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Apr 03 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Appellate Court

APPEAL FROM HORRY COUNTY
David P. Caraker, Jr. Circuit Court Judge

Sam Investment Properties, LLC, n/k/a Archangel Investments, LLC,

Respondent,

v.

Stephanie Hatton and Brandon Deubell,

Appellants.

Reply to Respondent's Return to Motion to Suspend Appeal and Remand

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Appellate Case No. 2025-000445

4/2/2025

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To the Honorable South Carolina Court of Appeals:

The Appellants, Stephanie Hatton and Brandon Deubell, submit this reply to the Respondent's Return to Motion to Suspend Appeal and Remand, filed by Respondent's counsel, Jay G. Anderson, on April 1, 2025, in opposition to the Appellants' Motion to Suspend Appeal and Remand, filed March 24, 2025.

1. Irrelevance of Rule 59(e) Motion

The Respondent contends that the Appellants' failure to file a Rule 59(e) motion within 10 days of the Circuit Court's February 4, 2025, judgment bars relief (Return at 2). This argument is misplaced. Rule 60(b), SCRPC, allows relief from judgment within a reasonable time, up to one year. The Appellants' Rule 60(b)

motion, filed March 21, 2025—45 days after the judgment—is timely. The Respondent’s reliance on Rule 59(e) has no bearing on the Appellants’ motion, which rests on the Respondent’s misconduct, not Rule 59(e) timing.

2. Newly Discovered Evidence and Its Materiality

The Respondent mischaracterizes the Appellants’ newly discovered evidence as “unsigned, partially completed eviction forms” of no material relevance (Return at 3). In fact, the evidence—discovered on or about March 10, 2025, after reviewing the trial transcript—consists of an unsigned “Vacate or Show Cause Order” and a partially completed “Writ of Ejectment,” concealed within the Respondent’s January 27, 2025, trial exhibit labeled “Lease Agreement and two addendums.”

The Respondent asserts that these documents were discoverable with due diligence (Return at 3), but their own actions contradict this: they hid the documents within the lease exhibit without disclosing their separate nature, unsigned status, or prior adjudication by the Magistrate Court in June 2022. This concealment rendered them undetectable at trial despite due diligence.

These documents are material because they were misrepresented as valid, leading the Circuit Court to adopt an incorrect eviction timeline (July instead of June 28, 2022). This error directly influenced the \$1,300 rent award (by miscalculating the unpaid rent period) and the \$730 damages award (by affecting responsibility for property conditions post-eviction, such as the grass parking spot and AC unit). The evidence satisfies Rule 60(b)(2): it could alter the outcome by correcting the timeline, was discovered after trial, was previously undetectable due to concealment, relates to the rent and damages issues, and addresses a factual error, not merely cumulative evidence.

3. Extrinsic Fraud by the Respondent

The Respondent denies extrinsic fraud, asserting no intentional misrepresentation deprived the Appellants of a fair hearing (Return at 3). This claim is incorrect. The unsigned, partially completed documents—lacking legal effect and previously ruled upon by the Magistrate Court in June 2022—were introduced by the Respondent in the Circuit Court, hidden within the lease exhibit, without disclosing their status. This deliberate act misled the court about the eviction timeline, inflating the rent and damages awards. Under Rule 60(b)(3), this constitutes extrinsic fraud: it prevented the Appellants from challenging the timeline, undermining their ability to defend against the claims. The Respondent's denial of intent doesn't hold up given the evidence of concealment.

4. Respondent's "Second Bite at the Apple" Argument

The Respondent accuses the Appellants of seeking a "second bite at the apple" due to dissatisfaction with the outcome (Return at 4). This assertion is wrong and ironic. It appears that the Respondent, dissatisfied with the Magistrate Court's June 2022 ruling, introduced the unsigned documents in the Circuit Court, concealing them to skew the eviction timeline. The Appellants' Rule 60(b) motion seeks not to relitigate but to rectify a trial tainted by the Respondent's fraud, which the Circuit Court could not address absent knowledge of the concealment. Remand is necessary to examine this misconduct fully.

5. Pro Se Status and Tone

The Respondent argues that the Appellants' pro se status does not entitle them

to relief, questioning their legal competence (Return at 4). This is irrelevant. The motion's merit rests on the Respondent's misrepresentation of evidence, not the Appellants' lack of a lawyer. The concealed, unsigned documents speak for themselves, and the Respondent's dismissive tone does not erase their misconduct. The Appellants' argument remains focused on the facts.

Conclusion

The Respondent's opposition relies on mischaracterizations and denials contradicted by their actions. The concealed, unsigned documents and resulting misrepresentation of the eviction timeline constitute extrinsic fraud and newly discovered evidence material to the Circuit Court's rulings. The Appellants respectfully request that this Court grant their Motion to Suspend Appeal and Remand for the Circuit Court to adjudicate their Rule 60(b) motion.

Respectfully submitted this 2nd day of April, 2025,

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I Stephanie Hatton and Brandon Deubell do certify tha we sent the Reply to Respondent's Return to motion to suspend Appeal and remand to the Respondents attorney Jay. G. Anderson by putting it in the USPS Mail on, 4/2/2025 to 4447 Highway 17 Business, Suite 101, Post office Box 969, Murrells Inlet, South Carolina, 29576

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To the Honorable Jenny Abbott Kitchings
Clerk of Court
PO box 11629
Columbia S.C. 29211

The following contains our answer to the Respondents motion to return,

Thank You

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4/1/2025