

# The South Carolina Court of Appeals

1613 Givhans Rd, LLC, Respondent,

v.

Barney Wimberly, Appellant.

Appellate Case No. 2025-000967

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## ORDER

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On appeal, Appellant challenges a writ of ejectment issued by the circuit court on May 6, 2015. On June 6, 2025, Respondent filed a motion to dismiss, arguing Appellant lacks standing to challenge the writ because the order on appeal merely enforces a final default judgment that Appellant failed to timely appeal; this court lacks subject matter jurisdiction to hear the appeal; and the writ of ejectment is a ministerial act, not an independent appealable order. Further, Respondent argued the appeal is frivolous and requests sanctions. On June 18, 2025, Appellant filed a return, requesting this court deny the motion to dismiss. After careful consideration, we grant the motion to dismiss because this appeal is moot due to Appellant not appealing the underlying order of default judgment. *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 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."). We deny Respondent's motion for sanctions. The remittitur will be sent as provided by Rule 221(b), SCACR.



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FOR THE COURT

Columbia, South Carolina

**FILED**  
**Jul 03 2025**

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cc:

Barney Wimberly

Roman Vincent Hammes, Esquire

Christian Tyler Wall, Esquire