

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
Appellate Case No.: 2025-002267

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Nov 26 2025
SC Court of Appeals

Appeal From the Court of Common Pleas
Kershaw County
Judge William Cox, Jr., Master-in-Equity
Case No.: 2025-CP-28-00383

Ex Parte: Laura Bowen, Appellant,

In re:

GITSIT Solutions, LLC, not in its individual capacity but solely in its
capacity as separate Trustee of GITSIT Mortgage Loan Trust BBPLC1,
Respondent,

v.

Calvin Theodore Bowen, Jr., individually and as Personal Representative of
the Estate of Calvin T. Bowen, Sr. a/k/a Calvin Theodore Bowen, Sr.;
Ronald J. Bowen, and any other Heirs-at-Law or Devisees of Calvin T.
Bowen, Sr. a/k/a Calvin Theodore Bowen, Sr., Deceased, their Heirs,
Personal Representatives, Administrators, Successors and Assigns, and all
other persons entitled to claim through them; all unknown persons with any
right, title or interest in the real estate described herein; also any persons
who may be in the military service of the United States of America, being a
class designated as John Doe; and any unknown minors or persons under a
disability being a class designated as Richard Roe; Ascension Point
Recovery Services, LLC; Bank of America, N.A.; Safe Federal Credit
Union; and Kershaw County EMS, Defendants.

APPELLANT'S JUDICIAL NOTICE

Appellant, Laura Bowen, Pro Se Appellant, respectfully submits this Judicial Notice, pursuant to Rule 201 SC Rules of Evidence, for the Court's awareness in connection with the pending appeal concerning the denial of Appellant's Rule 60(b)(4) motion

I. Procedural Posture Relevant to the Motion

1. A foreclosure judgment was entered by the Master-in-Equity based solely on affidavit submissions, without witness testimony or an evidentiary record.
2. The Clerk of Court and Master-in-Equity office staff have confirmed no transcript exists for the foreclosure hearing and the proceeding was conducted as an affidavit-only hearing.
3. Appellant's Motion to Vacate foreclosure judgment pursuant Rule 60(b)(4) was denied by the lower court.
4. Appellant's Motion to Stay was denied by this Court.
5. Appellant's Motion to Reconsider and Emergency Petition for Supersedeas and Stay remains pending before this Court.
6. Because no transcript exists, judicial notice of the relevant documentary evidence is necessary for meaningful appellate review.

II. Facts Subject to Judicial Notice

Appellant requests judicial notice of the following documents recorded in the official land records of Kershaw County:

1. Home Equity Conversion Mortgage (HECM) First Mortgage

- a) Recorded at Book 2981 Page 220
- b) Instrument No. 201200006490
- c) Identified as the First HECM mortgage
- d) This is the mortgage upon which the foreclosure was initiated
- e) Assignments relied upon by Respondent reference this mortgage but do not bear the same loan number as the original First or Second Mortgage

2. HECM Second Mortgage

- a) Recorded at book 2981 Page 233
- b) Instrument No. 201200006491
- c) Identified as Second HECM Mortgage
- d) This lien is junior to the First HECM Mortgage
- e) Although two separate HECM mortgages are recorded, they secure a single reverse mortgage loan. Federal HECM program structure requires a First Mortgage in first lien position and a Second Mortgage in junior position to secure the same indebtedness.

3. Satisfaction of Mortgage

- a) Recorded at Book 5302 Page 153, dated February 7, 2025
- b) Executed by Artimus V, LLC as attorney-in-fact for U.S. Department of Housing and Urban Development (HUD)
- c) Expressly references the Second HECM Mortgage (Book 2981 Page 233)
- d) States the mortgage has been paid in full and is hereby released and satisfied

e) The Satisfaction recorded in February 2025 identifies and releases the Second HECM Mortgage, and under federal HECM servicing guidelines the Second Mortgage may be released only after the First HECM Mortgage has been paid in full. These facts appear on the face of the public land records and within HUD regulatory materials and are not subject to reasonable dispute.

4. Assignments Recorded in 2025

- a) Recorded at Book 5302 Pages 151-152, dated February 7, 2025
- b) Reference to the First HECM Mortgage (Book 2981 Page 220)
- c) Does not reference the mortgage that was satisfied

5. U.S. Department of Housing and Urban Development (HUD) HECM Lien-Release Requirement

a) HUD's published HECM servicing directive provides that a Second HECM Mortgage may only be released upon evidence that the First HECM Mortgage has been paid in full or otherwise satisfied. Because the Second HECM Mortgage can only be released after satisfaction of the First, HUD's release of the Second necessarily established that no enforceable First HECM lien remained at the time foreclosure was initiated.

III. Legal Posture for Judicial Notice

Judicial notice is appropriate because:

- 1. The documents are public records maintained by a governmental office.
- 2. The HUD HECM lien-release rule is set forth in HUD Handbook 4235.1, Rev-1, Chapter 13, and in HUD Mortgagee Letter 2015-10, which

provide that a Second HECM Mortgage is junior to the First and may only be released upon evidence that the First HECM Mortgage has been paid in full or otherwise satisfied.

3. The facts are not subject to reasonable dispute.
4. These facts are directly relevant to:
 - a) The existence of an enforceable lien,
 - b) The standing of Respondent to foreclose.
 - c) The validity of the foreclosure judgment.

Authority includes:

- Rule 201, SCRE
- *Hamilton v. Youn*, 420 S.C. 358 (Ct. App. 2017)
- *State v. Babb*, 299 S.C. 451 (1989)
- *Chestnut v. AVX Corp.*, 412 S.C. 224 (2015)

These authorities confirm that judicial notice is appropriate where, as here, the facts are derived from publicly recorded documents, are not subject to reasonable dispute, and bear directly on the legal issues presented in the appeal of denial of a Rule60(b)(4) motion.

IV. Relevance to Appeal

Judicial notice is necessary because:

1. A lien that has been satisfied cannot be enforced.
2. A lien that has been released cannot be assigned.
3. An assignment referencing a different loan number does not transfer rights.

4. The release of the Second HECM Mortgage is relevant to determining whether any enforceable First HECM lien remained at the time foreclosure was initiated.
5. The existence of an enforceable lien is relevant to standing.
6. Standing is relevant to the validity of the foreclosure judgment.
7. With no transcript, these facts cannot otherwise be established in the record.

V. Procedural Purpose

This Judicial Notice is submitted solely to identify undisputed public record facts relevant to the legal issues raised in this appeal. It is not intended to supplement, expand, or alter the Record on Appeal, and does not seek finding of fact or a determination on the merits. Appellant acknowledges that the Court's review will ultimately be based upon the Record on Appeal and the arguments presented in the Appellant's Brief.

Respectfully submitted this 26 day of November 2025.



Laura Bowen

Appellant, Pro Se

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Certificate of Service

I hereby certify that I have served a true and correct copy of the foregoing Appellant's Judicial Notice upon counsel for Respondent by electronic mail, pursuant to Rule 262(d), SCACR.

Service was made on November 26, 2025 by sending the filed Motion for Reconsideration via email to the following counsel of record:

Heidi B. Carey, Esquire
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This certificate is executed on November 26, 2025.



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