



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 05, 2015

Mr. F. Cordes Ford, IV, Esquire
PO Box 999
Charleston SC 29402

Mr. David Starr Cobb, Esquire
PO Box 22129
Charleston SC 29413-2129

Re: Jasper County v. The Settings of Mackay Point
Appellate Case No. 2014-002609

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

The South Carolina Court of Appeals

Jasper County, Respondent,

v.

The Settings of Mackay Point, LLC and Bond Safeguard
Insurance Company, Defendants,

Of Which Bond Safeguard Insurance Company is the
Appellant.

Appellate Case No. 2014-002609

ORDER

Respondent has filed a motion to dismiss, arguing the underlying order denying Appellant's motion to stay is not immediately appealable. Appellant has filed a return, asserting (1) the underlying order is appealable under section 14-3-330(1) of the South Carolina Code (1976) because it "finally determined a substantial matter forming a key part of [its] defenses" and thus involves the merits, and (2) it is appealable under section 14-3-330(2)(c) because it "removes a material issue—ownership of Lot 228—from the case," thereby preventing Appellants from proving the deed is void. Contrary to Appellant's arguments, the order does not fall under subsection (1) because it does not involve the merits, and it does not fall under subsection (2)(c) because it does not "strike[] out an answer or any part thereof or any pleading in any action." Because the underlying order is not appealable, Respondent's motion to dismiss is granted. *See* S.C. Code Ann. § 14-3-330 (1976) (providing an interlocutory order is not immediately appealable unless it affects the merits or affects a substantial right).


FOR THE COURT

FILED
2/5/15

Columbia, South Carolina

cc: F. Cordes Ford, IV, Esquire
David Starr Cobb, Esquire