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Mar 30 2022

SC Court of Appeals

STATE OF South CAROLINA

IN the Court of Appeals


FALCON FOX LLC
Hotel Charley LLC
vs. Plaintiff

Certificate of Service

Stewart Wellons
Defendant

CASE No. 2022-000325

I by certificate of service certify that on this date, did serve a copy of Motion to Stay Execution of Order and serve a copy of Notice of Appeal on the Plaintiff sending Electronically and by mailing to him at his office address by depositing it in the U.S. Mail in an envelope with sufficient postal affixed, address as follows: J. Calhoun Pruitt Jr. 101 N. Murry Ave. Anderson, S.C. 29625-4301
Dated this 30th day of March, 2022

Stewart Wellons
c: Stewart Wellons
March 27 2022
first service Electronic.


Clerk of Court, please fax this Notice of Appeal
to: Attention Shelby **NOTICE OF APPEAL**
803-734-1839 Court of Appeals

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS
13th JUDICIAL CIRCUIT

COUNTY OF Greenville)

CASE NO.: 2021-CP-23-02623

Falcon Fox LLC and
Hotel Charlie, LLC)

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff,)

vs.)

Stewart Wellons)

Defendant.)

Notice of Appeal
Court of Appeal

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Plaintiff's Attorney: <u>J. Cathow Pruitt</u> , Bar No. <u>4588</u> Address: <u>29625 4301</u> <u>101 N. MURRAY AVE. ANDERSON SC</u> Phone: <u>864 224321</u> Fax E-mail: Other:		Defendant's Attorney: <u>Self</u> , Bar No. _____ Address: <u>29651</u> <u>3835 N. Hwy. 101 Greer SC</u> Phone: <u>864 387-9134</u> Fax E-mail: <u>Wellons Work Files @ gmail . com</u>	
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: <u>Notice of Appeal</u> Estimated Time Needed: _____ Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO			
SECTION II: Motion/Order Type			
<input type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.			
<u>Self</u> <u>Stewart Wellons</u> Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant		<u>MARCH 11</u> , 20 <u>22</u> Date submitted	
SECTION III: Motion Fee			
<input type="checkbox"/> PAID - AMOUNT: \$ _____ <input checked="" type="checkbox"/> EXEMPT: (check reason)			
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input checked="" type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other:			
JUDGE'S SECTION			
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other:		JUDGE CODE _____ Date: _____, 20____	
CLERK'S VERIFICATION			
Collected by: _____		Date Filed: _____, 20____	
<input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____			

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Mar 30 2022

IN THE COURT OF APPEALS
FOR THE STATE OF South Carolina

SC Court of Appeals

Falcon Fox LLC,
Hotel Charlie LLC,

Respondant
Plaintiff

V.

Stewart Wellons,
Defendant,
Appellant,

APP. No. 2022-000325
CASE# 2021-CP-23-02623

Motion TO
STAY

Execution of The
Order

Judicial Branch Rule
241

Last hearing Date
Presiding Judge
Attorney Plaintiff
Attorney Defendant

February 10, 2022
Honorable Charles B. Simmons Jr.
Calhoun Court
Pro Se.

Comes Now, The Defendant, Appellant, on this 29 Day of
March 2022, hereby Request This Court sign an order /
Injunction in the above caption action. The order
would serve to prevent irreparable Damage and miscarriage
of Justice

This motion is supported by a statement of The case, history,
Statement of Law and Surrounding Documents.

(I)

Brief Statement of History

The Appellant, Stewart Wellons, owns a parcel of Land on N. Hwy 101 in Greer S.C., 28.6 acres. Mr. Danny Holtzman who is involved in Falcon Box LLC's Plaintiff, Tony Opperman who has known Mr. Wellons for quite some time and who is a friend of Mr. Holtzman. Mr. Opperman told Danny about Stewart's property. Mr. Holtzman waited outside a motel for 3 hours while Stewart and his girl friend were being thrown out of the motel. Stewart had been up for 3 days on methamphetamine at which he does on a daily basis for a long time. Tony Opperman knows of Stewart's drug addiction. Danny called Tony after Stewart got in his truck, and met at a restaurant on Augusta Road. Stewart's girl friend, Michelle Hamby left Stewart because of an argument.

At the restaurant the topic was the land. Stewart had signed a statement which is the form in question. Mr. Wellons left the restaurant with out a copy of the statement.

3 days later Mr. Wellons contacted Holtzman or visa visa and Mr. Holtzman told Stewart the contract was good. Stewart had no clue what he, Danny Holtzman was talking about. Mr. Holtzman told Stewart he had sold the land to him. Stewart at that point did say he did not want to sell the land.

