CP-19-00168.

(Petition for Supersedeas, p.5.)

Since the Petition for Supersedeas was filed on April 8, 2019, four (4) additional motions have been filed in the consolidated cases, including:

- a. Motion for Summary Judgment filed by Gup's Hill Property, LLC (filed April 20, 2020 in Case 2018-CP-19-00089);
- b. Motion to Amend Complaint filed by Apex Bank (filed May 1, 2020 in Case 2018-CP-19-00089);
- c. Motion to Intervene and Motion for Summary Judgment by Greg W. Anderson (filed May 14, 2020 in Case 2017-CP-19-00173).

Apex Bank seeks clarification that only the pending motions that Appellant referenced in the Petition for Supersedeas (Apex Bank Motion to Dismiss, Apex Bank Motion to Appoint Receiver, and Jim Clayton Motion to Dismiss) are stayed and that all other matters and pending motions in the consolidated cases may proceed.

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Respectfully submitted,
ROE CASSIDY COATES & PRICE PA

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Greenville, South Carolina
June 5, 2020

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PROOF OF SERVICE

I, the undersigned attorney with Roe Cassidy Coates & Price, hereby certify that Apex Bank's Motion for Clarification on Order Granting Motion to Stay were served on all counsel of record via electronic mail to the addresses indicated below:

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Greenville, South Carolina

June 5, 2020