

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.**

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APR 07 2025  
SC Court of Appeals

**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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**Respondent,**

**v.**

**Stephanie Hatton and Brandon Deubell,**

**Appellants.**

**Reply to Respondent's Return to Motion to Suspend Appeal and Remand**  
**Appellate case no, 2025-000445**

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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**SC Court of Appeals**

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM HORRY COUNTY  
COURT OF COMMON PLEAS

The Honorable David P. Caraker

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Case No.: 2022-CP-26-08003  
Appellate Case No.: 2025-000445

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Stephanie Hatton and Brandon Deubell,

Appellants,

v.

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

Respondent.

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**RESPONDENT'S RETURN TO MOTION TO SUSPEND APPEAL AND REMAND**

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Respondent Sam Investment Properties, LLC, n/k/a Archangel Investments, LLC, through undersigned counsel, respectfully submits this Return to the Motion to Suspend Appeal and Remand filed by Appellants Stephanie Hatton (hereinafter "Hatton") and Brandon Deubell (hereinafter "Deubell"). This motion should be denied as Appellants are not entitled to a Rule 60(b) relief from judgment on either newly discovered evidence or fraud.

## BACKGROUND

The matter underlying this appeal is from a non-jury bench trial verdict for damages rendered in favor of Respondent, SAM Investment Properties, LLC n/k/a Archangel Investments, LLC, on January 31, 2025. Judge Caraker, presiding judge, after taking the landlord/tenant matter under advisement, properly awarded Respondent \$2,030.72 in damages and \$7,050.00 in attorney's fees in his Verdict and Order filed February 4, 2025.

Appellants failed to file a Motion to Reconsider or a Motion to Alter or Amend Judgment thereby failing to preserve any issue for review on appeal.

## ARGUMENT

In non-jury actions, a party aggrieved by the judgement has 10 days after receipt of written notice of the entry of the order to file the appropriate motion to reconsider of alter and amend judgement. SCRCP 59(e). Appellants did not file any motion in opposition to the Circuit Court's Verdict and Order, instead electing to file a Notice of Appeal on March 7, 2025, from which they are now seeking a suspension.

### **A. Newly Discovered Evidence**

“Whether to grant or deny a motion under Rule 60(b) lies within the sound discretion of the judge.” *BB&T v. Taylor*, 369 S.C. 548, 551, 633 S.E.2d 501, 502 (2006). The appellate “standard of review, therefore, is limited to determining whether there was an abuse of discretion. An abuse of discretion arises whe[n] the judge issuing the order was controlled by an error of law or whe[n] the order is based on factual conclusions that are without evidentiary support.” *Id.* At 551, 633 S.E.2d at 502-03.

The circuit court may relieve a party from final judgement where “newly discovered evidence which by due diligence could not have been discovered in time to move for a new

trial under 59(b). Rule 60(b)(2), SCRCP. “A party seeking to set aside a judgment pursuant to Rule 60(b) has the burden of presenting evidence entitling him to the requested relief.” *Perry v. Heirs at Law of Gadsden*, 357 S.C. 42, 46, 590 S.E. 2d, 502, 504 (Ct.App. 2003). To obtain a new trial based on newly discovered evidence, a movant must establish that the newly discovered evidence: (1) will probably change the result if a new trial is granted; (2) has been discovered since the trial; (3) could not have been discovered before the trial; (4) is material to the issue; and (5) is not merely cumulative or impeaching. *Lanier v. Lanier*, 364 S.C. 211, 217, 612 S.E. 2d 456,459 (Ct.App. 2005) (citation omitted).

Appellants contention of “newly discovered evidence” is not factual. If she is contending that unsigned, partially completed eviction forms from the Magistrate Court are “documents not previously discoverable with due diligence,” this is also not factual.

The eviction of these tenants is not at issue in this appeal. And, an appeal is not a re-trial of the case but mandates proving the trial court made a consequential error.

