

The South Carolina Court of Appeals

Bayview Loan Servicing, LLC, Respondent,

v.

Scott A. Schledwitz, Roxanne J. Schledwitz a/k/a
Roxanne Johnson Schledwitz, Mortgage Electronic
Registration Systems, Inc. (MERS) as nominee for
Taylor, Bean & Whitaker Mortgage Corp., the United
States of America, by and through its agency, the Internal
Revenue Service, and the South Carolina Department of
Revenue, Defendants,

Of whom Scott A. Schledwitz and Roxanne Johnson
Schledwitz are the Appellants.

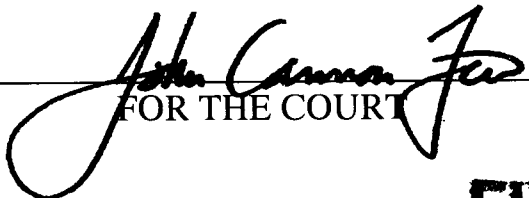
Appellate Case No. 2013-002811

ORDER

Appellants have filed a petition to rehear the dismissal of this appeal, arguing the appeal is not moot because the property has not been sold to a third-party bidder. Respondent filed a return, explaining that the third-party bidder has made a deposit on the property, but the remaining bid amount has not been tendered and the master's deed has not been issued.

Because the deed has not been issued, Respondent has control over the property, and this court could deliver the real estate back to Appellants if Appellants prevail on appeal. Accordingly, this appeal is not moot.

Appellant's petition is granted and the appeal is reinstated.


FOR THE COURT

FILED
9/5/14

Columbia, South Carolina

cc:

Scott Allan Schledwitz

Roxanne Johnson Schledwitz

Heidi B. Carey, Esquire

Damon Christian Wlodarczyk, Esquire