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CC Court of Appeals

IN THE COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA

Appellate Case No. 2025-001142

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

v.

Rex A. Field and Tracy L. Field, Appellants,

v.

Federal National Mortgage Association (Fannie Mae), Wilmington Savings Fund Society, FSB (in its individual capacity), Christiana Trust Company of Delaware, DLJ Mortgage Capital, Inc., and Unknown Defendants 1-10, Third Party Defendants of which Federal National Mortgage Association (Fannie Mae), Wilmington Savings Fund Society, FSB (in its individual capacity), Christiana Trust Company of Delaware, and DLJ Mortgage Capital, Inc., are Respondents.

106945

**APPELLANTS' MOTION TO REMAND TO THE CIRCUIT COURT FOR SETTLEMENT OF THE RECORD, RECONSTRUCTION OF TRANSCRIPT OR NEW HEARINGS, AND RULING ON PENDING MOTION FOR RECONSIDERATION OF DENIAL OF RECUSAL**

Pursuant to Rules 204(c), 231, and 240, SCACR, Appellants Rex A. Field and Tracy L. Field respectfully move this Court to stay the appeal and remand the case to the Circuit Court for settlement of the record or new hearings on certain orders, and for ruling on the pending Motion for Reconsideration of the denial of recusal. In support of this Motion, Appellants state as follows:

1. This is an interlocutory appeal from two orders, the May 7, 2025 Order ("Order") and the May 7, 2025 Form-4 Order ("Form-4 Order"): The Order (a) the order striking Appellants' jury trial demand, (b) the order of reference to the Master-in-Equity, and the Form-4 order denying Appellants' motion to recuse the Honorable Marvin H. Dukes, III.
2. The hearings on the motions resulting in the Order were electronically recorded using the OWL (Online Wireless Link) digital recording system. Appellants requested a live court reporter in writing when the motions were filed with the Clerk of Court, but no court reporter was provided.
3. The OWL system is an inferior and improper recording system for a large courtroom setting. It relies primarily on wireless microphones and ambient pickup, which are highly susceptible to muffling, intermittent cut-outs every few seconds, and poor sound quality due to distance, echoes, background noise, and coastal humidity common in Beaufort

County courtrooms. No microphones were placed at or provided for the plaintiff's table or the defense table, and no podium was used. Plaintiff's counsel and the pro se Appellants argued from their stationed positions at the tables for over ninety minutes. As a result, large portions of the proceedings were not adequately captured.

4. The transcriber from Legal Eagle, Ms. Latasha Jefferson, attempted to transcribe the same OWL audio recording producing two different transcripts. Legal Eagle Court Reporter, Ms. Jennifer Jaeger, transcribed a third transcript from the same OWL audio. All three transcripts are materially defective and unusable for appellate review, containing extensive "inaudible" notations, omissions, and inaccuracies.
5. The Director of Operations of Legal Eagle, Mr. Kevin Dehlinger listened to the same OWL audio recording relating to the third and final transcript and has provided an affidavit confirming that the source OWL audio is "of poor quality, often being muffled and intermittently skipping," resulting in 22 inaudible notations in the 54-page transcript. *(Exhibit A)*
6. Appellants have been denied a copy of the raw audio recording despite requests under Rule 207(a)(4), SCACR. Legal Eagle has stated that the audio can only be listened to in the presence of the judge. Court Administration has stated that Appellants are not allowed to obtain a copy of the audio recording.
7. Without a usable record of the hearings on the jury strike and reference orders, Appellants are unable to prepare a meaningful initial brief and are denied due process of law. *State v. Ladson*, 373 S.C. 220, 644 S.E.2d 271 (Ct. App. 2007); *Gilmore v. Ivey*, 290 S.C. 53, 348 S.E.2d 180 (Ct. App. 1986); *State v. Jones*, 344 S.C. 189, 543 S.E.2d 551 (2001).
8. Separately, Appellants filed a Motion for Reconsideration of the Form-4 order denying recusal on May 20, 2025, which remains pending in the Circuit Court *(Exhibits C and D)*. This motion alleges serious due process violations and judicial bias, including the denial of a hearing on the original recusal motion and the judge's extrajudicial knowledge from a prior related case, thus, no transcript exists here.
9. Recusal is a threshold issue that must be resolved before any further proceedings, including record settlement or new hearings on the other orders. If recusal is granted, a new judge must preside over all subsequent matters to ensure impartiality. *Davis v. Parkview Apartments*, 409 S.C. 266, 762 S.E.2d 535 (2014); *Christy v. Christy*, 317 S.C. 145, 452 S.E.2d 1 (Ct. App. 1994). Remanding for the circuit court to rule on the reconsideration motion first promotes judicial efficiency and preserves due process.
10. Remand is necessary and efficient: the Circuit Court can have a hearing and first rule on the pending Motion for Reconsideration of recusal, and then, if necessary, settle the record or conduct new hearings on the jury strike and reference orders under Rule 204(c), SCACR.

