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September 11, 2025

RECEIVED

Sep 11 2025

SC Court of Appeals

Via First Class United States Mail
(also via scanned electronic mail attachment)

Danesha Staley, Appeals Specialist
SC Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

**Re: Jacqueline E. Ard, Appellant v. Spa on Port Royal Sound
Horizontal Property Regime**
Matter: 2025-000648
**My Client: Spa on Port Royal Sound Horizontal Property Regime,
Respondent**

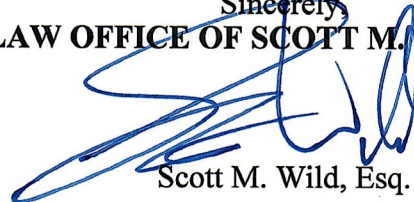
Dear Ms. Staley:

Enclosed are recent orders from the Bankruptcy Court confirming there is no stay in the above-referenced matter. This case is a foreclosure on appeal where there was a bankruptcy filed. Also enclosed is a bond order from the Special Referee in this matter, Jannine Mutterer. The lower court has now set bond to stay the sale of the property on appeal.

With kindest regards, I am,

Sincerely,

LAW OFFICE OF SCOTT M. WILD, LLC



Scott M. Wild, Esq.

cc: Jacqueline Ard, jacquelineard@gmail.com
(via scanned electronic mail attachment)

950BNC

**United States Bankruptcy Court
District of South Carolina**

Case Number: 25-01384-jd

Chapter: 7

In re:

Jacqueline Elizabeth Ard
dba Global Management Group LLC, dba Beachside Estates
LLC

Terry Frank Nicola
dba Beachside Estates LLC, dba Global Management Group

**Entered By The Court
9/10/25**

ORDER

Filed By The Court

**9/10/25
Lauren T Maxwell
Clerk of Court
US Bankruptcy Court**

This matter comes before the Court on Debtors' objection to the Proof of Claim filed by Port Royal Sound Horizontal Property Regime, Inc. ("Creditor") The pleading is liberally construed. It appears to seek two forms of relief. First, Debtors object to the claim of the Creditor. Second, Debtors appear to seek to avoid the Creditor's lien. The Debtors' pleading was filed prior to the conversion of this case to chapter 7. Now that this case has been converted, the chapter 7 trustee is the real party in interest to examine and object to proofs of claim pursuant to 11 USC 704(a)(5) and Debtors' objection does not indicate that any exception to this standard is applicable. Moreover, Debtors' objection is premised on this Court reviewing and overturning a state court order that forms the basis for the claim. Debtors allege that the state court order was obtained by fraud and procedural defects but Debtors must pursue these arguments on appeal through the state court. *Rooker v. Fidelity Trust*, 263 U.S. 413, 417 (1923) squarely prohibits this court from acting as a court of appeals for state court decisions. Further, Debtors allege that the Creditor's lien impairs their exemptions and should be avoided. When the pleading was filed, this type of relief should have been requested in a chapter 13 plan. It was not. Considering the relief now that Debtors are in a chapter 7 case, Debtors' prior testimony indicates that there is substantial equity in the property, beyond any lien. However, the Court need not engage in an analysis of the equity position because Debtors' exemptions have previously been denied and are thus not impaired. Accordingly, all relief requested in the pleading is denied. AND IT IS SO ORDERED. Signed by: Judge L. Jefferson Davis, IV, US Bankruptcy Court - District of South Carolina (related document(s)132).



L. Jefferson Davis, IV
United States Bankruptcy Judge

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2023-CP-07-01818

Spa on Port Royal Sound Horizontal Property Regime,
 Inc.

Jacqueline E. Ard

PLAINTIFF(S)

DEFENDANT(S)

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
- 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:

The Plaintiff, Spa on Port Royal Sound Horizontal Property Regime, Inc.'s, Motion to Appoint Receiver and Set Bond, was heard via Zoom on August 26, 2025 at 9:30 a.m. Plaintiff's counsel, Scott M. Wild, appeared. Defendant, Jacqueline E. Ard, did not appear.

The Court takes notice of Ms. Ard's Written Objection to Bond Hearing, Notice of Violation of Imposed Stay, and Motion for Continuance. Defendant's motion was not filed with the Court as of the time of the hearing as required under SCRPC 5(e), said motion being received by the Special Referee at 9:29 a.m. on August 26, 2025 and filed with Court at 12:55 p.m. on August 26, 2025. Motions for continuance are addressed at the discretion of the trial judge and will not be upset absent a clear abuse of discretion. *State v. Lytchfield*, 230 S.C. 405, 95 S.E.2d 857 (1957). Defendant's motion indicated a conflict with another court appearance but failed to provide evidence of the conflict. The motion was received one minute prior to the hearing, and was not filed with the Court. Defendant chose not to appear at the virtual hearing. The motion to continue being a threshold issue; the Defendant's motion is **DENIED**.

Plaintiff sought to have its Motion to Appoint Receiver held in abeyance and this request is **GRANTED**.

Plaintiff's Motion to Set Bond pursuant to SCRPC §27-31-210 was heard and **GRANTED**. Based on the pending appellate and bankruptcy proceedings, the risk that the subject condominium unit may remain unoccupied and unmonitored and be subject to waste or neglect, the unique exposure a condominium regime imposes on the Association and neighboring owners, and Plaintiff's evidence of financial risk, and noting the absence of any counter-argument by Defendant, the Court finds good cause for protective security as equitable relief pursuant to authority granted by SCRPC §27-31-210. Accordingly, Defendant shall, within fifteen (15) days of the filing of this Order, post with the Clerk of Court a bond in the amount of Fifteen Thousand Dollars (\$15,000.00), in cash or by surety, to secure the preservation and protection of the property during the pendency of these proceedings.

