

The South Carolina Court of Appeals

The Bank of New York Mellon Trust Company, N.A.
f/k/a The Bank of New York Trust company, N.A., as
successor- in-interest to JPMorgan Chase Bank, National
Association, as Trustee, Pooling and Servicing
Agreement Dated as of January 1, 2005 Mortgage Asset-
Backed- Pass- Through Certificates, Series 2005- RP1,
Respondent,

v.

Denise Forte; Associates Financial Services Company of
South Carolina, Inc.; South Carolina Department of
Revenue, Defendants,

Of Whom Denise Forte is the Appellant.

Appellate Case No. 2015-001924

ORDER

Appellant has filed a notice of appeal from the special referee's writ of assistance. Our review of this matter indicates Appellant did not appeal the order of foreclosure; accordingly, the parties' rights to the subject property are settled, and this appeal is moot. *See Mathis v. S.C. State Highway Dep't*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973) ("A case becomes moot when judgment, if rendered, will have no practical legal effect upon existing controversy. This is true when some event occurs making it impossible for [the] reviewing [c]ourt to grant effectual relief."). Accordingly, the appeal is dismissed. *See Byrd v. Irmo High Sch.*, 321 S.C. 426, 430, 468 S.E.2d 861, 864 (1996) ("Before any action can be maintained, there must exist a justiciable controversy."); *id.* at 431, 468 S.E.2d at 864 ("This [c]ourt will not pass on moot and academic questions or make an adjudication [when] there remains no actual controversy."). The remittitur will be sent as provided by Rule 221(b), SCACR.


FOR THE COURT

Columbia, South Carolina

FILED

March 4, 2016

cc:

Denise J. Forte

Brian A. Calub, Esquire

Gregory David Spink, Esquire