

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

Allen Livingston, Respondent,

v.

Harold Simmons, Petitioner.

Appellate Case No. 2021-001234

ON WRIT OF CERTIORARI

Appeal From Charleston County
The Honorable Mikell R. Scarborough, Circuit Court
Judge

Memorandum Opinion No. 2022-MO-008
Submitted May 18, 2022 – Filed June 15, 2022

REVERSED AND REMANDED

Harold Simmons, *pro se*, of North Charleston, Petitioner.

Allen Livingston, *pro se*, of Ravenel, Respondent.

PER CURIAM: Petitioner seeks a writ of certiorari from the dismissal of his appeal by the court of appeals on the ground that his notice of appeal was not timely served. It appears Petitioner sought to appeal the foreclosure order and the denial of his motion to alter or amend the judgment. The time for serving the notice of appeal was stayed by the motion to alter or amend the judgment. *See* Rule 203(b)(1), SCACR (providing that a motion to alter or amend the judgment under Rule 52 or Rule 59, SCRCP, stays the time for appeal, which runs from receipt of written notice of entry of the order granting or denying the motion). Because the order denying the motion to alter or amend the judgment was received by counsel for Petitioner on May 2, 2016, the notice of appeal served on May 30, 2016 was timely. *See id.* (requiring a notice of appeal to be served on all respondents within thirty days after receipt of written notice of entry of the order or judgment). Accordingly, we grant the petition for a writ of certiorari, dispense with further briefing, reverse the order of the court of appeals, and remand this matter for consideration of Petitioner's appeal on the merits.

REVERSED AND REMANDED.

BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.