**WHEREFORE**, Appellants respectfully request that this Court:

- a. Stay the appeal and all briefing deadlines;
- b. Remand the case to the Circuit Court for further proceedings, including:
  - i. Order a hearing and ruling on the pending Motion for Reconsideration of the denial of recusal, to be addressed as a threshold matter; and
  - ii. Settlement of the record pursuant to Rule 204(c), SCACR, or, if settlement is impossible, new hearings on the motions in the May 7, 2025 Order resulting in the orders striking the jury demand and referring the case to the Master-in-Equity; and
- c. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted this 7th day of January, 2026.



Rex A. Field  
PO Box 975  
St Helena, SC 29920



Tracy L. Field  
(same)

#### EXHIBIT LIST

Exhibit A: Affidavit of Court Reporter (dated January 5, 2026)

Exhibit B: Affidavit of Rex A. Field and Tracy L. Field (dated January 7, 2026)

Exhibit C: Motion for Reconsideration of Order Denying Recusal (filed May 20, 2025)

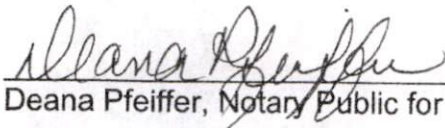
Exhibit D: Memorandum of Law in Support of Motion for Reconsideration of Order Denying Recusal

# **EXHIBIT A**

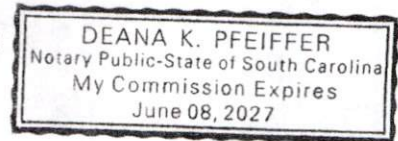


I, the undersigned Notary Public, do hereby certify that the foregoing instrument was acknowledged before me this 5<sup>th</sup> day of January 2026, and the document was executed by the above named Kevin Dehlinger of his own free will.

Witness my hand and seal this 5<sup>th</sup> day of January 2026.

  
Deana Pfeiffer, Notary Public for South Carolina

Commission expires: June 08, 2027



# **EXHIBIT B**

STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT

**AFFIDAVIT OF REX A. FIELD AND TRACY L. FIELD**

Personally appeared before me, who, being duly sworn, state as follows:

1. We are the Appellants in the above-captioned appeal and are proceeding pro se.
2. The hearings on the motions resulting in the orders striking our jury trial demand and referring the case to the Master-in-Equity were electronically recorded using the OWL digital recording system.
3. We requested a live court reporter in writing when the motions were filed with the Clerk of Court, but no court reporter was provided.
4. There was no podium in the courtroom. Counsel for the plaintiff and we (as pro se defendants) argued from our stationed positions at the respective tables for over ninety minutes.
5. No microphones (lapel, handheld, or table-mounted) were provided to or placed at the plaintiff's table or the defendants' table. No microphones were visible in the courtroom.
6. The transcriber from Legal Eagle, Ms. Latasha Jefferson, attempted to transcribe the same OWL audio recording producing two different transcripts. Legal Eagle Court Reporter, Ms. Jennifer Jaeger, transcribed a third transcript from the same OWL audio. All three transcripts are materially defective and unusable for appellate review, containing extensive "inaudible" notations, omissions, and inaccuracies.
7. The Director of Operations of Legal Eagle, Mr. Kevin Dehlinger, has confirmed in an affidavit that the source audio is of poor quality, muffled, and intermittently skipping.
8. We have been denied a copy of the raw audio recording despite having requested it from Legal Eagle and Court Administration. Mr. Kevin Dehlinger, has stated that the audio can only be listened to in the presence of a judge.
9. Without a usable record, we cannot identify or brief the issues on appeal from those orders, denying us due process.
10. Separately, our Motion for Reconsideration of the denial of recusal remains pending in the Circuit Court and raises threshold issues of judicial impartiality that must be resolved before any further proceedings.

