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Aug 19 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Charles B. Simmons, Jr., Master in Equity

Appellate Case No. 2026-001649

Lakeview Loan Servicing, LLC, Respondent,

v.

Wendell Don Cooper; Shellbrook Plantation HOA of SC, Inc.; Regions Bank, Defendants

of which Wendell Don Cooper is the Appellant.

RESPONDENT'S MEMO REGARDING
APPEALABILITY OF ORDERS

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MEMO REGARDING APPEALABILITY OF JULY 7, 2026 AND JULY 10, 2026 ORDERS

The Order granted by the Court of Common Pleas on July 10, 2026, is an interlocutory order and therefore is not immediately appealable.

“An interlocutory order not governed by a specialized appealability statute is not immediately appealable unless it fits into one of the categories listed in section 14-3-330 of the

South Carolina Code (1976 & Supp. 2009).” *Thornton v. S.C. Elec. & Gas Corp.*, 391 S.C. 297, 300, 705 S.E.2d 475, 477 (Ct. App. 2011). The Order in this case does not involve any of the special circumstances listed in section 14-3-330. Only orders which involve the merits in the action, orders that affect a substantial right, and orders which grant or refuse an injunction or the appointment of a receiver may be immediately appealable. An order affects a substantial right if it discontinues an action, prevents appeal, grants or refuses a new trial, or strikes out an action or defense. *Edwards v. SunCom*, 369 S.C. 91, 94, 631 S.E.2d 529, 530 (2006). The Order here does not discontinue the action or prevent appeal in the future. It simply deems abandoned all issues which were not argued by the Appellant when he was given the chance to do so at a hearing.

Additionally, the Order granted by the Court of Common Pleas on July 7, 2026, which denied the Appellant’s motion for summary judgment, is also an interlocutory order and therefore is not immediately appealable. “A denial of a motion for summary judgment decides nothing about the merits of the case, but simply decides the case should proceed to trial...the denial of summary judgment does not finally determine anything about the merits of the case and does not have the effect of striking any defense since that defense may be raised again later in the proceedings.” *Ballenger v. Bowen*, 313 S.C. 476, 477, 443 S.E.2d 379, 380 (1994).

Respectfully submitted,

/s/ Alan M. Stewart

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PROOF OF SERVICE OF RESPONDENT'S MEMO REGARDING
APPEALABILITY OF ORDERS

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I hereby certify that I have served the Respondent's Memo Regarding Appealability of Orders on Wendell Don Cooper by depositing a copy of it in the United States mail, postage prepaid, on August 19, 2026, addressed to Wendell Don Cooper at 117 Palm Springs Way, Simpsonville, South Carolina 29681.

Respectfully submitted,

/s/ Alan M. Stewart

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