

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Overland, Inc., d/b/a Land Rover Greenville, Appellant,

v.

Lara Marie Nance, Charlie Andrew Nance, Roger Fields,
Synovus Financial Corporation d/b/a NBSC, Branch
Banking and Trust Company, Bank of America
Corporation, and SunTrust Banks, Inc., Defendants,

Of which Bank of America Corporation and SunTrust
Banks, Inc. are the Respondents.

Appellate Case No. 2015-000523

Appeal From Greenville County
Letitia H. Verdin, Circuit Court Judge

Unpublished Opinion No. 2016-UP-368
Submitted May 1, 2016 – Filed July 20, 2016

APPEAL DISMISSED

Carl F. Muller, of Carl F. Muller, Attorney at Law, P.A.,
and T. Hunt Reid, of Howard Howard Francis & Reid,
both of Greenville, for Appellant.

James W. Sheedy and Susan Elizabeth Driscoll, both of
Driscoll Sheedy, P.A., of Charlotte, North Carolina; and

Jan T. Chilton, of Severson & Werson, of San Francisco, California, for Respondent Bank of America Corporation.

W. Howard Boyd, Jr. and Zachary Lee Weaver, both of Gallivan, White & Boyd, PA, of Greenville, for Respondent SunTrust Banks, Inc.

PER CURIAM: Appeal dismissed pursuant to Rule 220(b), SCACR, and the following authorities: Rule 6(b), SCRCP ("The time for taking any action under rules 50(b), 52(b), 59, and 60(b) may not be extended except to the extent and under the conditions stated in them."); Rule 59(e), SCRCP ("A motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order."); Rule 59(f), SCRCP ("The time for appeal for all parties shall be stayed by a *timely* motion under this Rule and shall run from the receipt of written notice of entry of the order granting or denying such motions." (emphasis added)); *Coward Hund Constr. Co. v. Ball Corp.*, 336 S.C. 1, 3, 518 S.E.2d 56, 57 (Ct. App. 1999) ("A motion under Rule 59(e) is timely if it is 'served not later than 10 days after receipt of written notice of the entry of the order.'" (quoting Rule 59(e), SCRCP)); Rule 203(b)(1), SCACR ("A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment. When a timely motion . . . to alter or amend the judgment . . . has been made, the time for appeal for all parties shall be stayed and shall run from receipt of written notice of entry of the order granting or denying such motion."); *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice.").

APPEAL DISMISSED.¹

LOCKEMY, C.J., and WILLIAMS and MCDONALD, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.