FURTHER AFFIANTS SAYETH NOT.

We affirm that the information provided above is true, accurate, and complete to the best of our knowledge and belief.

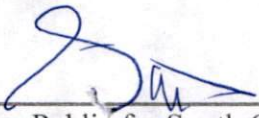
  
Rex A. Field

  
Tracy L. Field

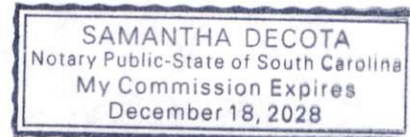
STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT

I, the undersigned Notary Public, do hereby certify that the foregoing instrument was acknowledged before me this 7<sup>th</sup> day of January 2026, and the document was executed by the above-named Rex A. Field and Tracy L. Field.

Witness my hand and seal this 7<sup>th</sup> day of January 2026.

  
\_\_\_\_\_  
Notary Public for South Carolina

My Commission Expires: Dec 18 2028



# **EXHIBIT C**

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

2025 MAY 20 11 09:38

IN THE COURT OF COMMON PLEAS

C/A 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

**MOTION FOR RECONSIDERATION OF  
ORDER DENYING RECUSAL OF THE  
HONORABLE MARVIN H. DUKES, III;  
VERIFIED**

vs.

**PRIORITY MATTER**

**(IN-PERSON HEARING REQUESTED)**

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

*The Honorable Marvin H. Dukes, III*

vs.

Federal National Mortgage Association (Fannie Mae), Wilmington Savings Fund Society, FSB  
(in its individual capacity), Christiana Trust Company of Delaware, DLJ Mortgage Capital, Inc.,  
and Unknown Defendants 1-10.

Third-Party Defendants

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**MOTION FOR RECONSIDERATION OF ORDER DENYING RECUSAL THE  
HONORABLE MARVIN H. DUKES, III DATED MAY 7, 2025**

COME NOW Defendants/Counterclaimants/Third-Party Plaintiffs, Rex A. Field and Tract L. Field ("Defendants"), pursuant to Rules 7, 59, and 60 of the South Carolina Rules of Civil Procedure (SCRCP), Rule 501 of the South Carolina Appellate Court Rules (SCACR), the South Carolina Code of Judicial Conduct, S.C. Code Ann. §§ 14-5-370 and 14-11-310, the South Carolina Constitution, the United States Constitution, and applicable case law, and hereby move this Honorable Court for reconsideration of the Form-4 Order dated May 7, 2025, denying Defendants' "Motion to Recuse the Honorable Marvin H. Dukes, III" filed on March 14, 2025.

**I. The grounds for the motion are as follows:**

- i. The Defendants specifically incorporate into this motion by reference their previous filings in this case, transcripts, and all arguments they made that produced the aforesaid order;
- ii. Defendants assert that the denial of their Motion to Recuse, without a hearing, explanation, or opportunity to present arguments or briefs, constitutes a gross violation of their due process rights under the South Carolina Constitution (Art. I, §§ 3, 14) and the United States Constitution (Amendments VII, XIV), violates the South Carolina Code of Judicial Conduct, and perpetuates extreme bias by Judge Dukes, tainting the judicial process and denying Defendants an impartial tribunal.

**II. INTRODUCTION AND URGENCY OF THE MOTION**

- i. On March 14, 2025, Defendants filed a "Motion to Recuse the Honorable Marvin H. Dukes, III" (Exhibit T), asserting that Judge Dukes' prior involvement in Citimortgage v. Rex A. Field and Tracy L. Field (Case No. 2012-CP-07-00244) from 2012-2014, extrajudicial knowledge, demonstrated bias, procedural violations, and the Proposed Order of March 10, 2025, necessitated his recusal to preserve judicial integrity and Defendants' constitutional rights.
- ii. Despite paying the \$25.00 filing fee and requesting a hearing on the Motion Cover Sheet, the Clerk of Court failed to schedule a hearing, denying Defendants the opportunity to file briefs, memoranda, or present oral arguments in court, in violation of due process.
- iii. On May 7, 2025, Judge Dukes issued a Form-4 Order denying the Motion to Recuse without explanation, falsely indicating that a hearing was held and

arguments were made. No hearing occurred, and Defendants were denied any opportunity to argue their motion in court, further compounding the due process violation.

