

The South Carolina Court of Appeals

Nationstar Mortgage, LLC, Respondent,

v.

Barbara A. Gibbs, Melvin E. Gibbs, and Westbrook
Phase IV Homeowners' Association, Defendants,

Of whom Melvin E. Gibbs is the Appellant.

Appellate Case No. 2015-001873

ORDER

This appeal was dismissed due to Appellant's failure to provide a copy of the orders on appeal and proof of service of the notice of appeal. Appellant filed a motion to reconsider, showing the proof of service was filed with this court and providing a copy of the orders on appeal. This court acknowledged receipt of the items and requested the parties file memoranda addressing the appealability of the underlying orders. Because Appellant provided a copy of the order on appeal and proof of service of the notice of appeal, the motion for reconsideration is granted and the appeal is reinstated. However, upon review of the orders on appeal and the appealability memoranda, this appeal is dismissed because the underlying orders on appeal are not immediately appealable. *See Huntley v. Young*, 319 S.C. 559, 462 S.E.2d 860 (1995) (holding that generally, the denial of a motion to dismiss is not immediately appealable); *North Carolina Federal Savings and Loan Ass'n v. Twin States Development Corp.*, 289 S.C. 480, 347 S.E.2d 97 (1986) (holding that an order of reference in an action to foreclose a mortgage is not subject to an immediate appeal). Remittitur will be sent as required by Rule 221, SCACR.


FOR THE COURT

FILED

December 31, 2015

Columbia, South Carolina

cc:

Melvin E. Gibbs

Dean Anthony Hayes, Esquire

Vance L. Brabham, III, Esquire