

The Supreme Court of South Carolina

In the Matter of Estate of Paul Brandon Barringer, II

Hampton Barringer Luzak, Appellant,

v.

Merrill B. Light, Merrill U. Barringer, as Personal Representative of the Estate of Paul Brandon Barringer, II, J. Randolph Light, Jr., Merrill B. Light as putative trustee of the Paul B. Barringer, II Revocable Trust dated December 4, 1998, and Merrill B. Light as Trustee of the Merrill Barringer Light Revocable Trust, Respondents,

AND

Hampton Barringer Luzak, Appellant,

v.

Merrill U. Barringer, Respondent.
and

Coastal Forest Resources Company ("CFRC"),
Intervenor/Respondent.

Appellate Case No. 2021-000837

ORDER

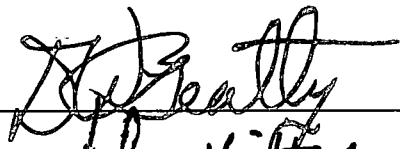
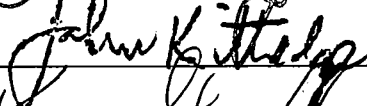
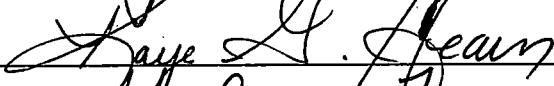
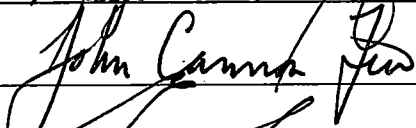
The Court certifies the appeal in Appellate Case No. 2021-000837 to this Court pursuant to Rule 204(b), SCACR.

Because the circuit court did not have the authority to grant Respondent Merrill U. Barringer's motion for summary judgment while Appellant Hampton Barringer Luzak's appeal of the circuit court's bifurcation order was still pending, the circuit

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court's motion granting summary judgment is vacated. Rule 241(a), SCACR (providing ". . . the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision. . . . The lower court or administrative tribunal retains jurisdiction over *matters not affected by the appeal* including the authority to enforce any matters not stayed by the appeal.") (emphasis added); *see also Ware v. Ware*, 404 S.C. 1, 11, 743 S.E.2d 817, 822 (2013) (holding a judgment is void if a court acts without jurisdiction).

Because the circuit court's order granting summary judgment is vacated, this appeal is dismissed as moot. *Curtis v. State*, 345 S.C. 557, 567, 549 S.E.2d 591, 596 (2001).

	_____	C.J.
	_____	J.
	_____	J.
	_____	J.
	_____	J.

Columbia, South Carolina
April 29, 2022

cc:

Desa Ballard, Esquire
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Ryan George Rich, Esquire
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Edward J. Fuhr, Esquire
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The Honorable Jenny Abbott Kitchings