The South Carolina Court of Appeals

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October 6, 2026

The Honorable Winnifa Brown-Clark
PO Box 9000
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REMITTITUR

Re: Rufus Rivers v. James Smith, Jr.
Lower Court Case No. 2018CP3801339
Appellate Case No. 2026-001420

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CLERK

Enclosure

cc: Rufus Rivers
Merle Rivers
Grant Burnette LeFever, Esquire
Kathleen McColl McDaniel, Esquire

The South Carolina Court of Appeals

Rufus Rivers and Merle Rivers, Appellants,

v.

James Smith, Jr., Respondent.

Appellate Case No. 2026-001420

ORDER

This appeal arises out of Appellants' claim that the circuit court has failed to rule on their Rule 60, SCRCP filings. From our review of the public index of the case number provided in the notice of appeal, there is no appealable order for this Court to review. Accordingly, the appeal is dismissed as not immediately appealable.[1] *See* S.C. Code Ann. §14-3-330 (2017) (providing that only final judgments and certain interlocutory orders are immediately appealable). To the extent Appellants wish to appeal from the decision to remand this matter to the magistrate's court, the appeal is dismissed for failure to timely serve the notice of appeal. *See* Rule 203(b)(1), SCACR (noting a notice of appeal shall be served on all respondents within 30 days after receipt of written notice); *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal. . . ."). The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

Columbia, South Carolina

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[1] Based on the disposition herein, we decline to take action on Appellants' motion to stay.

cc:
Rufus Rivers
Merle Rivers
Grant Burnette LeFever, Esquire
Kathleen McColl McDaniel, Esquire

FILED
Sep 02 2026