**Defendants filed additional motions to protect their rights:**

- i. On March 17, 2025, a “Motion to Stay Proceedings Pending Resolution of Motion to Recuse” (Exhibit U), with a \$25.00 filing fee and hearing request, which was never scheduled or ruled upon;
- ii. On March 24, 2025, a “Motion to Compel Hearing on Motion to Recuse” (Exhibit V), with a \$25.00 filing fee and in-person hearing request, which the Clerk failed to schedule despite assurances of scheduling.
- iii. On March 27, 2025, a “Motion for Continuance” (Exhibit W), requesting an in-person hearing, which was marked “resolved” on April 2, 2025, without being scheduled, heard, or ruled upon.
- iv. Judge Dukes’ actions throughout this case, including his prior role as Master-in-Equity (2019-2020), his rulings favoring Plaintiff, and his overruling of Judge Bonds’ August 26, 2021 Order, demonstrate extreme bias, violate Judicial Canons (Canons 2, 3(B)(5), 3(E)(1)), and deprive Defendants of an impartial tribunal, necessitating reconsideration.
- v. This motion is urgent because Judge Dukes’ continued involvement risks irreparable harm, including the denial of Defendants’ jury trial rights on eleven compulsory legal counterclaims and third-party claims, improper referral to a Master-in-Equity in violation of SCRCP Rule 53(b), and ongoing discovery violations, all of which undermine due process and judicial fairness.

## **II. FACTUAL BACKGROUND**

### **A. Prior Citimortgage Case (2012-2014)**

From January 23, 2012, to September 24, 2014, Judge Dukes presided over Citimortgage v. Rex A. Field and Tracy L. Field (Case No. 2012-CP-07-00244) as Special Circuit Court Judge and Master-in-Equity, involving Defendants' financial data, mortgage documents, and counterclaims settled via a fraudulent modification without trial.

- i. Judge Dukes gained extrajudicial knowledge of disputed facts (e.g., alleged mortgage validity), which taints his impartiality in the instant action, as confirmed by his March 7, 2025, comment: "I partly remembered my part in this which was literally years ago" (Exhibit R).

### **B. Initiation of the Current Case (2019)**

**On October 11, 2019, Plaintiff filed this foreclosure action (Exhibit A). On October 17, 2019, pre-service, the Clerk issued an Order of Reference to Judge Dukes as Master-in-Equity (Exhibit B), violating SCRPC Rule 53(b) absent Defendants' consent (Chabek v. Nationwide Mut. Fire Ins. Co., 303 S.C. 543, 402 S.E.2d 186 (Ct. App. 1991); Chiles v. Cole, 27 S.C. 486, 4 S.E. 155 (1887)).**

- i. Defendants filed a jury demand on October 22, 2019 (Exhibit C), preserving their constitutional right to a jury trial (Wachovia Bank v. Blackburn, 407 S.C. 321, 755 S.E.2d 437 (2014)).

### **C. Judge Dukes' Role as Master-in-Equity (2019-2020)**

- i. Despite the void referral, Judge Dukes scheduled final foreclosure hearings on March 26, 2020, and September 29, 2020 (Exhibits G, J), and delayed Defendants' Motion to Vacate (filed November 20, 2019) for eleven months (Exhibit E).

- ii. On September 29, 2020, Judge Dukes vacated the void Order of Reference (Exhibit L), acknowledging its invalidity under SCRCP Rule 53(b).

#### **D. Second Amended Pleading and Judge Bonds' Order (2021)**

- i. On August 26, 2021, Judge Bonds granted Defendants' Motion to Amend (Exhibit N), allowing the "Second Amended Answer, Affirmative Defenses, Counterclaims, and Third-Party Complaint" (Exhibit O) with eleven compulsory legal counterclaims and third-party claims seeking monetary damages, including Breach of Contract and FCRA violations (*First-Citizens Bank & Trust Co. v. Hucks*, 305 S.C. 296, 408 S.E.2d 222 (1991)).
- ii. Judge Bonds' Order (Exhibit Q) denied Plaintiff's Motion for Summary Judgment, denied Plaintiff's Motion to Dismiss Defendants' Counterclaims and Third-Party Complaint, and **ruled there was no res judicata or collateral estoppel, resetting the case and reviving Defendants' jury trial right under SCRCP Rule 38(b)** (*C&S Real Estate Servs., Inc. v. Massengale*, 290 S.C. 299, 350 S.E.2d 191 (1986)).

