

# The South Carolina Court of Appeals

First Citizens Bank and Trust Company, Inc., Successor-in-Interest to the Federal Deposit Insurance Corporation, Receiver of Georgian Bank, Respondent,

v.

Goose Creek II, LLC, James C. Wallace a/k/a James C. Wallace, Sr., John S. Paulson a/k/a John Paulson, Jiri Jilich a/k/a Jiri Jilich, Jr., James K. Price, Eastwood Homes, Inc., Charles Huff, as the personal representative of the Estate of Richard P. Huff, Jr., Seamon, Whiteside & Associates, Inc., Monarch Plantation Homeowners' Association, Inc., Defendants,

Of whom Eastwood Homes, Inc. is the Appellant.

Appellate Case No. 2013-002378

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## ORDER

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Respondent has moved to dismiss this appeal, arguing: (1) because Appellant did not immediately appeal the circuit court's order dismissing its counterclaims, the appeal is untimely and (2) Appellant cannot appeal the notice of sale from this foreclosure action because it is not a final order or judgment that may be appealed. Respondent does not challenge the appealability of the master-in-equity's decree awarding judgment of foreclosure. Appellant filed a return, and Respondent filed a reply. After careful consideration, Respondent's motion to dismiss is denied. However, nothing in this order prevents the parties from addressing appealability in their briefs.

  
FOR THE COURT

FILED

3/7/14

Columbia, South Carolina

cc: James Edward Bradley  
Thomas Waring  
Christopher A. Ogiba  
James C. Adams, II  
Brooks Pierce