

The South Carolina Court of Appeals

Brownswood Farms Property Owners Association, Inc.,
Appellant,

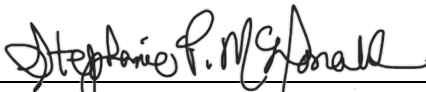
v.

Corey B. Prescott and Corey S. Prescott, Respondents.

Appellate Case No. 2026-001151

ORDER

On May 18, 2026, Appellant filed a notice of appeal from an order issued by the master-in-equity concerning the satisfaction of a lien. Appellant received written notice of the entry of the order on March 16, 2026, but it did not serve its notice of appeal until May 18, 2026. In a footnote to its notice of appeal, Appellant stated it timely filed a motion to alter or amend pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure, but it withdrew its motion on May 18, 2026, due to the master not ruling on the motion. On May 19, 2026, this court requested the parties provide this court with memoranda addressing the appealability of the orders on appeal. On May 29, 2026, Respondents filed their memorandum, arguing the notice of appeal was not timely served because the withdrawn Rule 59(e) motion did not toll the time for serving the notice. Respondents rely on *Vanderwerf v. Smithkline*, 603 F.3d 842 (10th Cir. 2010) to support their position. On May 29, 2026, Appellant filed its memorandum, arguing its notice of appeal was timely served because the Rule 59(e) motion tolled the time for serving the notice and their withdrawal of the motion had no effect on its tolling effect. Appellant cites *United States v. Rodriguez*, 892 F.2d 23 (2nd Cir. 1989) to support its position. After careful consideration, we allow this appeal to proceed without prejudice to the parties arguing regarding the appealability of the order on appeal in their briefs.



FOR THE COURT

J.

FILED
Jun 22 2026

Columbia, South Carolina

cc:

Dean Anthony Hayes, Esquire

Ashley Nichole Green, Esquire

Valerie Garcia Giovanoli, Esquire

Walker H. Willcox, Esquire