

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Faye P. Croft, Personally and as Trustee of the James A. Croft Trust; James A. Croft Trust; William A. Harbeson; Heyward G. Hutson; James Stephen Greene, Jr., Brian Peacher; Robert Klinger; Mary Becker; Summerville Preservation Society; and Dorchester County Taxpayers Association, individually, and on behalf of all others similarly situated, Appellants,

v.

Town of Summerville; Town of Summerville Redevelopment Corporation; Town of Summerville Planning Commission; and Town of Summerville Board of Architectural Review, Respondents.

Appellate Case No. 2024-000438

Appeal From Dorchester County
Jennifer B. McCoy, Circuit Court Judge

Unpublished Opinion No. 2026-UP-358
Submitted March 31, 2026 – Filed July 8, 2026

AFFIRMED

Michael T. Rose, of Mike Rose Law Firm, PC, of Summerville, and W. Andrew Gowder, Jr., of Austen & Gowder, LLC, of Charleston, both for Appellants.

Timothy Alan Domin, of Clawson & Staubes, LLC, of Charleston, and G. Waring Parker, of Summerville, both for Respondents.

PER CURIAM: Appellants appeal the dismissal of their declaratory judgment action regarding a defunct development project, arguing the circuit court erred in finding the action was moot because it sought guidance regarding actions of the Town and private developers and, in the alternative, the facts of the case fit within one of the exceptions to the mootness doctrine. We affirm pursuant to Rule 220(b), SCACR, and the following authorities: *Power v. McNair*, 255 S.C. 150, 153-54, 177 S.E.2d 551, 553 (1970) (explaining that to state a cause of action under the Declaratory Judgment Act, a party must demonstrate a justiciable controversy); *Pee Dee Elec. Coop., Inc. v. Carolina Power & Light Co.*, 279 S.C. 64, 66, 301 S.E.2d 761, 762 (1983) ("A justiciable controversy is a real and substantial controversy which is ripe and appropriate for judicial determination, as distinguished from a contingent, hypothetical[,] or abstract dispute."); *Sunset Cay, LLC v. City of Folly Beach*, 357 S.C. 414, 423, 593 S.E.2d 462, 466 (2004) ("An adjudication that would not settle the legal rights of the parties would only be advisory in nature and, therefore, would be beyond the intended purpose and scope of the . . . Declaratory Judgments Act."); *Sloan v. Greenville County*, 380 S.C. 528, 535, 670 S.E.2d 663, 667 (Ct. App. 2009) ("The court does not concern itself with moot or speculative questions."); *id.* ("An appellate court will not pass judgment on moot and academic questions; it will not adjudicate a matter when no actual controversy capable of specific relief exists."); *Curtis v. State*, 345 S.C. 557, 567, 549 S.E.2d 591, 596 (2001) ("A case becomes moot when judgment, if rendered, will have no practical legal effect upon the existing controversy." (quoting *Mathis v. S.C. State Highway Dep't*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973))); *id.* at 568, 549 S.E.2d at 596 (stating "there are three general exceptions to the mootness doctrine"); *id.* ("First, an appellate court can take jurisdiction, despite mootness, if the issue raised is capable of repetition but evading review."); *id.* ("Second, an appellate court may decide questions of imperative and manifest urgency to establish a rule for future conduct in matters of important public interest."); *Sloan*, 380 S.C. at 535, 670 S.E.2d at 667 ("Application of the public interest exception requires the question at issue to be (1) of 'public importance,' and (2) of 'imperative and manifest urgency.'"); *Curtis*, 345 S.C. at 568, 549 S.E.2d at 596 (noting third "if a decision by the trial court may affect future events, or have collateral consequences for the parties, an appeal from that decision is not moot, even though the appellate court cannot give effective relief in the present

case"); *Croft v. Town of Summerville*, 433 S.C. 473, 480-81, 860 S.E.2d 352, 356-57 (2021) (finding the abandonment of the underlying project at issue rendered the arguments in a case related to the present one moot and no exceptions to the mootness doctrine applied).

AFFIRMED.¹

WILLIAMS, C.J., and KONDUROS and VINSON, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.