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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Appellate Court

APPEAL FROM HORRY COUNTY
Court of Common Pleas

David P. Caraker, Circuit Court Judge

Appellate Case No.: 2025-000445

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

v.

Stephanie Hatton and Brandon Deubell..... Appellants.

FINAL BRIEF OF RESPONDENT

Jay G. Anderson (S.C. Bar # 14295)
jga@jayanderson.com

ANDERSON LAW, LLC
4447 Highway 17 Business, Suite 101
Post Office Box 969
Murrells Inlet, South Carolina 29576
843/545-6001

Attorney for Respondent

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INTRODUCTION AND FACTUAL BACKGROUND

On or about March 18, 2020, Stephanie Hatton and Brandon Deubell (“Appellants”) entered into a Residential Rental Agreement (“Agreement”) with Sam Investment Properties, LLC, n/k/a Archangel Investments, LLC (“Respondent”), property management agent for property located at 1702 Holly Drive, #201, North Myrtle Beach, South Carolina. (R. pp. 93-100). Addendums to this lease agreement changing or adding terms and conditions were signed by all parties on March 26, 2021 and February 1, 2022. (R. pp. 101 – 103).

Appellants breached the Agreement and were subsequently evicted from the property in June, 2022.

After the unit was vacated by Appellants, Respondent’s agent conducted an inspection and found the unit to be in disrepair. On December 20, 2022, Respondent filed a Summons and Complaint against Appellants for damages, rent, and attorney’s fees. (R. pp. 3-5). Appellants, appearing *pro se*, filed an Answer and Counterclaim on January 19, 2023. (R. p. 6). Respondent’s Reply to Counterclaim was timely filed on February 15, 2023. (R. pp. 7-8). Mediation held on December 14, 2023, resulted in an *impasse*.

On January 27, 2025, the case proceeded to trial, non-jury, before Circuit Court Judge David P. Caraker, Jr., in Horry County, South Carolina. Appellant Hatton was present and elected to proceed at trial *pro se*. Appellant Deubell was not present.

To document and substantiate their collection action, Respondent introduced at trial an itemized list of the damages and security deposit invoice that was sent, as is the standard course of business, to Respondents upon their move-out. A copy of this document was entered into evidence without objection. (R. pp. 46-47). Respondent’s agent testified at trial, after specifying

the damages, and entering into evidence proof of repair costs, that they were seeking damages (for cleaning, repairs, and one month's rent) in the amount of \$5,316.44, less the security deposit (\$1,050.00) and pet deposits (\$900.00), for total damages of \$3,366.44 plus attorney's fees. (R. p. 26).

On February 4, 2025, after taking the matter under advisement (R. p. 92), the Court entered a formal Verdict and Order awarding judgment for Respondent, to-wit: \$2,030.72 in damages and \$7,050.00 in attorney's fees for a total judgement of \$9,080.72. (R. pp. 9-14).

Appellant Hatton failed to raise any objections ruled upon during the trial. (R. pp. 17- 92).

Appellants failed to file a Rule 59(e) Motion to Alter or Amend the judgment once the Verdict and Order was issued.

Appellants filed their Notice of Appeal on February 25, 2025. (R. pp. 15-16).

ARGUMENT

I. **APPELLANTS FAILED TO PRESERVE THE ISSUES PRESENTED ON APPEAL BY FAILING TO ENTER TIMELY AND SPECIFIC OBJECTION DURING THE TRIAL AT THE LOWER COURT.**

These issues presented by Appellants on appeal were not preserved for appellate review and should not be considered by the Court. "This Court will not consider a question which was neither presented to the trial court nor raised by an exception on appeal." *Centaur, Inc. v. Richland County*, 301 S.C. 374, 392 S.E.2d 165, 165 n 4 (1990) (citing *Knight v. Lee*, 262 S.C. 17, 202 S.E.2d 19 (1974)). "[A]n issue cannot be raised for the first time on appeal, but must have been

raised to and ruled upon by the trial court to be preserved for appellate review.’ *Staubes v. City of Folly Beach*, 339 S.C. 406, 412, 529 S.E.2d 543, 546 (2000). The South Carolina Court of Appeals is a Court of review – not re-litigation of the case. As made clear by the Supreme Court of South Carolina: “It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to be preserved for appellate review.” *Creech v. South Carolina Wildlife and Marine Resources Dep’t*. 328 S.C. 24, 491 S.E.2d 571 (1997). *Wilder Corp. v. Wilke*, 300 S.C. 71, 76, 497 S.E.2d 731, 733 (1998). “Error preservation requirements are intended ‘to enable the lower court to rule properly after it has considered all relevant facts, law, and arguments.’” *Staubes v. City of Folly Beach*, 339 S.C. 406, 412, 529 S.E.2d 543, 546 (2000) (quoting *I’On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 422, 526 S.E. 2d 716, 724 (2000)). Furthermore, Rule 103, S.C.R. Evid. ensures that evidentiary issues are properly raised and preserved during trial so that they can be reviewed by a higher court if necessary. Because the arguments (Argument I – IV, including subsections, of Appellants’ Initial Brief at pp. 10 - 37) were **never raised or ruled upon** by the circuit court, they have not been preserved for appeal and must be dismissed.

