

The South Carolina Court of Appeals

Flagstar Bank, FSB, Respondent,

v.

Ruby Elaine Pinnex, Appellant.

Appellate Case No. 2017-001493

ORDER

Appellant has filed a notice of appeal from the master-in-equity's writ of assistance. Our review of this matter indicates that Appellant not only failed to appeal the order of foreclosure, but also a subsequent writ of assistance has now been issued. Thus, 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 Court 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 Court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy."). The remittitur will be sent as provided by Rule 221(b), SCACR.


FOR THE COURT

Columbia, South Carolina

FILED

October 18, 2017

cc:

Ruby Elaine Pinnex

Andrew Michael Wilson, Esquire

Reginald Patrick Corley, Esquire

Jessica S. Corley, Esquire