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SC Court of Appeals

The South Carolina Court of Appeals

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March 21, 2024

The Honorable Angie Bryant
PO Box 649
York SC 29745-0649

REMITTITUR

Re: PHH Mortgage Corporation v. Teresa L. Kikelomo
Lower Court Case No. 2017CP4600768
Appellate Case No. 2024-000019

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 "Catherine Harrison, deputy".

CLERK

Enclosure

cc: Teresa L. Kikelomo
T Lowndes Pope, Esquire
Sarah Oliver Leonard, Esquire
Ashley Zarrett Stanley, Esquire
Alan Martin Stewart, Esquire

Kenneth Gregory Wooten, III, Esquire
James Donald Floyd, Esquire
John Sanford Kay, Esquire

The South Carolina Court of Appeals

PHH Mortgage Corporation, Respondent,

v.

Teresa L. Kikelomo, Appellant.

Appellate Case No. 2024-000019

ORDER

Appellant has filed an emergency petition to stay the master-in-equity's November 7, 2023 "Order for Writ of Assistance and Writ of Assistance." After careful consideration, the petition is denied.¹

Further, this appeal is dismissed because Appellant did not appeal the underlying order of foreclosure, and the property was subsequently sold at a foreclosure sale on August 7, 2023. Because the rights to the property are settled, this court is unable to provide Appellant practical relief from the writ of assistance. *See Mathis v. S.C. State Highway Dep't*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973) ("A case becomes moot when judgment, if rendered, will have no practical legal effect upon [an] existing controversy. This is true when some event occurs making it impossible for [a] reviewing Court to grant effectual relief."); *Byrd v. Irmo High Sch.*, 321 S.C. 426, 430, 468 S.E.2d 861, 864 (1996) ("Before any action can be maintained, there must exist a justiciable controversy."); *id.* at 431, 468 S.E.2d at 864 ("This Court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy."). The remittitur will be sent as provided by Rule 221(b), SCACR.

¹ Appellant's motion to proceed *in forma pauperis* is also denied. *See Martin v. State*, 321 S.C. 533, 535, 471 S.E.2d 134, 134-35 (1995) ("In the absence of a statutory provision allowing the general waiver of filing fees, we conclude motions to proceed *in forma pauperis* may only be granted where specifically authorized by statute or required by constitutional provisions.").

FILED

MAY 04 2024

Stephanie P. McDonald

FOR THE COURT

Columbia, South Carolina

cc:

Teresa L. Kikelomo

T Lowndes Pope, Esquire

Sarah Oliver Leonard, Esquire

~~Ashley Zarrett Stanley, Esquire~~

Alan Martin Stewart, Esquire

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John Sanford Kay, Esquire



South Carolina Court of Appeals

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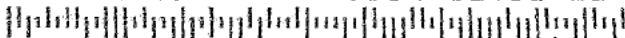
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SC Court of Appeals

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