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SC Court of Appeals

ELECTRONICALLY FILED - 2025 Jun 09 11:42 AM - BEAUFORT - COMMON PLEAS - CASE#2019CP0702279

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Circuit Court Judge

Case No. 2019-CP-07-02279

Wilmington Savings Fund Society, FSB, not in its individual capacity, but solely as owner trustee for CSMC 2018-RPL6 Trust.....Plaintiff,

Fannie Mae, Wilmington Savings Fund Society, FSB, in its individual capacity, Christiana Trust, DLJ Mortgage Capital, Inc..... Third-Party Defendants, Plaintiff and Third-Party Defendants all of whom are the..... Respondents,

v.

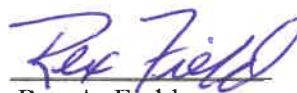
Rex A. Field and Tracy L. FieldDefendants and Third-Party Plaintiffs, of whom Rex A. Field and Tracy L. Field are theAppellants.

NOTICE OF APPEAL

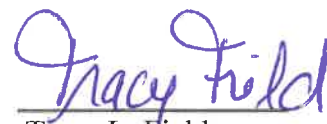
Rex A. Field and Tracy L. Field (hereinafter "Appellants") pursuant to South Carolina Appellate Court Rule 203 appeal from the orders of the Honorable Marvin H. Dukes, III filed on May 7, 2025. Copies of these orders are submitted to the Court of Appeals received written notice of these orders on May 12, 2025.

Respectfully submitted,

This day, June 5th, 2025



Rex A. Field, *pro se*
PO Box 975,
St. Helena, SC 29920
cyberport@protonmail.com



Tracy L. Field, *pro se*

Other Counsel of Record:

BELL CARRINGTON & PRICE. LLC
Mr. J. Martin Page
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Counsel of record for (Plaintiff) Respondent

BRADLEY ARANT BOULT CUMMINGS LLP
Mr. G. Benjamin Milam
214 North Tryon Street, Suite 3700
Charlotte. NC 28202
email: bmilam@bradley.com
Co-counsel of record for Respondents:

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
Case No.: 2019-CP-07-02279

Wilmington Savings Fund Society, FSB, not
in its individual capacity, but solely as owner
trustee for CSMC 2018-RPL6 Trust,)

Plaintiff,)

v.)

Rex A. Field, et al,)

Defendants.)

v.)

Wilmington Savings Fund Society, FSB, not
in its individual capacity, but solely as owner
trustee for CSMC 2018-RPL6 Trust, Federal
National Mortgage Association, et al,)

*Counterclaim
Defendants/Third-
Party Defendants.*)

ORDER

This matter came before the Court to be heard on January 21, 2025 on the following motions: Plaintiff and Third-Party Defendants’ Renewed Motion to Strike Jury Demand and Request for Order of Reference to Master in Equity filed May 20, 2024; Defendants’ Motion to Dismiss Plaintiff’s Complaint and/or for Judgment on Pleadings filed May 29, 2024; Defendants’ Motion to Sanction Plaintiff and/or Compel Interrogatories and Production and to Deem Admissions Admitted filed June 13, 2024; and Defendants’ Motion to Sanction Third-Party Defendants and/or Compel Interrogatories and Production and to Deem Admissions Admitted filed January 10, 2025. In attendance were Ben Milam as counsel for Plaintiff and Third-Party Defendants, as well as the Defendants, Rex A. Field and Tracy L. Field. Having reviewed the

motions, pleadings, and other matters filed with the Court, having heard oral arguments, and being otherwise fully informed and advised, the Court finds and concludes as follows:

1. On April 20, 2021, the Honorable Bentley Price entered an order striking the Defendants' jury demand. On June 14, 2023, this ruling was affirmed by the South Carolina Court of Appeals, which found that the trial court correctly determined that the Fields' counterclaims were permissive rather than compulsory.

2. Between the date of Judge Price's ruling striking the jury demand and its affirmance by the Court of Appeals, Defendants filed a Second Amended Answer, Counterclaims, and Third-Party Complaint. The Defendants' new pleading includes 9 causes of action that were part of the pleadings before the Court at the time of Judge Price's ruling, including claims under the South Carolina Unfair Trade Practices Act; Civil Conspiracy; Fraud and Misrepresentation; Slander of Title; Libel and Slander; the Fair Debt Collection Practices Act; Unjust Enrichment; Quiet Title; and Abuse of Process. Any attempt to revive a jury demand as to these claims is barred by the law of the case doctrine.

