

**Apr 30 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM BERKELEY COUNTY  
COURT OF COMMON PLEAS

The Honorable Dale E. Van Slambrook  
Master-In-Equity

Appellate Case No. 2023-001863  
Civil Action No. 2022-CP-08-02386

VAK M250 FUND,  
LLC.....RESPONDENT,

RONALD D. PRINGLE AND CLEO R. PRINGLE.....APPELLANTS.

**APPELLANTS RESPONSE AND OPPOSITION TO  
RESPONDENTS MOTION TO DISMISS APPEAL**

**I: PRELIMINARY STATEMENT**

Appellants (hereinafter “the Pringles) makes this instant submission in response to and opposition of the Respondent VAK M250 Fund, LLC (“VAK”) motion to dismiss appeal and state the following in support thereof:

**II: ARGUMENT**

VAK argues that this case is moot, claiming that there is no justiciable controversy due to the Pringle’s payment of \$55,847.12 to redeem their property. However, this argument lacks merit for the following reasons:

**A: A JUSTICABLE CONTROVERSY EXISTS**

A justiciable controversy is a real and substantial controversy which is ripe and appropriate for judicial determination, as distinguished from a contingent, hypothetical or abstract dispute. *Mead v. Beaufort Cnty. Assessor*, 419 S.C. 125, 796 S.E.2d 165 (S.C. Ct. App. 2016). A substantial controversy refers to a significant disagreement or conflict between parties, often concerning a crucial aspect of a legal matter. The issues raised by the Pringles regarding VAK’s standing and entitlement to foreclose on the mortgage are considered material

because they directly affect the legal rights and obligations of the parties involved. If VAK lacked standing or was not entitled to foreclose, it could nullify the foreclosure proceedings, leading to significant repercussions for both parties. It is essential to resolve these issues to ensure that the lower court's decision accurately reflects the parties' legal rights. The Pringles argue that errors were made in the lower court concerning VAK's standing, entitlement to foreclose, and court procedures. These alleged errors are material because they impact the fairness and integrity of the lower court proceedings. Addressing these issues on appeal is crucial to rectify any legal mistakes and ensure a fair outcome. Additionally, appellate courts exist to review lower court decisions and correct errors that may have occurred during the trial. Given the persistent controversy regarding VAK's standing and entitlement to foreclose, coupled with the alleged errors asserted by the Pringles in the lower court, a justiciable controversy remains. Consequently, the case cannot be deemed moot, thereby preserving the Pringles' right to appeal.

**B. PAYMENT MADE BY THE PRINGLES DO NOT RELINQUISH THEM OF THEIR RIGHT TO APPEAL THE LOWER COURT'S DECISION**

VAK 250 contends that the Pringles' payment to redeem their property constitutes an intervening event, thereby rendering their appeal moot. In legal proceedings, an intervening event refers to an occurrence that transpires after the initiation of the action but before its resolution, potentially affecting the rights or circumstances of the involved parties. According to the mootness doctrine, if events arise post-filing that either resolve the dispute or render it impossible for the court to provide any meaningful relief, the case may become moot. The payment made by the Pringles did not resolve the errors they assert against the lower court or VAK's standing and entitlement to foreclose. While the payment indeed occurred, it did not bring about a resolution to the underlying legal issues. Instead, it was undertaken to salvage their home. Following a foreclosure sale, it becomes exceedingly difficult to nullify the transaction and regain ownership rights. The purchaser at the foreclosure sale typically becomes the bona fide owner, retaining legal rights and title to the property. This is particularly true if the sale was conducted in good faith and adhered to applicable laws and procedures. Once the property changes hands to the new owner, the process of reversing the sale and reclaiming ownership rights becomes highly intricate and legally challenging. Therefore, the Pringles were compelled to make the payment to prevent the loss of their home. The payment made by the Pringles, being necessitated by the imminent foreclosure and failing to address the substantive legal issues in contention, cannot be deemed an intervening event that would nullify the Pringles' appeal. Therefore, the Pringles' right to appeal remains preserved.

CONCLUSION

For the reasons stated above, the Pringles respectfully moves this Court to dismiss VAK motion to dismiss appeal as a matter of law.

*Ronald D. Pringle*

Ronald D. Pringle

*Cleo R. Pringle*

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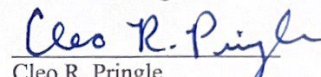
**PROOF OF SERVICE**

The undersigned hereby certifies that on April 29, 2024, the Appellants Ronald D. Pringle and Cleo R. Pringle Response and Opposition to Respondent's Motion to Dismiss Appeal was served via certified and electronic mail to the following:

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c/o M. McMullen Taylor  
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