

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS)
FOR THE NINTH JUDICIAL CIRCUIT)

SRP 2011-6, LLC,)

CASE NO.: 2018CP1002344)

Plaintiff,)

v.)

Alluette K. Jones, South Carolina Federal)
Credit Union, Synovus Bank, and Historic)
Charleston Foundation)

ORDER

Defendant.)

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Troy Barber)

AUG 14 2020

Third Party Bidder.)

SC Court of Appeals

This matter came before the court on July 29, 2020 via WebEx hearing on Plaintiff's Motion to Lift Automatic Stay filed March 13, 2020. Present via WebEx were Andrew Sullivan, Esq., attorney for Plaintiff, Defendant Alluette Jones who filed a Motion for Jury Trial on March 18, 2020, and Ian O'Shea, Esq., attorney for the Third Party Bidder. The court covered the convoluted procedural history of this case which included Ms. Jones' presence at the February 12, 2019 foreclosure hearing and the subsequent dismissal of her bankruptcy filing by the US Bankruptcy Court in September 2019. The property was sold on October 15, 2019. No objection or appeal was made to the Foreclosure Decree; instead, Defendant appealed the Order on her Emergency Motion for Rule 60(b) Relief contending, for the first time, that she was not served with process in this case. The court denied the relief and allowed the sale to proceed by Order filed October 25, 2019. This Order is now on appeal.

As the subject matter of this case involves the sale or delivery of possession of real property, this case presents an exception to the general rule of an automatic stay of appeals. No bond has been posted pursuant to SC Code 18-9-170 and the sale shall proceed. Ex Parte Andrews, 152 S.C. 325 (1929). Accordingly, no stay is in effect during the pendency of the appeal. The third

party purchaser is to comply with his bid on or before August 14, 2020. The Defendant is ordered to vacate the property and remove whatever personal belongings she desires by 5:00 p.m. Monday, September 7, 2020.

Defendant Jones' Motion and Demand for Jury Trial filed March 18, 2020 and again on July 27, 2020 are hereby DENIED. The request for a jury trial was waived as it was never requested during the pendency of the merits of the action. Further, the Defendant was adjudicated in Default by Order of the Circuit Court filed July 24, 2018. The most recent request for a jury trial erroneously cites to the SC Residential Landlord Tenant Act which does not apply in this equitable action for the foreclosure of a mortgage not subject to the 2020 CARES Act.

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Charleston Common Pleas

Case Caption: SRP 2011 6 LLC VS Alluette K Jones , defendant, et al
Case Number: 2018CP1002344
Type: Order/Lift Automatic Stay

So Ordered

s/Mikell R. Scarborough 3062



Charleston Common Pleas

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