

The South Carolina Court of Appeals

LaSheila Mitchum Green, Appellant,

v.

Genevieve Farmer, Ruth Richburg and Jacqueline King,
Respondents.

Appellate Case No. 2025-001183

ORDER

On August 18, 2025, Respondent moved to dismiss this appeal because Appellant failed to comply with the circuit court's order, which required Appellant to pay rent in order to stay the order on appeal during the pendency of the appeal. *See* S.C. Code Ann. § 27-40-800(f)(1)(2007) ("Upon appeal . . . to the court of appeals, it is sufficient to stay execution of a judgment for ejectment that the tenant sign an undertaking that he will pay to the landlord the amount of rent, determined by order of the judge of the circuit court, as it becomes due periodically after judgment was entered."). On August 29, 2025, Appellant filed a return, opposing Respondent's motion to dismiss.

After careful consideration, we deny Respondent's motion to dismiss the appeal. *See Skydive Myrtle Beach, Inc. v. Horry County*, 428 S.C. 638, 642, 837 S.E.2d 485, 487 (2020) (explaining "[a] case is moot 'when judgment, if rendered, will have no practical legal effect upon existing controversy'" (quoting *Mathis v. S.C. State Highway Dep't*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973))); *id.* (holding the case before it "was not moot because a decision to reverse the ejectment order could have the practical effect of putting Skydive back in possession of the bird hangar"); *id.* (explaining that an appeal may be rendered moot when a tenant vacates the premises voluntarily (citing *Berry v. Zahler*, 220 S.C. 86, 87, 66 S.E.2d 459, 459-60 (1951))); *Wachesaw Plantation E. Cmty. Servs. Ass'n, Inc. v. Alexander*, 414 S.C. 355, 360, 778 S.E.2d 898, 901 (2015) (holding "the issuance of a deed does not moot the appeal of a foreclosure sale and an appellate court may reach the merits"); S.C. Code Ann. § 27-40-800(f)(2)(2007)

("The tenant's failure to comply with the terms of the undertaking entitles the landlord to execution of the judgment for possession").



FOR THE COURT J.

Columbia, South Carolina

cc:
LaSheila M. Green
William Joseph Virgil Barr, Esquire
The Honorable Deitra Johnson
The Honorable Clifton Newman

FILED
Sep 30 2025