



# The South Carolina Court of Appeals

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December 08, 2015

The Honorable Margaret Bostick  
PO Box 248  
Ridgeland SC 29936-0248

## REMITTITUR

Re: Jasper County v. The Settings of Mackay Point  
Lower Court Case No. 2010CP2700252  
Appellate Case No. 2014-002609

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,

*V. Claire Allen, Deputy*

CLERK

Enclosure

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

The Supreme Court of South Carolina

RECEIVED

Jasper County, Respondent,

DEC 03 2015

v.

SC Court of Appeals

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

Of Which Bond Safeguard Insurance Company is  
Petitioner.

Appellate Case No. 2015-001200

Lower Court Case No. 2010-CP-27-00252

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ORDER

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Petitioner seeks a writ of certiorari to review the Court of Appeals' decision in *Jasper Cnty. v. The Settings of Mackay Point, LLC*, S.C. Ct. App. Order dated Feb. 5, 2015. The petition is denied.

  
C.J.  
FOR THE COURT

Columbia, South Carolina

December 2, 2015

cc:

F. Cordes Ford, IV, Esquire

David Starr Cobb, Esquire

Margaret Bostick

The Honorable Jenny Abbott Kitchings

# 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

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## ORDER

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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