



# The South Carolina Court of Appeals

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November 18, 2019

The Honorable Chastity Copeland  
528 Monument Street Rm #114  
Greenwood SC 29646

## REMITTITUR

Re: Wilmington Savings v. Stan Kimball (2)  
Lower Court Case No. 2011CP2401448  
Appellate Case No. 2019-001066

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

Enclosure

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

Caroline Richardson Glenn, Esquire  
Jason Mark Hunter, Esquire  
Genevieve Speese Johnson, Esquire  
Louise Myers Johnson, Esquire  
Henry Guyton Murrell, Esquire  
Bradford Meekin Stokes, Esquire  
William Price Stork, Esquire

# 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

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## ORDER

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Appellant has filed a motion to stay the special referee's June 5, 2019 writ of assistance ordering his ejectment 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  
Jason Mark Hunter, Esquire  
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## ORDER

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Appellant has filed a petition to rehear the dismissal of this case and the denial of the motion for a stay. After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

*Thomas C. Hoff*


J.

*Paul A. Thomas*

J.

*A. K.*

J.

  
Columbia, South Carolina

**FILED**

*July 30, 2019*

cc:

Stan J. Kimball

Heidi B. Carey, Esquire

Reginald Patrick Corley, Esquire

Caroline Richardson Glenn, Esquire

Jason Mark Hunter, Esquire

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