A 3 day period went by before Mr. Wellons received a copy of the statement. As soon as he received the statement, via text, Mr. Wellons noticed there had been changes in, and on the statement. A copy was later received in the mail. Mr. Wellons refused to honor the bogus contract. Subsequently this civil action was filed and Judge Simmons ruled for the Plaintiff.

The defendant dismissed counsel, James O'Connell. A motion for reconsideration was filed on January 22, 2022. It was set for 2-10-2022. Mr. Wellons failed to make the hearing on time. Judge Simmons dismissed counsel and denied the relief sought in the motion. Mr. Rondeau, Mr. Wellons friend, picked up Mr. Wellons and it took 2 hours to get Mr. Wellons out of his home and in the truck. He was on meth. The order denying relief was entered to the record on February 15, 2022.

Statement of Law

In order for a motion to stay can be granted four factors must be met. Long v. Robinson, 432 F.2d 977, (4th Circuit 1970)

- The Court held, that party seeking a stay must show:
- 1) that he will likely prevail on the merits of the appeal,
 - 2) that he will suffer irreparable injury if a stay is denied.
 - 3) that the other party will not be substantially harmed and
 - 4) that the public interest will be served by granting the stay.

Judicial Branch Rule 241 as a general Rule, the service of a notice of Appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on Appeal, in part.

It goes on to state, in brief, Rule 241-(b) Exceptions. Exception (4) judgments directing the sale or delivery of possession of real property as provided in S.C. code Ann. 14-9-170. This exception is the purpose of this motion.

in Long the first is based on the merits of the appeal, the transcripts have not been transcribed and may take 10-15 more business days to receive.

If this court would take note on the order dated December 29, 2021, see attached, paragraph 9, the Honorable Judge Charles B. Simmons Jr. state the defendant's disappointed testimony, it goes on:

Black Law meaning of Disjointed

aimless, confused, deranged, desultory, erratic
incoherent, dumbled, lacking order.

to name a few meanings. Judge Simmons seen for himself what the effects of Methamphetamine does to ones mind.

The word "Disjointed," from the many meanings in Black's Law, in itself is a state of mind. The Honorable Judge Simmons' own observation, and stated in his order - see attached - should have STOP the examination of Mr. Wellons to find out if the witness was okay to testify. The Judge has the discretion to control the courtroom and the trial. The Judge is responsible for order and to avoid a miscarriage of justice. Judge Simmons found it good enough to mention in the order but failed to ask why Mr. Wellons was having trouble staying on track. This in hand leaves the Restaurant Document in question, statement NOT admissible as evidence. Exclusionary rule is a legal rule based on constitutional law, that prevents evidence collected or analyzed in violation of the defendant's constitutional rights from being used in a court of law. The alleged contract WAS born fruit of the poisonous tree.

The merits of this ~~appeal~~ are in order for a STAY and Remand with direction.

The Plaintiffs, Falcon Fox, LLC, and Hotel Charlie, LLC will NOT suffer in the least bit. The friend of the two created the problem and cannot hide

behind the Clean blanket of The LAW.

The Damage to Mr. Wellons is Far Greater and Worrysome. The Land will be Forever Destroyed if Trees and other Beauty of Said Property is Run over by Greedy, sneaky Underhanded corporations such as The Plaintiff's

The public and community would benefit from this order to stay in so much as the noise pollution, traffic dirt on ~~HWY~~ 101, the Beauty and Picturesque Scenery will be lost for ever.


In Closing

PSYCHOSIS is caused by mental disorder, medication and/or drug use. Mr. Opperman has know Mr. Wellons for many years and know of his drug abuse, an easy victim was made of Mr. Wellons. If the Court would look at Charlene Wellons Hamlett's Affidavit It should be clear to the Court of Appeals that Mr. Wellon's has a mental disorder due to drug use and is not in touch with reality, now or for the past 30-40 years.

Relief Sought

- 1) an order To sTay The order dated December 29, 2021 Reordered on February 15, 2022.
- 2) Any other This Court see's fit To prevent The miscarriage of Justice Lurking on The Horizon

Wherefore, The Defendant, Stewart Wellons,
Do hereby Pray That this motion be Granted.



Robert Rondeau Jr.
1249 ANTHONY Dr. Rd
Robbinsville NC
28771

Mr. Rondeau is
assisting Mr. Wellons
with this appeal

3/29/2022

Charles Stewart Wellons
Charles Stewart Wellons
3835 N. Hwy. 101
Greene S.C. 29651
3/28/2021