

# The South Carolina Court of Appeals

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August 13, 2013

The Honorable Beth Carrigg  
205 E Main St Ste 146  
Lexington SC 29072-3557

## REMITTITUR

Re: The Bank of New York Mellon Trust v. Glen Mitchum  
Lower Court Case No. 2011CP3202394  
Appellate Case No. 2013-000560

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in cursive script that reads "Jenny A. Kitchings".

CLERK

Enclosure

cc: Jane Harris Downey  
Michael Brooks Biediger

Brian Steed Tatum  
January Nicole Taylor

# The South Carolina Court of Appeals

The Bank of New York Mellon Trust Company, National  
Association as Grantor Trustee for the Protium Master  
Grantor Trust, Respondent,

v.

Glen Allen Mitchum, Sr., aka Glenn Allen Mitchum,  
Appellant.

Appellate Case No. 2013-000560

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## ORDER

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Appellant appeals the circuit court's order granting Respondent's motion for partial judgment on the pleadings. Respondent filed a motion to dismiss, arguing the order is not immediately appealable. Appellant filed a return, arguing the order is immediately appealable because it struck out part of the Appellant's answer by dismissing all counterclaims. After careful consideration of the parties' filings, Respondent's motion to dismiss is granted because the order is not immediately appealable. *See* S.C. Code Ann. § 14-3-330 (1976 & Supp. 2012) (providing this court has appellate jurisdiction to review final judgments and interlocutory orders (1) involving the merits or (2) affecting a substantial right when the order "in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action."); *Collins v. Sigmon*, 299 S.C. 464, 466, 385 S.E.2d 835, 836 (1989) ("An order permitting amendment of pleadings is interlocutory and generally is not appealable until final judgment.").



FOR THE COURT

**FILED**  
  
J.G. 11-26-13

Columbia, South Carolina

cc: Jane Harris Downey  
Michael Brooks Biediger  
Brian Steed Tatum  
January Nicole Taylor