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk : _____

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.

Jamun Matheru
Special Referee for Beaufort County

Judge Code

9/5/25
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:

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

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:

Jacqueline Elizabeth Ard and Terry Frank
Nicola,

Debtor(s).

C/A No. 25-01384-JD

Chapter 13

**ORDER DENYING RELIEF
REQUESTED IN DEBTORS' REPLY
TO ORDER REGARDING MOTION
TO RECUSE JUDGE L. JEFFERSON
DAVIS IV**

THIS MATTER is before the Court on the *Reply to Order Regarding Motion to Recuse Judge L. Jefferson Davis IV* (the "Reply to Order") filed on September 2, 2025, by *pro se* Debtors Jacqueline Elizabeth Ard and Terry Frank Nicola.¹ Although Judge Davis presides over this case, the Reply to Order is addressed to the undersigned, Chief Judge Helen E. Burris. The undersigned gave the matter prompt attention.

Debtors previously filed an *Emergency Motion to Recuse Judge L. Jefferson Davis IV* (the "Motion")² and a supporting *Affidavit of Medical Harm and Recusal of Judge L. Jefferson Davis IV* (the "Affidavit")³ requesting that the undersigned disqualify Judge Davis from presiding over all matters related to this case as well as C/A Nos. 24-03611 and 25-40952.⁴ On August 25, 2025, the undersigned entered an order (the "Order") explaining that as applicable authorities (cited therein) instruct that any recusal requests or requests for relief in this case must be directed to the assigned judge (Judge Davis), no relief will be granted by the undersigned as a result of the Motion or Affidavit, and any disagreement with any decisions may be addressed by the appellate process.⁵

¹ ECF No. 124.

² ECF No. 116, filed Aug. 22, 2025.

³ ECF No. 118, filed Aug. 22, 2025.

⁴ C/A No. 24-03611 is a prior Chapter 13 case of the Debtors that was dismissed on November 21, 2024, but there is no case bearing the number 25-40952 in this Court's records.

⁵ ECF No. 119.

On September 2, 2025, Debtors filed the Reply to Order, which repeats the allegations previously made in the Motion and requests the undersigned (1) “reconsider the position taken in her August 25, 2025 Order”; (2) “order the immediate recusal of Judge L. Jefferson Davis IV from all proceedings in the above-captioned case and all related matters pursuant to 28 U.S.C. §§ 144 and 455”; (3) “reassign the case and all matters relating to the case to [the undersigned] to ensure fair and impartial adjudication of Debtors’ rights, consistent with ADA obligations and bankruptcy law”; and (4) “vacate all orders entered in violation of Debtor’s ADA rights and due process”. The Court therefore construes the Reply to Order as a request to reconsider the Order pursuant to Fed. R. Civ. P. 59(e).⁶

Fed. R. Civ. P. 59(e) simply provides “[a] motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment” and does not set forth a standard for the Court to grant a motion to alter or amend a judgment. However, the Fourth Circuit has explained that “[r]econsideration [under Rule 59(e)] is an ‘extraordinary remedy,’ to be used ‘sparingly,’ available on only three grounds: 1) an intervening change in controlling law; 2) previously unavailable evidence; or 3) to correct a clear error of law or prevent manifest injustice.” *JTH Tax, Inc. v. Aime*, 984 F.3d 284, 290 (4th Cir. 2021) (quoting *Pac. Ins. Co. v. Am. Nat’l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998)). “The burden is on the moving party to establish one of these three grounds for relief.” *McFadden v. Stirling*, No. 2:15-cv-04144-JMC, 2018 WL 3773925, at *1 (D.S.C. Aug. 9, 2018) (citing *Loren Data Corp. v. GXS, Inc.*, 501 F. App’x 275, 285 (4th Cir. 2012)). “A party’s mere disagreement with the Court’s ruling does not warrant a Rule 59(e) motion.” *In re Auto Money N. LLC*, 649 B.R. 704, 707 (Bankr. D.S.C. 2023) (citing *U.S. ex rel. Becker v. Westinghouse Savannah River Co.*, 305 F.3d 284, 290 (4th Cir.

⁶ Fed. R. Civ. P. 59 is made applicable to bankruptcy cases by Fed. R. Bankr. P. 9023.

2002)). “Rule 59(e) permits a court to alter or amend a judgment, but it may not be used to relitigate old matters, or to raise arguments or present evidence that could have been raised prior to the entry of judgment.” *Exxon Shipping Co. v. Baker*, 554 U.S. 471, 485 n.5 (2008) (internal quotation marks and citation omitted).

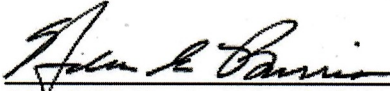
Debtors’ Reply to Order does not present any of the three possible grounds for reconsideration, and after careful review, the undersigned finds no grounds for reconsideration or alteration of the Order.

IT IS, THEREFORE, ORDERED that no relief will be granted by the undersigned as a result of the Reply to Order filed by Debtors.

**FILED BY THE COURT
09/03/2025**



Entered: 09/03/2025


Chief US Bankruptcy Judge
District of South Carolina