3. The Second Amended Answer, Counterclaims, and Third-Party Complaint additionally contains two additional causes of action for Breach of Contract and under the Fair Credit Reporting Act ("FCRA"). Both of the new causes of action are predicated on factual allegations that were previously made in Defendants' First Amended Answer, Counterclaims, and Third-Party Complaint filed March 25, 2021. The Breach of Contract and FCRA claims do not introduce new factual issues that were not previously in dispute, and do not revive the Defendants' right to demand a jury trial following the prior rulings of this Court and the Court of Appeals.

4. The Court additionally determines that Defendants' counterclaim under FCRA is permissive, and finds that the main purpose of the Breach of Contract counterclaim is to contest

matters that are directly at issue in the foreclosure action, namely the validity of the mortgage debt. Third-party claims are necessarily permissive, and not compulsory. Plaintiff and Third-Party Defendants' Renewed Motion to Strike the Jury Demand is due to be granted.

5. The Court finds that there is good cause to refer this action, in its entirety, to the Honorable James J. Wegmann as Beaufort County Master in Equity pursuant to S.C. Rule of Civ.P. 53(b).

6. The Court finds that Plaintiff has alleged sufficient facts in the Complaint to assert that it is the real party in interest with standing to enforce the Note and Mortgage. Additionally, at the hearing, Plaintiff's counsel presented an original promissory note, endorsed in blank, as evidence of Plaintiff's right to enforce the Note. Accordingly, Defendants have failed to show good cause to dismiss the Complaint, and Defendants' Motion to Dismiss must be denied.

7. At the hearing, Defendants stated that Third-Party Defendant Wilmington Savings Fund Society, FSB in its individual capacity ("Wilmington FSB") had not provided a signed verification under oath for its interrogatory responses. The Court orally instructed counsel for Wilmington FSB to provide verified responses to Defendants within 30 days. On January 31, 2025, counsel for Wilmington FSB filed a Certificate of Service of Verified Discovery Responses for Third-Party Defendant Wilmington Savings Fund Society, FSB to demonstrate compliance with this instruction.

8. The Court finds that the matters raised in the Defendants' two motions seeking discovery sanctions against Plaintiff and Third-Party Defendants were previously heard on April 29, 2022, and determined by the Honorable Jennifer B. McCoy in orders entered May 19, 2022, and in orders entered June 15, 2022 denying motions to reconsider. Defendants have not raised any additional matters in their motions for which discovery sanctions or other relief would be

proper. Any additional disputes over discovery in this action can be determined by the Master in Equity.

IT IS THEREFORE ORDERED AND ADJUDGED:

- A. Plaintiff and Third-Party Defendants' Renewed Motion to Strike Jury Demand and Request for Order of Reference to Master in Equity is GRANTED.
- B. The Plaintiff is responsible for paying the required Equity Court fee as set forth in S.C. Code §14-11-310; however, if the Plaintiff's case has ended, any remaining party seeking Affirmative Relief shall be required to pay the applicable fee. For Partition Actions or Lien Foreclosures the fee amount is \$100.00. Supplemental Proceedings pursuant to Rule 69, SCRPC and S.C. Code §15-39-310 et. seq., the fee is \$25.00. In all other cases the fee is \$50.00. The fee shall be paid to the Office of the Master in Equity for Beaufort County within 30 days of the date of this Order or the Master will, without further notice, dismiss the case and vacate the Order of Reference for non-payment of the fee.
- C. Defendants' Motion to Dismiss is DENIED.
- D. Defendants' Motion to Sanction Plaintiff and/or Compel Interrogatories and Production and to Deem Admissions Admitted is DENIED, without prejudice to any determination by the Master in Equity on the proper resolution of any ongoing discovery disputes.
- E. Defendants' Motion to Sanction Third-Party Defendants and/or Compel Interrogatories and Production and to Deem Admissions Admitted is DENIED, without prejudice to any determination by the Master in Equity on the proper resolution of any ongoing discovery disputes.

