

IN THE SOUTH CAROLINA COURT
COURT OF APPEALS

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SC Court of Appeals

Alfie Investors, LLC,)
Respondent,)
)
v.)
International Palm Oil and Biodiesel, LLC.)
Judith Oglesby; Thomas Oglesby;)
James T. Donovan; Carter Lumber of the)
South, Inc.; Universal Funding Group, LLC;)
Christopher Jones; and International Palm,)
Defendants,)
Of Whom Christopher Jones is the Appellant.)

**APPELLANTS' MOTION FOR STAY
EXECUTION OF JUDGMENT
PENDING APPEAL, PURSUANT TO
RULE 241 S.C.A.C.R.**

APPEAL NO. 2022-000322

Pursuant to Rules 240 and 241, S.C. Appeals Court Rule, the Appellant hereby submit this Motion for Stay of Execution pursuant to the provisions of S.C. Code of Laws Section 18-9-10 et seq. *inter alia* pending Appeal (hereinafter "Motion"). Appellant respectfully request that this Honorable Court of Appeals to grant and sustain the automatic stay pursuant to Rule 241 S.C. A.C.R for the duration of the appeal. The *Appellant* respectfully submits that the factors governing whether to issue a stay pending appeal all weigh heavily for a stay to preserve the status quo. Specifically, because:

1. The Appellant states that the trial court lacked jurisdictional authority to enter the Order which is on appeal (2021-CP-23-4007). The merits of the case involving Order to Vacate Judgment were never fully heard and decided upon by the Honorable Court. The matter squarely rests on jurisdiction. The Appellant is likely to succeed on the merits of the case.
2. By advancing the case, the Master-in-Equity Judge denied this Appellant of his fundamental right to defend himself against this claim in any court proceedings relative to his rights pursuant to the Constitution for the State of South Carolina and the Constitution of the United States involving due process.
3. The June 11, 2021, Order vacating the judgment deprive the instant Trial Court of jurisdiction to enter a Supplemental Foreclosure Decree and finding without the Respondents properly renewing the action pursuant to Rule 4, SCRPC.
4. The Respondents, Alfie Investors filed their Motion to Vacate Judgement on June 11, 2021 and the Circuit Court ruled on the same Motion on the same day, June 11, 2021.

5. Respondents were attempting to circumvent the bankruptcy proceedings with this Order to Vacate, however in a later pleadings Respondents move to amend the same because of “mistake”. The evidence will show there was no mistake but was a faulty legal strategy.
6. The Order vacating judgment effectively suspended the Mortgage Note money and per diem related directly to the Statement of Costs, which were put in question at the hearing by the Appellant, continued to mount absent a judgment. This did prejudice the Appellant and yet the Master-In-Equity entered the Respondents unfair and unsubstantiated interests and costs into the Record for the foreclosure sale.
7. This Stay of Execution of Judgment is requested by this Appellant until this matter is fully adjudicated by the South Carolina Court of Appeals in order to eliminate or minimize the harm, chaos, and/or loss which is certain to occur if the foreclosure sale is permitted to go forward.
8. The Respondents, Alfie Investors regarding the filing of the Motion to Vacate Judgment, filed and granted on same day. Was without notice to the Parties. This matter was not addressed in the Order on appeal although it is in the transcript.
9. The Trail Court allowed interests to accrue even after the Motion to Vacate Judgment was granted on June 11, 2021.
10. In every case involving a foreclosure in the Master-In-Equity Court for Greenville County, there is a money judgment, without such, there would be no judgment upon which to foreclose.
11. The Appellant has no other remedy at law to recover if this Honorable Court of Appeals does act for Appellant. A Stay is requested to protect the status quo.

Established precedent favors the Automatic Stay upon the basis that “A four-part test governs stays pending appeal: “(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987). See also; *C-Sculptures, LLC Appellant, v. Gregory A. Brown and Kerry W. Brown*, Respondents, S.C. Opinion #4821, April 27, 2011. Given applicable precedent and the reasons outlined above, the Appellant believes the Automatic Stay is amply justified.

Whereby, the Appellant, having provided such sufficient meritorious cause for The Honorable South Carolina Court of Appeals to grant a Stay of Execution of Judgment pursuant to Rule 241 SCACR, pending the outcome of all relevant matters, so as to maintain the status quo.

March 21, 2022

Respectfully,

A handwritten signature in black ink, consisting of several overlapping loops and a trailing line, positioned above a horizontal line.

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SC COURT OF APPEALS
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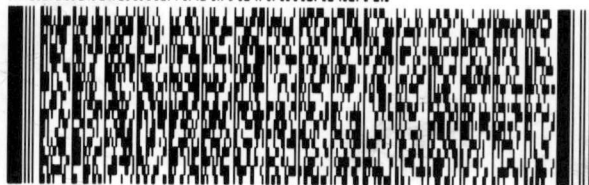
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