II. APPELLANTS FAILED TO PRESERVE FOR APPELLATE REVIEW THOSE ISSUES RAISED, BUT NOT EXPRESSLY RULED UPON BY THE CIRCUIT COURT BECAUSE THEY DID NOT FILE A MOTION TO ALTER OR AMEND THE JUDGMENT PURSUANT TO RULE 59(E), SCRPC.

It is crucial to make a record to preserve the issue of appealability. To successfully preserve an issue for appellate review, the issue must be: “(1) raised to and ruled upon by the trial court, (2) raised by the appellant, (3) raised in a timely manner, and (4) raised to the trial court with sufficient specificity.” *S.C. Dep’t of Transp. v. First Carolina Corp. of S.C.*, 372 S.C. 295, 302, 641 S.E.2d

903, 907 (2007) (quoting Jean Hoefer Toal, et. al., *Appellate Practice in South Carolina* 57 (2d ed. 2002)). 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 or alter and amend judgement. Rule 59(e), SCRCP. Appellants' failure to raise any issues to the circuit court through the filing of a Rule 59(e) motion following the issuance of the Circuit Court's Order dated January 31, 2025, precludes Appellants from now arguing these issues for the first time on appeal and must be dismissed.

CONCLUSION

For all of the foregoing reasons, this appeal should be dismissed because Appellants *pro se* failed to preserve any issue for appellate review be it through objections at the trial or in the filing of appropriate post-judgement motions. Respondent respectfully requests this Court dismiss this appeal in its entirety.

Respectfully submitted,

s/JAY G. ANDERSON
Jay G. Anderson (SC Bar # 14295)
jga@jayganderson.com

ANDERSON LAW, LLC
4447 Highway 17 Business, Suite 101
Post Office Box 969
Murrells Inlet, South Carolina 29576
843/545-6001

Attorney for Respondent

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

v.

Stephanie Hatton and Brandon Deubell..... Appellants.

PROOF OF SERVICE

I, the undersigned attorney for Respondent, does hereby certify that I have served Respondent's Final Brief upon Appellants *pro se* by depositing a copy of it in the United States Mail, postage prepaid, on October 3, 2025, addressed to Appellants *pro se*, 2379 Clandon Drive, Myrtle Beach, South Carolina 29579.

I further certify that I have caused a bound copy of Respondent's Final Brief of Respondent to be sent to the Court, pursuant to the Court's August 26, 2025 Letter and Rule 267 of the South Carolina Appellate Court Rules, by depositing the same in the United States Mail, with sufficient postage attached, addressed as follows: Court of Appeals, 1220 Senate Street, Columbia, South Carolina 29201, on October 3, 2025, and by electronic mail at ctappfilings@ssccourts.org.

[SIGNATURE PAGE FOLLOWS]

ANDERSON LAW, LLC

By: s/ JAY G. ANDERSON
Jay G. Anderson
SC Bar # 14295
4447 Highway 17 Business, Suite 101
Post Office Box 969
Murrells Inlet, South Carolina 29576
843/545-6001
jga@jayanderson.com
Attorney for Respondent

October 3, 2025

ANDERSON LAW, LLC

4447 HIGHWAY 17 BUSINESS, SUITE 101
POST OFFICE BOX 969
MURRELLS INLET, SOUTH CAROLINA 29576
TELEPHONE (843) 545-6001
www.jayganderson.com
Direct Email: jga@jayganderson.com

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VIA ELECTRONIC TRANSMISSION & USPS

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
Email: ctappfilings@sccourts.org

RE: *Sam Investment Properties, LLC, n/k/a Archangel Investments, LLC, Respondent, v. Stephanie Hatton and Brandon Deubell, Appellants.*
Appellate Case No.: 2025-000445

Dear Ms. Kitchings:

Please find attached herewith for filing **Respondent's Final Brief of Respondent and Proof of Service.**

A bound copy has been forwarded via USPS to Appellants *pro se*, as well as to the Court.

Thank you for your kind assistance.

Sincerely,

ANDERSON LAW, LLC

s/ JAY G. ANDERSON

Jay G. Anderson
Counsel for Respondent

JGA/gs

Attachment as stated

cc: Stephanie Hatton, Appellant (w/ enclosure)
Brandon Deubell, Appellant (w/ enclosure)