



The South Carolina Court of Appeals

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March 19, 2026

The Honorable Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: Thomas H. Morgan v. John Gilbert (2)
Lower Court Case No. 2012CP1000580
Appellate Case No. 2025-002323

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,

A handwritten signature in blue ink that reads "Jenny A. Kitchings".

CLERK

Enclosure

cc: Robert Alan Bernstein, Esquire
W. Andrew Gowder, Jr., Esquire
Christopher Blohme Staubes, III, Esquire



Stephen Peterson Groves, Sr., Esquire
Michael Rhett DeHart, Esquire
Morris Arthur Ellison, Esquire
Henry E. Grimball, Esquire
Matthew Tillman, Esquire

The South Carolina Court of Appeals

Thomas H. Morgan, Respondent,

v.

John L. Gilbert, Stuart L. Fred, Bella Vista Partnership, A Texas General Partnership, Bomasada Group, Inc., A Texas Corporation, Bomasada Investment Group II, LLC, A Texas Limited Liability Company, Lauralis Management, Inc., A Texas Corporation, and 150 Bee Street, LLC, A South Carolina Limited Liability Company, Defendants,

of which Stuart L. Fred, Bella Vista Partnership, A Texas General Partnership, Bomasada Group, Inc., A Texas Corporation, Bomasada Investment Group II, LLC, A Texas Limited Liability Company, Lauralis Management, Inc., A Texas Corporation, and 150 Bee Street, LLC, A South Carolina Limited Liability Company, are the Appellants.

Appellate Case No. 2025-002323

ORDER

On February 6, 2024, the circuit court filed an order denying Appellants' motion to vacate or modify the final arbitration award and confirming the arbitration award. Appellants appealed to this court, and we affirmed. Appellants filed a petition for a writ of certiorari with our supreme court, which was denied. Our court remitted the matter on August 21, 2025. Subsequently, on October 14, 2025, the circuit court filed a Form 4 order "for docketing of the Court Order in this case dated February 6, 2024, confirming the Arbitration Award of June 19, 2023; therefore, the date of enrollment is February 6, 2024." On October 17, 2025, the circuit court issued a transcript of judgment providing "that interest will accrue from the date of docketing of judgment, October 14, 2025." On November 13, 2025, the

circuit court issued an amended transcript of judgment that provided "interest will accrue from the date of docketing of judgment, February 6, 2024." On November 17, 2025, Appellants served and filed a notice of appeal from the October 14, 2025 Form 4, the transcript of judgment, and the amended transcript of judgment.

On November 26, Respondent moved to dismiss the appeal, arguing the orders appealed are not appealable orders because they are "merely ministerial certifications of the previously-entered February 6, 2024 Order confirming the arbitration award, as enrolled by the October 14, 2025 Form 4 Order" and he was not timely served with the notice of appeal as it relates to the October 14, 2025 Form 4 Order. Appellants filed a return, opposing the dismissal. Respondent filed a reply.

After careful consideration, we dismiss the appeal for lack of an appealable order. *See* S.C. Code Ann. 14-3-330 (2017) (providing appellate jurisdiction to review on appeal (1) any intermediate judgment that involves the merits, (2) an order affecting a substantial right when such an order "in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action," (3) a final order affecting a substantial right made in any special proceeding or upon a summary application in any action after judgment, or (4) an interlocutory order or decree relating to an injunction or appointment of a receiver). Further, this court lacks appellate jurisdiction over any appeal from the October 14, 2025 Form 4 order and the October 17, 2025 transcript of judgment because service of the notice of appeal was not timely. *See* Rule 203(b)(1), SCACR (providing an appeal from a final order of the family court must be "served on all respondents within thirty . . . days after receipt of written notice of entry of the order"). The remittitur will be sent as provided by Rule 221(b), SCACR.



FOR THE COURT J.

Columbia, South Carolina

cc:

Robert Alan Bernstein, Esquire

W. Andrew Gowder, Jr., Esquire

Christopher Blohme Staubes, III, Esquire

Stephen Peterson Groves, Sr., Esquire

Michael Rhett DeHart, Esquire

Morris Arthur Ellison, Esquire
Henry E. Grimball, Esquire
Matthew Tillman, Esquire

FILED
Feb 25 2026
