

# The South Carolina Court of Appeals

Felicia and Graham Underwood, Appellants,

v.

Heartland Realty, Respondent,

and Clayton Lamar Hall, Intervenor, Respondent.

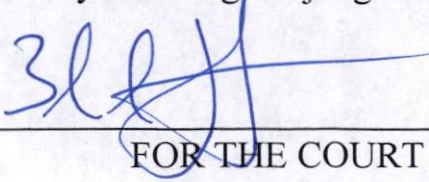
Appellate Case No. 2024-001696

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## ORDER

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On April 28, 2025, Intervenor moved to dismiss the appeal based on a lack of appellate jurisdiction, alleging the Form 4 order dismissing the case for failure to prosecute the case was not a final order. Appellants filed a reply, opposing the motion. After careful consideration, Intervenor's motion is denied. *See* Rule 41(b), SCRPC ("Unless the court in its order for dismissal otherwise specifies, a dismissal under this subdivision and any dismissal not provided for in this rule, other than a dismissal for lack of jurisdiction or for improper venue or for failure to join a party under Rule 19, operates *as an adjudication upon the merits.*"); S.C. Code Ann. § 14-3-330 (providing the appellate courts shall review upon appeal "(1) Any intermediate judgment, order or decree in a law case *involving the merits* in actions commenced in the court of common pleas and general sessions, brought there by original process or removed there from any inferior court or jurisdiction, and final judgments in such actions; provided, that if no appeal be taken until final judgment is entered the court may upon appeal from such final judgment review any intermediate order or decree necessarily affecting the judgment not before appealed from").

  
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FOR THE COURT

Columbia, South Carolina

**FILED**  
**Jun 20 2025**

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cc:

Graham Underwood

Felicia Underwood

Donovan Matthew Steltzner, Esquire

Heartland Realty