

The South Carolina Court of Appeals

Wilmington Savings Fund Society FSB, doing business
as Christiana Trust, not in its individual capacity but
solely as legal title Trustee for BCAT 2014-9TT,
Respondent,

v.

Stan J. Kimball, Carole Kimball and Bank of America,
N.A., Defendants,

Of Whom Stan J. Kimball is the Appellant.

Appellate Case No. 2019-001066

ORDER

Appellant has filed a motion to stay the special referee's June 5, 2019 writ of assistance ordering his ejection on July 1, 2019. However, Appellant has not appealed the underlying foreclosure order that preceded the writ of assistance. As a result, any judgment by this court related to the writ of assistance would not offer Appellant practical relief, 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 [a] reviewing [c]ourt to grant effectual relief."). Accordingly, after careful consideration, Appellant's motion for a stay is denied and this 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

FILED

June 28, 2019

Columbia, South Carolina

cc: Stan J. Kimball
Heidi B. Carey, Esquire
Reginald Patrick Corley, Esquire
Caroline Richardson Glenn, Esquire
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