#### **E. Judge Dukes' Role as Circuit Court Judge (2024-2025)**

Appointed Circuit Court Judge in July 2024, Judge Dukes heard four motions on January 21, 2025, including Plaintiff's Renewed Motion to Strike Jury Demand and for Order of Reference.

- i. On March 7, 2025, during a status conference call (Exhibit R), Judge Dukes verbally ruled to strike Defendants' jury demand and refer the case to Master-in-Equity Wegman, stating: "I partly remembered my part in this which was literally years ago," "we changed everything" (sarcasm), and "I got to go with the Plaintiff here and say you can't do that," demonstrating bias and reliance on extrajudicial knowledge.

- ii. On March 10, 2025, Plaintiff's counsel submitted a Proposed Order (Exhibit S) formalizing these rulings, which Judge Dukes signed on May 7, 2025.

#### **F. Defendants' Efforts to Secure a Hearing on Recusal**

- i. On March 14, 2025, Defendants filed the Motion to Recuse (Exhibit T), paying the \$25.00 filing fee and requesting a hearing. The Clerk failed to schedule it, despite Defendants' requests;
- ii. On March 17, 2025, Defendants filed a Motion to Stay Proceedings (Exhibit U), paying the \$25.00 filing fee and requesting a hearing, which was scheduled for April 7, 2025, before Judge Hyman but never held;
- iii. On March 24, 2025, Defendants filed a Motion to Compel Hearing on the Motion to Recuse (Exhibit V), paying the \$25.00 filing fee and requesting an in-person hearing. The Judicial Clerk emailed Judge Dukes for direction (Exhibit C), receiving only a promise of follow-up (Exhibit D), but no hearing was scheduled;
- iv. On March 27, 2025, Defendants filed a Motion for Continuance (Exhibit W), requesting an in-person hearing. The Court index marked it "resolved" on April 2, 2025, without scheduling, hearing, or ruling, further denying due process.

#### **G. Judge Dukes' Form-4 Order (May 7, 2025)**

- i. On May 7, 2025, Judge Dukes issued a Form-4 Order denying the Motion to Recuse without explanation, falsely stating a hearing was held and arguments were made. No hearing occurred, and Defendants were denied the opportunity to file briefs, memoranda, or argue in court.

- ii. The Form-4 Order ignored Defendants' Motion to Stay and Motion to Compel, leaving them unresolved and further violating due process.
- iii. On the same day, Judge Dukes overruled Judge Bonds' August 26, 2021 Order, striking Defendants' jury demand, referring the case to Master-in-Equity Wegman despite ongoing discovery and compulsory legal counterclaims, and violating SCRPC Rule 53(b).

### III. LEGAL STANDARD FOR RECONSIDERATION

- i. **SCRPC Rule 59(e):** A motion to alter or amend a judgment is appropriate to correct errors of law, address newly discovered evidence, or prevent manifest injustice (*Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004)). The Form-4 Order's denial without a hearing or explanation constitutes a legal error and manifest injustice, warranting reconsideration;
- ii. **SCRPC Rule 60(b):** Relief from a judgment is warranted for mistake, inadvertence, excusable neglect, fraud, or other reasons justifying relief, such as void orders due to procedural violations (*BB&T v. Taylor*, 369 S.C. 653, 633 S.E.2d 501 (2006)). The Form-4 Order's false assertion of a hearing and lack of due process renders it voidable;
- iii. **Due Process:** The South Carolina Constitution (Art. I, § 3) and U.S. Constitution (Amend. XIV) guarantee a meaningful opportunity to be heard before an impartial tribunal (*Mathews v. Eldridge*, 424 U.S. 319 (1976); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009)). Denying a hearing on a recusal motion violates this right (*Christy v. Christy*, 317 S.C. 145, 452 S.E.2d 1 (Ct. App. 1994));
- iv. **Judicial Canons:** Rule 501, SCACR, adopts the South Carolina Code of Judicial Conduct;

- v. **Canon 2:** A judge shall avoid impropriety and the appearance of impropriety;
- vi. **Canon 3(B)(5):** A judge shall perform duties without bias or prejudice.
- vii. **Canon 3(E)(1):** A judge shall disqualify himself where impartiality might reasonably be questioned, including personal bias or extrajudicial knowledge (Davis v. Parkview Apartments, 409 S.C. 266, 762 S.E.2d 535 (2014));
- viii. **Objective Standard:** Recusal is required if a reasonable person, knowing all relevant facts, would doubt the judge's impartiality (Davis, 409 S.C. at 281, 762 S.E.2d at 543).

