



The South Carolina Court of Appeals

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September 8, 2026

Sylecia McIntyre
1855 E Main St, Ste 14-219
Spartanburg SC 29307

Mr. Ross Buchanan Plyler, Esquire
PO Box 10529
Greenville SC 29603

Re: Sylecia McIntyre v. Westwood Town Homes
Appellate Case No. 2025-002087

Dear Counsel and Ms. McIntyre:

Enclosed is the decision of the Court. Appellant must update the Court with the status of the transcript within ten (10) days of the date of this letter, or this appeal will be dismissed.

Very truly yours,

Jasmine D. Smith, Deputy
CLERK

The South Carolina Court of Appeals

Sylecia McIntyre, Appellant,

v.

Westwood Town Homes, Respondent.

Appellate Case No. 2025-002087

ORDER

On June 8, 2026, Respondent moved to dismiss this appeal because Appellant failed to comply with the circuit court's order, which required Appellant to pay rent in order to stay the order on appeal during the pendency of the appeal. *See* S.C. Code Ann. § 27-40-800(f)(1)(2007) ("Upon appeal . . . to the court of appeals, it is sufficient to stay execution of a judgment for ejectment that the tenant sign an undertaking that he will pay to the landlord the amount of rent, determined by order of the judge of the circuit court, as it becomes due periodically after judgment was entered."). On June 25, 2026, Appellant filed a return, opposing Respondent's motion to dismiss.

After careful consideration, we deny Respondent's motion to dismiss the appeal. *See Skydive Myrtle Beach, Inc. v. Horry County*, 428 S.C. 638, 642, 837 S.E.2d 485, 487 (2020) (explaining "[a] case is moot 'when judgment, if rendered, will have no practical legal effect upon existing controversy'" (quoting *Mathis v. S.C. State Highway Dep't*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973))); *id.* (holding the case before it "was not moot because a decision to reverse the ejectment order could have the practical effect of putting Skydive back in possession of the bird hangar"); *id.* (explaining that an appeal may be rendered moot when a tenant vacates the premises voluntarily (citing *Berry v. Zahler*, 220 S.C. 86, 87, 66 S.E.2d 459, 459-60 (1951))); *Wachesaw Plantation E. Cmty. Servs. Ass'n, Inc. v. Alexander*, 414 S.C. 355, 360, 778 S.E.2d 898, 901 (2015) (holding "the issuance of a deed does not moot the appeal of a foreclosure sale and an appellate court may reach the merits"); S.C. Code Ann. § 27-40-800(f)(2)(2007) ("The tenant's failure to comply with the terms of the undertaking entitles the

landlord to execution of the judgment for possession").

A handwritten signature in black ink, appearing to be "J. S.", written over a horizontal line.

J.

FOR THE COURT

Columbia, South Carolina

cc:

Sylecia McIntyre

Ross Buchanan Plyler, Esquire

FILED
Sep 08 2026