

The South Carolina Court of Appeals

Ernest McKnight, Jr., Appellant,

v.

Home River Group, Respondent.

Appellate Case No. 2024-001226

ORDER

On July 29, 2024, Appellant filed an appeal from a circuit court order denying his motion for reconsideration or relief from judgment related to an order dismissing his appeal from a magistrate’s order evicting him from leased premises. On December 10, 2025, Respondent filed a motion to dismiss this appeal. Respondent explained it filed a subsequent application for eviction of Appellant based on “separate grounds not affected by [this] appeal”—the expiration of Appellant’s term of tenancy—and the magistrate found for Respondent. Thereafter, Appellant appealed the magistrate’s order to the circuit court, and the magistrate issued a bond to stay execution on appeal. When Appellant failed to comply with the bond order, the circuit court dismissed the appeal and the magistrate issued a writ of ejectment, which “resulted in Appellant’s removal from or voluntary abandonment of the subject leased premises.” Respondent moved to dismiss this appeal, arguing the appeal is moot because “the completed eviction of Appellant renders any grant of effectual relief impossible.” Appellant did not file a return to the motion.

After careful consideration, we dismiss this appeal as 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 reviewing [c]ourt 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 [c]ourt will not pass on moot and academic questions or make an adjudication where there

remains no actual controversy.").¹ Remittitur will be sent in accordance with Rule 221(b) of the South Carolina Appellate Court Rules.



FOR THE COURT

J.

Columbia, South Carolina

FILED
Jan 27 2026

cc:

G. Robin Alley, Esquire
Jason Mark Hunter, Esquire

¹ See also *Skydive Myrtle Beach, Inc. v. Horry County*, 428 S.C. 638, 642-43, 837 S.E.2d 485, 487 (2020) (concluding a tenant's appeal was not moot when the tenant's removal from the premises was not voluntary and the court could order that the tenant may move back into the premises because the lease term had not expired).