

# The Supreme Court of South Carolina

Federal National Mortgage Association ("Fannie Mae"),  
a corporation organized and existing under the laws of  
the United States of America, Respondent,

v.

D. Randolph Whitt; and Pearce W. Fleming, Defendants,

Of whom D. Randolph Whitt is the Petitioner.

Appellate Case No. 2020-001389

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## ORDER

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On May 6, 2020, the South Carolina Court of Appeals dismissed the appeal in this matter. *Federal National Mortgage Association ("Fannie Mae") v. Whitt*, Op. No. 2020-UP-132 (S.C. Ct. App. filed May 6, 2020).<sup>1</sup> The Court of Appeals denied the petition for rehearing by order dated August 27, 2020, and sent the remittitur on October 9, 2020. On October 16, 2020, petitioner served and filed his petition for a writ of certiorari to review the decision of the South Carolina Court of Appeals in this matter.

The petition for a writ of certiorari was not timely served or filed pursuant to Rule 242 of the South Carolina Appellate Court Rules (SCACR). Rule 242(c), SCACR ("A petition for writ of certiorari shall be served on opposing counsel and filed with proof of service with the Clerk of the Court of Appeals and the Clerk of the Supreme Court within thirty (30) days after the petition for rehearing or reinstatement is finally decided by the Court of Appeals."). Furthermore, after petitioner failed to serve and file his petition for a writ of certiorari within 30 days of the denial of the petition for rehearing, the Court of Appeals properly sent the remittitur. Rule 221, SCACR. When the remittitur has been properly sent, appellate jurisdiction over the case has ended and no further motion or petition can be considered. *Stogsdill v. S.C. Dep't of Health & Human Servs.*, 415 S.C. 568,

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<sup>1</sup> Before the Court of Appeals, the Appellate Case Number was 2017-002608

784 S.E.2d 669 (2016); *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).

Accordingly, the petition for a writ of certiorari is dismissed.



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FOR THE COURT

C.J.

Columbia, South Carolina  
March 8, 2021

cc:  
Magalie Arcure Creech, Esquire  
David Randolph Whitt, Esquire