#### **IV. GROUNDS FOR RECONSIDERATION**

##### **A. Denial of Due Process Under the South Carolina and United States Constitutions**

- i. **No Hearing or Opportunity to Argue:** The Clerk's failure to schedule a hearing on the Motion to Recuse, despite Defendants' payment of the \$25.00 filing fee and hearing request, denied Defendants the opportunity to present briefs, memoranda, or oral arguments, violating their right to a meaningful hearing (Mathews v. Eldridge, 424 U.S. at 333; S.C. Const. Art. I, § 3; U.S. Const. Amend. XIV).
- ii. **False Form-4 Order:** The Form-4 Order's assertion that a hearing was held and arguments were made is factually incorrect, as no hearing occurred. This misrepresentation compounds the due process violation by creating a false record (BB&T v. Taylor, 369 S.C. at 658, 633 S.E.2d at 504).
- iii. **Unresolved Motions:** Judge Dukes' failure to rule on the Motion to Stay (filed March 17, 2025) and Motion to Compel (filed March 24, 2025), despite Defendants' filing fees and hearing requests, further denied due process by ignoring threshold issues critical to judicial impartiality (Christy v. Christy, 317 S.C. at 149, 452 S.E.2d at 3).

- iv. **Motion for Continuance:** The Clerk's erroneous marking of the Motion for Continuance as "resolved" on April 2, 2025, without scheduling or ruling, deprived Defendants of their requested in-person hearing, essential for pro se litigants lacking technological resources (Herron v. Century BMW, 395 S.C. 461, 719 S.E.2d 640 (2012)).
- v. **Constitutional Violations:** The cumulative effect of these procedural denials—no hearings, no rulings, and false records—violates Defendants' rights to due process and an impartial tribunal, as guaranteed by the South Carolina Constitution (Art. I, § 3) and U.S. Constitution (Amend. XIV) (Caperton, 556 U.S. at 884).

**B. Violations of Judicial Canons Demonstrating Extreme Bias Canon 3(E)(1)(a) – Extrajudicial Knowledge:** Judge Dukes' role in Citimortgage (2012-2014) provided him with personal knowledge of disputed facts (e.g., mortgage validity), confirmed by his March 7, 2025, statement: "I partly remembered my part in this" (Exhibit R). This violates Canon 3(E)(1)(a), requiring recusal when a judge has personal knowledge of disputed facts (Liteky v. United States, 510 U.S. 540 (1994)).

- i. **Canon 3(B)(5) – Bias and Prejudice:** Judge Dukes' verbal rulings on March 7, 2025, including "I got to go with the Plaintiff here" and sarcastic remarks like "we changed everything," demonstrate extreme bias favoring Plaintiff, ignoring Defendants' legal arguments and Judge Bonds' prior rulings (Cheeks v. State, 401 S.C. 322, 737 S.E.2d 480 (2013));
- ii. **Canon 2 – Appearance of Impropriety:** Judge Dukes' dual roles as Master-in-Equity (2019-2020) and Circuit Court Judge (2024-2025), combined with his prior knowledge and favoritism, create an objective appearance of impropriety. A

reasonable person would doubt his impartiality, mandating recusal (Davis, 409 S.C. at 281, 762 S.E.2d at 543);

- iii. **Pattern of Bias:** Judge Dukes' actions throughout the case, including: Delaying the Motion to Vacate for eleven months (2019-2020);
- iv. Scheduling foreclosure hearings despite a void referral (2020);
- v. Overruling Judge Bonds' August 26, 2021 Order, which upheld Defendants' counterclaims and jury trial rights;
- vi. Striking the jury demand and referring the case to Master Wegman on May 7, 2025, despite ongoing discovery and SCRPC Rule 53(b) violations, demonstrate a consistent pattern of bias favoring Plaintiff, violating Judicial Canons and due process (Caperton, 556 U.S. at 884).

