

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Michael R. Scarborough, Master in Equity

Appellate Case No. 2018-001184

RECEIVED
JUL 30 2019
SC Court of Appeals

Navy Federal Credit Union, Plaintiff/Respondent,

v.

William T. Simmons, III; Laura Ferguson; and, Defendants,
Ford Motor Credit Company, LLC

Of whom Laura Ferguson is the Appellant

RESPONDENT'S MEMORANDUM ADDRESSING THE ISSUE OF MOOTNESS AND
FAILURE TO REQUEST SUBSTITUTION OF PARTY

Respondent Navy Federal Credit Union, ("Respondent"), hereby submits its Memorandum Addressing the Issue of Mootness. Appellant Laura Ferguson, ("Appellant"), filed her Notice of Appeal on June 22, 2018 and Appellant's corrected Initial Brief and corrected Designation of Matter on March 4, 2019 were accepted by the Court, as shown by that Order filed March 15, 2019. On April 15, 2019, Respondent filed a Motion to Dismiss the Appeal pursuant to Rule 240 of the South Carolina Appellate Court Rules, ("SCACR").

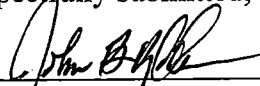
Respondent sought to dismiss the appeal, in part, on the basis that the appeal is moot as the Appellant is now deceased, having died on October 12, 2018. (Respondent's Motion to Dismiss, pp. 6-7.) Furthermore, there has been no formal motion to substitute a party on behalf of the Appellant. (Respondent's Motion to Dismiss, pp. 5-6.) The Court issued an Order denying

the Motion to Dismiss on July 19, 2019 and requiring the parties to submit a memorandum addressing the issue of mootness caused by the death of the Appellant and the failure to request substitution of the Appellant. Having fully set forth its position on the issues of mootness and Appellant's failure to comply with 265 SCACR in its Motion to Dismiss, Respondent would incorporate its arguments, exhibits, and supporting case law contained in its Motion as if fully set forth herein.

Based on the foregoing and the arguments set forth in Respondent's Motion to Dismiss, the Appellant failed to perfect and prosecute her appeal and no justiciable controversy exists. Accordingly, her appeal should be dismissed on the aforementioned bases.

Dated: July 29, 2019

Respectfully submitted,



John B. Kelchner, S.C. Bar #13589

HUTCHENS LAW FIRM

P.O. Box 8237 (29202)

240 Stoneridge Dr., Suite 400

Columbia, SC 29210

803-726-2700

John.kelchner@hutchenslawfirm.com

*Attorney for Plaintiff-Respondent Navy Federal
Credit Union*

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Michael R. Scarborough, Master in Equity

Appellate Case No. 2018-001184

RECEIVED
JUL 30 2019
SC Court of Appeals

Navy Federal Credit Union, Plaintiff/Respondent,

v.

William T. Simmons, III; Laura Ferguson; and, Defendants,
Ford Motor Credit Company, LLC

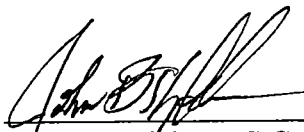
Of whom Laura Ferguson is the Appellant

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on today's date, I served on the person(s) below a copy of the Memorandum Addressing the Issue of Mootness of Respondent Navy Federal Credit Union by depositing same in the United States Mail with sufficient postage affixed and addressed as follows:

Mr. Robert L. Gailliard, Esq.
1072 King Street, Suite E
Charleston, SC 29403
Attorney for Appellant Laura Ferguson

Dated: July 29, 2019



John B. Kelchner, S.C. Bar #13589
HUTCHENS LAW FIRM
P.O. Box 8237 (29202)
240 Stoneridge Dr., Suite 400
Columbia, SC 29210
803-726-2700
John.kelchner@hutchenslawfirm.com
Attorney for Plaintiff-Respondent Navy Federal Credit Union



HIGH PERFORMANCE LAW™

Foreclosure Department
Phone: 803-726-2700
Fax: 803-252-6822
HutchensLawFirm.com

Offices In:
Fayetteville, Charlotte, Wilmington, NC | Columbia, SC
240 Stoneridge Drive
Columbia, SC 29210

P.O. Box 8237
Columbia, SC 29202

July 29, 2019

The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED
JUL 30 2019
SC Court of Appeals

Re: Navy Federal Credit Union v. Laura Ferguson
Appellate Case No. 2018-001186

Dear Sir/Madam:

I am in receipt of the Court's Order denying Respondent's Motion to Dismiss regarding the above-referenced matter. Pursuant to the instructions in the Order, I have attached a Memorandum in support of Respondent's position on the issue of mootness caused by the death of Laura Ferguson and the failure to request substitution of the party and six copies of the same.

If you have any questions or concerns, please do not hesitate to contact me. Thank you very much for your consideration in this matter.

Sincerely,

John B. Kelchler
Enc.

cc: Mr. Robert L. Gailliard, Esq.
1072 King Street, Suite E
Charleston, SC 29403
Attorney for Appellant Laura Ferguson

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR. THE PURPOSE OF THIS COMMUNICATION IS TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE, except as stated below in the instance of bankruptcy protection.

IF YOU ARE UNDER THE PROTECTION OF THE BANKRUPTCY COURT OR HAVE BEEN DISCHARGED AS A RESULT OF A BANKRUPTCY PROCEEDING, THIS NOTICE IS GIVEN TO YOU PURSUANT TO STATUTORY REQUIREMENT AND FOR INFORMATIONAL PURPOSES AND IS NOT INTENDED AS AN ATTEMPT TO COLLECT A DEBT OR AS AN ACT TO COLLECT, ASSESS, OR RECOVER ALL OR ANY PORTION OF THE DEBT FROM YOU PERSONALLY.

FIRST CLASS



US POSTAGE

02 1P \$ 001.60⁰
0002114837 JUL 23 2019
MAILED FROM ZIP CODE 29210



HIGH PERFORMANCE LAW™
240 Stoneridge Dr, Ste. 400 | Columbia, SC 29210

RECEIVED

JUL 30 2019

SC Court of Appeals

The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