Appellant Hatton appeared *pro se* at the trial. Appellant Deubell did not appear at all.

*Pro se* litigants are held to the same standards as licensed attorneys and must comply with all court rules when representing themselves. The *pro se* appellant’s lack of knowledge, misidentification of, and inaccuracies in identification of all documents she reviewed at trial, questioned the witnesses about at trial, and offered no objection to when submitted into evidence in the underlying bench trial does not constitute “new evidence.”

## **B. Fraud, Misrepresentation, or other misconduct of an Adverse Party**

Rule 60(b)(3), SCRCP authorizes the circuit court to relieve a party from a final judgment where the party demonstrates “fraud, misrepresentation, or other misconduct of an adverse party.” In South Carolina, in order for a party to be entitled to relief based on fraud, the moving party must demonstrate extrinsic fraud. *Raby Constr., LLP v. Orr*, 358 S.C. 10, 20-21, 594 S.E. 2d 478, 484 (2004); *Hagy v. Pruitt*, 339 S.C. 425, 431, 529 S.E. 2d 714, 717 (2000) (“A judgment may be set aside on the ground of fraud only if the fraud is ‘extrinsic’ and not ‘intrinsic.’”). Fraud is extrinsic when it is collateral to the issues tried in a case and effectively deprives the litigant of a fair hearing or the opportunity to present its case. *Id.* (citing *Hilton Head Ctr. Of S.C., Inc. v. Pub. Serv., Comm’n of S.C.* 394 S.C. 9, 362 S.E. 2d 176 (1987); *Mr. G. v. Mrs. G.*, 320 S.C. 305, 465 S.E. 2d 101 (Ct.App. 1995)). “Relief is granted for extrinsic fraud on the theory that because the fraud prevented a party from fully exhibiting and trying his case, there has ever been a real contest before the court on the subject matter of the action.” *Chewning v. Ford Motor Co.*, 354 S.C. 72, 81, 579 S.E. 2d 605, 610 (2003) (citing *Hilton Head*, 294 S.C. at 11, 362 S.E. 2d at 177). On the other hand, intrinsic fraud is fraud presented and considered at the trial. *Hagy*, 229 S.C. at 431-21, 529 S.E. 2d at 718 (citing *Evans v. Gunter*, 366 S.E. 2d 44, 294 S.C. 525 (Ct.App.1988)). Intrinsic fraud misleads a court in determining issues and induces the court to find for the party perpetrating the fraud. *Chewning*, 354 S.C. at 81, 579 S.E. 2d at 610 (citing *Hilton Head*, 294 S.C. at 11, 362 S.E.2d at 177).

Likewise, “a party may not prevail on a Rule 60(b)(3) motion on the basis of fraud whe[n] he or she has access to disputed information or has knowledge of inaccuracies in an

opponent's representations at the time of the alleged misconduct.' "*Id.* (quoting *Ojeda-Toro v. Rivera-Mendez*, 853 F.2d 25, 29 (1<sup>st</sup> Cir.1988)).

The record fails to substantiate Appellant's allegations that Respondent intentionally misrepresented evidence thus depriving Appellant of a fair hearing or the opportunity to present her case.

### CONCLUSION

Hatton, this "*pro se*" Appellant, is holding herself out to be self-taught and knowledgeable in the complex legal field of appellate court practice. Her attempt now for the proverbial "second bite at the apple" should not be entertained by this Court simply because she did not like the previous outcome. For the reasons set forth herein, Respondent respectfully requests Appellants' Motion to Suspend Appeal and Remand to Circuit Court be denied.

Respectfully submitted this 1<sup>st</sup> day of April, 2025.

**ANDERSON LAW, LLC**

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To the Honorable Jenny Abbott Kitchings  
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The following contains our answer to the Respondents motion to return,

Thank You

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South Carolina Court of Appeals

Sam Investment Properties, LLC, n/k/a

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v.

Stephanie Hatton and Brandon Deubell, Appellants.

Case No. 2025-00445

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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