

The South Carolina Court of Appeals

The Summit Community Association, Inc., Respondent,

v.

James L. Davoll, Jr., Appellant.

Appellate Case No. 2026-001322

ORDER

This appeal arises out of an amended order for writ of assistance by the master-in-equity. On July 22, 2024, the master issued an order of foreclosure. Our records reflect that order was not appealed; thus, the order of foreclosure became the law of the case. *See Dreher v. S.C. Dep't of Health & Env't Control*, 412 S.C. 244, 250, 772 S.E.2d 505, 508 (2015) ("[S]hould the appealing party fail to raise all of the grounds upon which a lower court's decision was based, those unappealed findings—whether correct or not—become the law of the case.").

As a result of Appellant's failure to perfect an appeal from the foreclosure, any judgment by this Court in the current appeal would not offer Appellant 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 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. 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 Court will not pass on moot and academic questions or make an

adjudication where there remains no actual controversy."). Based on our disposition herein, we decline to rule on Appellant's pending motion. The remittitur will be sent as provided by Rule 221(b), SCACR.

Blair Hunt

FOR THE COURT

Columbia, South Carolina

FILED

June 18, 2020

cc:

James L. Davoll, Jr.

Michael P Morris, Esquire