

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

Joseph Kershaw Spong, Special Referee

Case No. 2023-CP-32-02327

Appellate Case# 2025-002221

**RECEIVED**

JAN 08 2026

**SC Court of Appeals**

PennyMac Loan Services, LLC,

Respondent,

v.

Judith A. Kelly; Judith-Ann Kelly as co-trustee of Judith Ann Kelly Family Trust; Ann Cornell as cotrustee of Judith Ann Kelly Family Trust; and South Brook Community Association, Inc.,  
Defendants.

of which Judith-Ann Kelly as co-trustee of Judith Ann Kelly Family Trust,

Appellant.

**MOTION TO REINSTATE APPEAL**

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**MOTION TO REINSTATE APPEAL**

COMES NOW Appellant, Judith-Ann Kelly, appearing pro se, and respectfully moves this Court to reinstate the above-captioned appeal, dismissed by Order filed January 6, 2026, and

states as follows:

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## **I. PROCEDURAL HISTORY**

1. On October 31, 2025, Appellant timely filed a Notice of Appeal from the October 30, 2025 Order of Foreclosure and Sale.
  2. On December 3, 2025, this Court issued an Order directing Appellant to identify counsel for the Judith Ann Kelly Family Trust within thirty (30) days.
  3. On January 6, 2026, this Court dismissed the appeal based on the absence of identified counsel for the Trust.
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## **II. BASIS FOR REINSTATEMENT**

4. Appellant respectfully submits that the dismissal rests on a procedural determination, not a merits determination, and that reinstatement is appropriate to permit proper clarification of party posture and appellate standing.
  5. Appellant seeks reinstatement for the limited purpose of clarifying that the appeal is pursued by Judith-Ann Kelly in her individual capacity as borrower and aggrieved party, challenging jurisdictional defects and procedural irregularities arising from the lower court proceedings.
  6. Appellant does not seek, through this motion, a ruling on the merits of the appeal or on substantive questions of trust law, but only reinstatement so that the appeal may be addressed in its proper procedural posture.
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## **III. GOOD FAITH, DUE PROCESS, AND LACK OF PREJUDICE**

7. Appellant has acted in good faith throughout these proceedings and has diligently attempted to comply with all appellate directives.
8. Reinstatement will not prejudice Respondent, as no briefing schedule has been completed and no merits determination has been made.
9. Dismissal without reinstatement permanently forecloses appellate review of preserved jurisdictional challenges, raising due-process concerns inconsistent with appellate practice.

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#### IV. RELIEF REQUESTED

WHEREFORE, Appellant respectfully requests that this Court:

1. Reinstate Appellate Case No. 2025-002221;
2. Permit clarification of party posture for purposes of appellate review; and
3. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

January 8, 2026

  
s/ Judith-Ann Kelly ©™  
c/o 408 Cannongate Ct  
Lexington, South Carolina 29073  
(678) 790-8425  
Appellant

**Other Counsel of Record:**

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Attorney for Respondent

**FORM 7  
MOTION TO REINSTATE APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

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Appellant.

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**PROOF OF SERVICE**

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I certify that I have served a true and correct copy of the MOTION TO REINSTATE APPEAL upon counsel for Respondent by depositing the same in the United States Mail, first-class postage prepaid, addressed as follows, on January 8, 2026:


**Other Counsel of Record:**

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January 8, 2026

  
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