

The South Carolina Court of Appeals

Elizabeth M. Ferraro, James T. Ferraro, Edward J. Przybyl, Marcella Gleie, John E. Gleie, Jr., Thomas Bowes, Connie Bowes, Moataz Alasadi, Virginia Kirkwood, Bob Kirkwood, Paul Vichroski, Nydza Vichroski, James Montellese, Roxann Montellese, Individually, Derivatively, and on Behalf of all the Mount Vintage Homeowners Association Members, Respondents,

v.

LL of SC, LLC, Raiford Topsail Island Investments, LLC, TR Sales Plantation, LLC, and Mount Vintage Plantation Homeowners Association, Inc. a/k/a Mount Vintage Homeowners Association, Inc., Defendants,

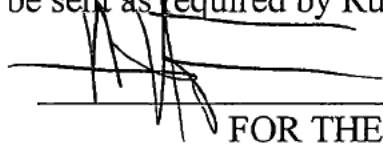
of which LL of SC, LLC, Raiford Topsail Island Investments, LLC, and TR Sales Plantation, LLC, are the Appellants.

Appellate Case No. 2024-001451

ORDER

Appellants have filed a petition for supersedeas to stay the proceedings below pending this appeal. However, the circuit court's September 4, 2024 Form 4 order, from which Appellants appeal, states, "Plaintiff's counsel to prepare a formal order consistent with this order." Accordingly, the order is interlocutory and not immediately appealable. *See Cheap-O's Truck Stop, Inc. v. Cloyd*, 350 S.C. 596, 605, 567 S.E.2d 514, 518 (Ct. App. 2002) ("As a matter of practice and convenience, a Form 4 order is used on a plethora of occasions" as a final order, when nothing remains to be done by the circuit court after signing the order, but a Form 4 is not "efficacious as a final order" if the circuit court explicitly provides that "a more formal order will be filed," or "the final order will be prepared by

[counsel]."). Appellants have filed a second notice of appeal from the circuit court's September 6, 2024 Form 4 order denying their motion for a stay. Initially, we note that Appellants failed to file a motion to amend their notice of appeal. Nonetheless, this order is also interlocutory. See *Carolina Water Serv., Inc. v. Lexington Cnty. Joint Mun. Water & Sewer Comm'n*, 373 S.C. 96, 98, 644 S.E.2d 681, 682 (2007) (holding an order lifting a stay is not immediately appealable); *Edwards v. SunCom*, 369 S.C. 91, 95, 631 S.E.2d 529, 531 (2006) ("[W]e find an order granting a stay is not immediately appealable."). Accordingly, this appeal is dismissed.¹ The remittitur will be sent as required by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

FILED
Sep 10 2024

cc:

Collin Heath Fuller, Esquire
Justin O'Toole Lucey, Esquire
Anna Scarborough McCann, Esquire
Steven Edward Buckingham, Esquire
The Honorable R. Lawton McIntosh

¹ Because we dismiss this appeal, we decline to act upon Appellants' petition for supersedeas.