

The South Carolina Court of Appeals

US Bank Trust National Association, Not In Its
Individual Capacity But Solely As Owner Trustee For
VRMTG Asset Trust, Respondent,

v.

Joanne Y. Ernesto a/k/a Joanne Ernesto; Myrtle Beach
Gold and Yacht Club Association, Inc.; Midland
Funding, LLC, Defendants,

of which Joanne Y. Ernesto a/k/a Joanne Ernesto is the
Appellant.

Appellate Case No. 2025-000021

ORDER

This appeal arises out of a writ of assistance following a judgment of foreclosure and sale of 6654 Wisteria Drive, Myrtle Beach, SC 29588. Appellant did not appeal from the foreclosure or the sale. As a result, any judgment by this Court in the current appeal would not offer Appellant practical relief, thus rendering this appeal moot. *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 existing controversy. This is true when some event occurs making it impossible for [the] reviewing Court to grant effectual relief."); *Bartles v. Livingston*, 282 S.C. 448, 461-62, 319 S.E.2d 707, 715 (Ct. App. 1984) (noting once a foreclosure decree has been entered and no appeal is taken, the effect of the foreclosure is binding in all subsequent proceedings); *Antrum v. Hartsville Prod. Credit Ass'n*, 228 S.C. 201, 210, 89 S.E.2d 376, 380 (1955) ("The judgment of foreclosure and order directing the issuance of the writ of assistance constitute an insuperable bar to the present proceeding."). Accordingly, the appeal is dismissed. *See 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.

A handwritten signature in black ink, appearing to be 'W.A.N.', written over a horizontal line.

FOR THE COURT

Columbia, South Carolina

cc:

Kevin Ted Brown, Esquire
Brook Dangerfield, Esquire
Alan Martin Stewart, Esquire

FILED
Jan 31 2025