

The South Carolina Court of Appeals

The Bank of New York Mellon, f/k/a The Bank of New York as successor-in-interest to JPMorgan Chase Bank, N.A. as successor in interest by merger to Bank One, N.A. as Trustee for Structured Asset Mortgage Investments Inc., Mortgage Pass-Through Certificates, Series 2002-AR4, Respondent,

v.

Cathy C. Lanier; Branch Banking and Trust Company, Regions Bank, Defendants,

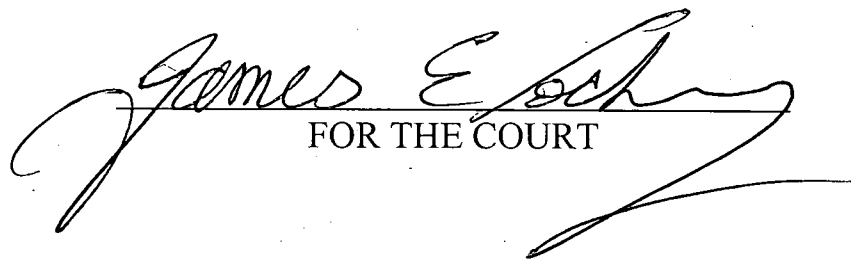
Of Whom Cathy C. Lanier is the Appellant.

Appellate Case No. 2017-000874

ORDER

Respondent has filed a motion to dismiss this appeal, arguing this appeal is premature. Respondent argues Appellant could have immediately appealed the November 17, 2014 and November 5, 2015 orders on the standing issue, but he failed to do so. Respondent contends that Appellant must now wait to appeal until after the final foreclosure judgment.

After careful consideration of the motion, the return, the reply, and the underlying orders, the motion is denied. On December 15, 2015, the lower court issued a supplemental order on the cross motions for summary judgment, providing that "on the issue of whether [Respondent] has standing to foreclose, [Respondent's] motion for summary judgment is granted." Even if the order reiterates prior rulings on the standing issue, it constitutes the lower court's final order granting partial summary judgment. Appellant's appeal from the order denying reconsideration of the December 15, 2015 order, therefore, shall proceed.


FOR THE COURT

Columbia, South Carolina

cc:

S. Jahue Moore, Esquire

Michael J. Anzelmo, Esquire

FILED

August 4, 2017