

APPENDIX-1

(The South Carolina Court of Appeals)

MEMITTITUR JUNE 20, 2025

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S.C. SUPREME COURT



The South Carolina Court of Appeals

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June 20, 2025

The Honorable Jeanette W. McBride
PO Box 2766
Columbia SC 29202-2766

REMITTITUR

Re: Deutsche Bank National Trust Company v. John C. Nelums
Lower Court Case No. 2021CP4000895
Appellate Case No. 2025-000382

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,

CLERK

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SC Court of Appeals

Enclosure

cc: Delmarshi Nelums
John C. Nelums
John Sanford Kay, Esquire

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S.C. SUPREME COURT

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John Brian Kelchner, Esquire
Sarah Oliver Leonard, Esquire
Ashley Zarrett Stanley, Esquire
Alan Martin Stewart, Esquire

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APPENDIX-2

(The South Carolina Court of Appeals)

ORDER JUNE 20, 2025

The order judgment which is to be challenged on appeal.

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S.C. SUPREME COURT 21 CP 4000895

The South Carolina Court of Appeals

Deutsche Bank National Trust Company, as Trustee for Residential Asset Securitization Trust 2005-A8CB Mortgage Pass-Through Certificates Series 2005-H, Respondent,

v.

John C. Nelums, Delmarshi Nelums, and Woodlake Homeowners' Association, Inc., Defendants,

of which John C. Nelums and Delmarshi Nelums are the Appellants.

Appellate Case No. 2025-000382

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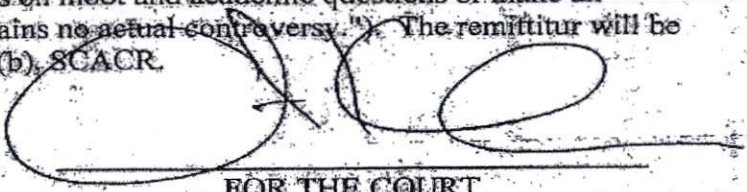
ORDER

This appeal arises out of the issuance of a writ of assistance following a judgment of foreclosure and sale of 315 Bentwood Lane, Columbia, South Carolina 29229. Appellants did not appeal from the foreclosure. Following the sale of the property on December 5, 2022, Appellants filed a motion to vacate the judgment in the circuit court, which was denied by the master-in-equity on February 24, 2023. Appellants initiated an appeal from that order, but the appeal was dismissed for failure to file the appellant's initial brief. That appeal, proceeding under appellate case number 2023-000491, was remitted on February 15, 2024.

As a result of Appellants' failure to perfect an appeal from the foreclosure and sale, any judgment by this Court in the current appeal would not offer Appellants 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

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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. Irma 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.



FOR THE COURT

Columbia, South Carolina

- cc:
- Delmarshi Nelums
- John C. Nelums
- John Sanford Kay, Esquire
- John Brian Kelchner, Esquire
- Sarah Oliver Leonard, Esquire
- Ashley Zarrett Stanley, Esquire
- Alan Martin Stewart, Esquire

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