### **C. Procedural Violations and Irreparable Harm**

- i. **Improper Referral to Master-in-Equity:** Judge Dukes' May 7, 2025, referral to Master Wegman violates SCRPC Rule 53(b), which prohibits referral of legal claims without consent. Defendants' eleven compulsory counterclaims, including Breach of Contract and FCRA, are jury-triable (Wachovia Bank v. Blackburn, 407 S.C. at 333, 755 S.E.2d at 443; South Carolina Community Bank v. Salon, 2017 WL 1653780 (S.C. Ct. App. 2017));
- ii. **Jury Trial Denial:** Striking Defendants' jury demand on May 7, 2025, despite the Second Amended Pleading's new legal claims, violates SCRPC Rule 38(b) and constitutes irreparable harm (Lester v. Dawson, 327 S.C. 263, 491 S.E.2d 240 (1997); S.C. Const. Art. I, § 14; U.S. Const. Amend. VII);
- iii. **Overruling Judge Bonds' Order:** Judge Dukes' reversal of Judge Bonds' August 26, 2021 Order, which denied Plaintiff's motions and upheld Defendants' counterclaims,

ignores the compulsory nature of the claims under Hucks and demonstrates bias by disregarding prior judicial findings without justification (First-Citizens Bank & Trust Co. v. Hucks, 305 S.C. 296, 408 S.E.2d 222 (1991));

- iv. **Discovery Violations:** The referral to Master Wegman cuts off ongoing discovery, granted by Judge Bonds, prejudicing Defendants' ability to defend and pursue counterclaims (Lester, 327 S.C. at 267, 491 S.E.2d at 242; SCRCF Rule 26(b));

#### **D. Conflict of Interest and Partiality**

- i. Judge Dukes' prior rulings in Citimortgage and his actions as Master-in-Equity align with Plaintiff's interests, reinforced by his March 7, 2025, comments and May 7, 2025, rulings. This creates a conflict of interest, violating Canon 3(E)(1) and due process (Caperton, 556 U.S. at 884; Liteky, 510 U.S. at 551);
- ii. His failure to address Defendants' fraud claims tied to Citimortgage in the Proposed Order (Exhibit S, ¶ 6) suggests prejudgment based on prior knowledge, further evidencing partiality.

#### **E. Taint from Prior Involvement**

- i. Judge Dukes' involvement in a case decided 11 years prior (Citimortgage, 2012-2014) and his reappearance in this action, which involves different plaintiffs and legal issues, taints the judicial process. His reliance on extrajudicial knowledge and bias undermines Defendants' right to an impartial tribunal in a case pending for over five years;
- ii. Multiple judges have presided over this case, yet Judge Dukes' reentry and overruling of prior orders demonstrate a personal bias that rigs the process in Plaintiff's favor (Massengale, 290 S.C. at 302, 350 S.E.2d at 193).

## V. LEGAL AUTHORITY AND ARGUMENT

### A. South Carolina Authorities

#### **Rule 501, SCACR, and Judicial Canons:**

- i. **Canon 3(E)(1)(a):** Judge Dukes' extrajudicial knowledge from Citimortgage mandates recusal (Davis, 409 S.C. at 281, 762 S.E.2d at 543);
- ii. **Canon 3(B)(5):** His biased rulings and comments violate the duty of neutrality (Cheeks, 401 S.C. at 328, 737 S.E.2d at 483);
- iii. **Canon 2:** His dual roles and favoritism create an appearance of impropriety (Davis, 409 S.C. at 281, 762 S.E.2d at 543).

