

The South Carolina Court of Appeals

Wells Fargo Financial South Carolina, Inc., Respondent,

v.

Paula D. Mack; Vincent Demar Mack; Toni Dawson;
Toni D. Incorporated a/k/a Toni D., Inc.; Charleston
Cardiology; Loco Record Shop, Inc., Defendants,


Of Whom Vincent Demar Mack is the Appellant.

Appellate Case No. 2020-000197

ORDER

Appellant has filed a motion to stay the master-in-equity's February 7, 2020 "Order for Writ of Assistance and Writ of Assistance." After careful consideration of Appellant's filings, the motion is denied.

Further, this appeal is dismissed because Appellant did not appeal the underlying order of foreclosure, and the property was subsequently sold at a foreclosure sale. Although Appellant did appeal the master-in-equity's subsequent order denying Appellant's motion to void the foreclosure order, the appeal was dismissed on December 5, 2019, because Appellant failed to timely serve the notice of appeal. Because the rights to the property are settled, this court is unable to Appellant practical relief from the writ of assistance. *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 reviewing Court to grant effectual relief."); *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

cc:
Vincent Demar Mack
Chad Wilson Burgess, Esquire
Gregory Thomas Whitley, Esquire

FILED
February 13, 2020