F. The above-styled action and all claims, counterclaims, third-party claims, and causes of action asserted therein, is referred to the Master in Equity for Beaufort County, the Honorable James J. Wegmann, to make findings of fact and conclusions of law, dispose of any and all issues, matters, and motions raised by the parties, and enter a final judgment in the case, to order a judicial sale and to hear any issues and make any orders after sale or judgment, including but not limited to, issues involving surplus funds pursuant to Rule 71(c) SCRCP, Petitions or Motions relating to Writ of Assistance of any other actions as to possession, and/or removal of property, and issues pursuant to appraisal proceedings under S.C. Code Ann. Section 29-3-680, et seq. (1976 SC Code of Laws, as amended). Any appeal from the final judgment entered by the Master in Equity shall be directed to the Supreme Court or the Court of Appeals as provided by the South Carolina Appellate Court Rules.

AND IT IS SO ORDERED.

[SIGNATURE PAGE TO FOLLOW]



Beaufort Common Pleas

Case Caption: Wilmington Savings Fund Society Fsb not in its individual , plaintiff, et al VS Rex A Field , defendant, et al
Case Number: 2019CP0702279
Type: Order/Other

So Ordered

s/Marvin H. Dukes III #2785

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2019CP0702279

Wilmington Savings Fund Society, FSB not in its
individual et al

Rex A Field, et al

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Hon. Marvin Dukes, III

Attorney for : Plaintiff Defendant
or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

Defendants Rex A. Field and Tracy L. Field heretofore filed a Motion to Recuse the undersigned. After careful review of Defendants' arguments, the motion is **DENIED**.

AND IT IS SO ORDERED

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Marvin H. Dukes, III
Circuit Court Judge

2785
Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

FORM 4C INSTRUCTIONS—JUDGMENT IN A CIVIL CASE
(Instructions for Information Only-Not to be filed with Form 4C)

1. Form 4C-Judgment in a Civil Case has been modified to add order information and enrollment instructions for the clerk of court. The purpose of Form 4 has not changed with the exception that judgment information is provided when applicable.
2. Please note that the Form 4C must be attached to all orders that include information to enroll in the judgment index. The clerk will not be responsible for reading the order to determine enrollment information.

The attorney or prevailing party will prepare and attach the Form 4C when submitting the proposed order that includes judgment enrollment information for the judgment index. The judge will review and sign Form 4C when he or she signs an order that includes judgment enrollment information for the judgment index.

3. Form 4C is not required to be submitted to the Court with orders that do not include information to enroll in the judgment index. If the clerk receives such an order without Form 4C attached, the clerk should enter and process the order pursuant to Rule 58 and Rule 77(d), SC Rules of Civil Procedure (i.e., the clerk should serve notice of entry of the judgment by mail or provide the attorneys with copies of the signed order by other means).
4. The “Information for the Judgment Index” section should be completed when the judgment affects title to real or personal property or if any amount should be enrolled. In the “Judgment in Favor of” column, enter the name of the party to whom the judgment is awarded. In the “Judgment Against” column, enter the name of the person to whom the judgment is against. The judgment amount to be enrolled should be noted in the “Judgment Amount” column. As necessary, describe any property referenced in the order if it is to be enrolled in the judgment index. If there is no judgment information to enroll, indicate “N/A” in one of the boxes in this section of the form.
5. To enter information to accommodate multiple parties, additional Form 4Cs may be used as necessary. Additional space may be inserted on the form as necessary.
6. The section “For the Clerk of Court Office Use Only” should be completed by the clerk as it has been with the previous version of Form 4.
7. If the matter is on appeal to the Circuit Court, then the parties on the form should be changed from Plaintiff and Defendant to Appellant and Respondent.
8. If an arbitrator prepares an order after arbitration, the arbitrator should strike through “Circuit Court Judge” and indicate “Arbitrator” in the signature block.

9. If a Special Circuit Court Judge, Master in Equity, or Special Referee prepares an order after hearing a Circuit Court matter, then he or she should strike through the title "Circuit Court Judge" below the signature line and indicate the appropriate title.
10. When an Order of Foreclosure is filed, neither the parties or debt owed should be listed in the Information for the Judgment Index Section, unless the foreclosure order specifically requires entry of the full judgment amount before the foreclosure sale, pursuant to Section 29-3-650 of the SC Code.
11. If the deficiency judgment is waived in a Foreclosure action, indicate N/A in the "Judgment Amount To Be Enrolled" box.
12. Foreclosure actions should be ended by the Clerk of Court upon receipt of the Order of Foreclosure. Subsequent information, including deficiency judgments, can be added to the action after the case is ended. The Master in Equity should end the action in the MIE system upon the receipt of the Order of Foreclosure.
13. When judgment enrollment information is included in the Information for the Judgment Index Section (for example, when there is a deficiency judgment), only the parties who the judgment is for and against should be included in the Section. Subordinate parties and lienholders should not be included in the box if there is not a judgment amount specifically for or against them.
14. Form 4C is not required to be attached to Transcripts of Judgment and Confession of Judgment.



