

The South Carolina Court of Appeals

Flagstar Bank, FSB, Respondent,

v.

Ruby Elaine Pinnex, Appellant.

Appellate Case No. 2017-002058

ORDER

Appellant has filed a notice of appeal from the master-in-equity's writ of assistance. Our review of this matter indicates Appellant did not appeal the order of foreclosure; 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."). Because this appeal is dismissed, Appellant's motion to stay is denied. The remittitur will be sent as provided by Rule 221(b), SCACR.

Columbia, South Carolina



FOR THE COURT

cc:

Ruby Elaine Pinnex

Reginald Patrick Corley, Esquire

Andrew Michael Sullivan, Esquire

FILED

October 18, 2017