

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Anderson Brothers Bank, Respondent,

v.

Dazarhea Monique Parson, a/k/a Dazarhea D. Parson,
a/k/a Dazarhea Monique Daniels Parson, A. Tyrone
Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., South
Carolina Department of Revenue and South Carolina
Department of Motor Vehicles, Defendants,

Of whom Dazarhea Monique Parson, a/k/a Dazarhea D.
Parson, a/k/a Dazarhea Monique Daniels Parson and A.
Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr. are the
Appellants.

Appellate Case No. 2018-002061

Appeal From Marion County
Thomas A. Russo, Circuit Court Judge

Unpublished Opinion No. 2021-UP-171
Submitted April 1, 2021 – Filed May 19, 2021

AFFIRMED

Dazarhea Monique Parson and Arnold Tyrone Parson,
Jr., of Georgetown, pro se.

Suzanne G. Grigg, of Nexsen Pruet, LLC, of Columbia,
for Respondent.

PER CURIAM: Dazarhea Monique Parson and Arnold Tyrone Parson, Jr. (collectively, the Parsons) appeal the circuit court's denial of their petition for relief pursuant to Rule 60(b)(4) of the South Carolina Rules of Civil Procedure. On appeal, the Parsons argue the circuit court abused its discretion by (1) failing to enter findings of fact and conclusions of law on all issues, (2) failing to take judicial notice of evidentiary facts, (3) finding the foreclosure deed was valid, and (4) denying their petition for relief from a void judgment pursuant to Rule 60(b)(4). We affirm pursuant to Rule 220(b) of the South Carolina Appellate Court Rules.

We find the circuit court did not abuse its discretion by denying the petition for relief under Rule 60(b)(4), because the petition was not filed within a reasonable time. *See BB & T v. Taylor*, 369 S.C. 548, 551, 633 S.E.2d 501, 502 (2006) ("Whether to grant or deny a motion under Rule 60(b)[, SCRC,] lies within the sound discretion of the [circuit court]."); *McDaniel v. U.S. Fid. & Guar. Co.*, 324 S.C. 639, 644, 478 S.E.2d 868, 871 (Ct. App. 1996) ("[T]he reasonable time requirement applies to Rule 60(b)(4)."); *id.* (providing whether a Rule 60, motion is made within a reasonable time is a matter addressed to the circuit court's sound discretion and an appellate court will not disturb that determination absent an abuse of discretion). The special referee filed the order of foreclosure and sale on August 16, 2013, which the Parsons appealed to this court. Subsequently, this court dismissed the appeal, and our supreme court denied the Parsons' writ of certiorari. The Parsons did not file the petition for relief until June 4, 2018—almost five years after the special referee filed the order of foreclosure and sale. Although the Parsons allege they first filed a Rule 60(b) motion in January 2016,¹ and the circuit court dismissed the motion for lack of jurisdiction, the Parsons could have sought leave from this court to file the motion while the foreclosure appeal was pending. Further, our supreme court denied the Parsons' petition for a writ of certiorari in March 2017, and the Parsons did not file the petition for relief that is now before this court for another fourteen months. Although whether a Rule 60(b) motion is filed within a reasonable time is a case-by-case determination, our appellate courts have previously held filing a Rule 60(b) motion after the passage of four years was untimely. *See McDaniel*, 324 S.C. at 644, 478

¹ The Parsons did not include in the record on appeal a Rule 60(b) motion filed in January 2016.

S.E.2d at 871 (finding the special referee's ruling that the appellants' Rule 60(b) motion was untimely after nearly four years was not an abuse of discretion); *Perry v. Heirs at Law of Gadsden*, 357 S.C. 42, 48, 590 S.E.2d 502, 505 (Ct. App. 2003) ("While we are reluctant to proclaim that four years is a per se unreasonable period of time, [the appellants], who bore the burden of showing the propriety of [their] motion, [have] failed to proffer an argument as to why we should find that a four-year delay is reasonable in this case."). The Parsons provided no explanation for why they did not file this motion earlier following our supreme court's denial of their writ of certiorari. Thus, we find the circuit court did not abuse its discretion by finding the petition for relief was not filed within a reasonable time. Because the untimely filing of the petition for relief is dispositive of this appeal, we need not address the Parsons' remaining issues. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 612 (1999) (finding an appellate court does not need to address the remaining issues when the resolution of the prior issue is dispositive).

AFFIRMED.²

KONDUROS, GEATHERS, and MCDONALD, JJ., concur.

² We decide this case without oral argument pursuant to Rule 215, SCACR.