Beaufort Common Pleas

Case Caption: Wilmington Savings Fund Society Fsb not in its individual , plaintiff, et al VS Rex A Field , defendant, et al
Case Number: 2019CP0702279
Type: Order/Other

So Ordered

s/Marvin H. Dukes III #2785

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Circuit Court Judge

Case No. 2019-CP-07-02279

Wilmington Savings Fund Society, FSB, not in its individual capacity, but solely as owner trustee for CSMC 2018-RPL6 Trust.....Plaintiff,

Fannie Mae, Wilmington Savings Fund Society, FSB, in its individual capacity, Christiana Trust, DLJ Mortgage Capital, Inc..... Third-Party Defendants,

Plaintiff and Third-Party Defendants all of whom are the..... Respondents,

v.

Rex A. Field and Tracy L. Field Defendants and Third-Party Plaintiffs

of whom Rex A. Field and Tracy L. Field are theAppellants.

PROOF OF SERVICE

We certify that we have served the Notice of Appeal on Respondents by depositing a copy of it in the the United States Mail, postage pre-paid, on June 5, 2025 addressed to the following attorneys of record listed below:

BELL CARRINGTON & PRICE. LLC
Mr. J. Martin Page
339 Heyward Street, 2nd Floor
Columbia, SC 29201

BRADLEY ARANT BOULT CUMMINGS LLP
Mr. G. Benjamin Milam
214 North Tryon Street, Suite 3700
Charlotte. NC 28202

This day, June 5th, 2025


Rex A. Field


Tracy L. Field

June 5, 2025

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

RE: Wilmington Savings Fund Society, FSB, not in its individual capacity, but solely as owner trustee for CSMC 2018-RPL6 Trust, Plaintiff v. Rex A. Field and Tracy L. Field, Defendants and Third-Party Plaintiffs v. Fannie Mae, Wilmington Savings Fund Society, FSB, in its individual capacity, Christiana Trust, DLJ Mortgage Capital, Inc., Third-Party-Defendants

Case No. 2019-CP-07-02279

Dear Ms. Kitchings,

Please find attached for filing an emailed original of Notice of Appeal in the above referenced case along with Proof of Service of the same. Kindly file these documents.

Also enclosed is a check in the amount of \$250.00 which represents the filing fee.

We are by copy of this letter serving the same on J. Martin Page, Esq., and G. Benjamin Milam, Esq., attorneys for Respondents.

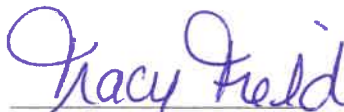
Thank you for your attention to this matter. If further information is needed please advise.

Best regards,

This day, June 5th, 2025



Rex A. Field, *pro se*
PO Box 975
St. Helena, SC 29920
cyberport@protonmail.com



Tracy L. Field, *pro se*
(address same)

cc: J. Martin Page, Esquire
G. Benjamin Milam, Esquire

Certificate of Electronic Notification

Recipients

James Page - Notification transmitted on 06-09-2025 11:41:01 AM.

George Milam - Notification transmitted on 06-09-2025 11:41:01 AM.

******* IMPORTANT NOTICE - READ THIS INFORMATION *******
NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2019CP0702279

Official File Stamp: 06-09-2025 11:40:51 AM

Court: CIRCUIT COURT

Common Pleas

Beaufort

Case Caption: Wilmington Savings Fund Society Fsb not in its individual , plaintiff, et al VS Rex A Field , defendant, et al

Document(s) Submitted: Service/Proof Of

Filed by or on behalf of: Melissa Kilby

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

George Benjamin Milam for Fannie Mae, Christiana Trust Company of Delaware, DLJ Mortgage Capital Inc, Wilmington Savings Fund Society Fsb Individual Capacity, Federal National Mortgage Association, Wilmington Savings Fund Society Fsb not in its individual, Csmc 2018-RpI6 Trust

James Martin Page for Wilmington Savings Fund Society Fsb not in its individual et al

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Tracy L Field for Tracy L Field

Rex A Field for Rex A Field

Tracy L Field for Tracy L Field

Unknown Defendants 1-10

Rex A Field for Rex A Field