#### **Case Law:**

- i. Davis v. Parkview Apartments, 409 S.C. 266, 762 S.E.2d 535 (2014): Recusal is mandatory when impartiality is reasonably doubted.
- ii. Cheeks v. State, 401 S.C. 322, 737 S.E.2d 480 (2013): Extreme bias warrants recusal.
- iii. Christy v. Christy, 317 S.C. 145, 452 S.E.2d 1 (Ct. App. 1994): Recusal motions must be resolved before proceeding to avoid tainting the process.
- iv. Massengale, 290 S.C. 299, 350 S.E.2d 191 (1986): New legal claims revive jury trial rights.
- v. Lester v. Dawson, 327 S.C. 263, 491 S.E.2d 240 (1997): Jury trial denial is irreparable harm.
- vi. Hucks, 305 S.C. 296, 408 S.E.2d 222 (1991): Compulsory counterclaims are jury-triable.
- vii. Wachovia Bank v. Blackburn, 407 S.C. 321, 755 S.E.2d 437 (2014): Striking jury demands for legal counterclaims violates SCRCRCP Rule 38(b).

- viii. Chabek, 303 S.C. 543, 402 S.E.2d 186 (Ct. App. 1991): Invalidates premature referrals under SCRCP Rule 53(b).
- ix. Chiles v. Cole, 27 S.C. 486, 4 S.E. 155 (1887): Referral without consent is void.
- x. South Carolina Community Bank v. Salon, 2017 WL 1653780 (S.C. Ct. App. 2017): Legal counterclaims require jury trials absent consent.

**Statutes:**

- i. S.C. Code Ann. § 14-5-370: Courts may manage proceedings to prevent injustice.
- ii. S.C. Code Ann. § 14-11-310: Master-in-Equity fees do not override jury rights.
- iii. SCRCP Rule 38(b): Preserves jury demands for amended pleadings.
- iv. SCRCP Rule 53(b): Prohibits referral of legal claims without consent.
- v. SCRCP Rule 26(b): Ensures broad discovery rights.

**Constitutional Provisions:**

- i. S.C. Const. Art. I, § 3: Guarantees due process and an impartial tribunal.
- ii. S.C. Const. Art. I, § 14: Preserves the right to a jury trial inviolate.
- iii. U.S. Const. Amend. VII: Guarantees jury trials in civil cases.
- iv. U.S. Const. Amend. XIV: Ensures due process and equal protection.

**B. Federal Authorities**

- i. Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009): Due process requires recusal when bias is credibly alleged.
- ii. Liteky v. United States, 510 U.S. 540 (1994): Extrajudicial bias mandates recusal.
- iii. Mathews v. Eldridge, 424 U.S. 319 (1976): Due process requires a meaningful opportunity to be heard.

### **C. Application to Facts**

- i. **Due Process Violations:** The Clerk's failure to schedule hearings, Judge Dukes' false Form-4 Order, and his failure to rule on pending motions denied Defendants a meaningful opportunity to be heard, violating constitutional protections (Mathews, 424 U.S. at 333; Caperton, 556 U.S. at 884);
- ii. **Judicial Bias:** Judge Dukes' extrajudicial knowledge, biased comments, and rulings favoring Plaintiff demonstrate extreme prejudice, violating Judicial Canons and necessitating recusal (Cheeks, 401 S.C. at 328, 737 S.E.2d at 483; Davis, 409 S.C. at 281, 762 S.E.2d at 543);
- iii. **Procedural Errors:** The improper referral to Master Wegman and jury trial denial violate SCRCP Rules 53(b) and 38(b), causing irreparable harm (Lester, 327 S.C. at 267, 491 S.E.2d at 242; Wachovia Bank, 407 S.C. at 333, 755 S.E.2d at 443);
- iv. **Irreparable Harm:** The denial of jury trial rights, cutoff of discovery, and tainted judicial process cannot be remedied on appeal, justifying reconsideration (Lester, 327 S.C. at 267, 491 S.E.2d at 242).

### **VI. RELIEF REQUESTED**

**WHEREFORE**, Defendants respectfully request:

- i. Reconsideration and vacatur of the Form-4 Order dated May 7, 2025, denying the Motion to Recuse, pursuant to SCRCP Rules 59(e) and 60(b), due to legal errors, due process violations, and manifest injustice;

- ii. Recusal of the Honorable Marvin H. Dukes, III from further proceedings due to bias, prejudice, extrajudicial knowledge, and violations of Judicial Canons, as required by Rule 501, SCACR;
- iii. Assignment of another Circuit Court Judge to hear and decide all pending motions, including the Motion to Recuse, Motion to Stay, and Motion to Compel, to ensure impartiality (*Christy v. Christy*, 317 S.C. at 150, 452 S.E.2d at 4);
- iv. Restoration of Defendants' jury trial rights on their eleven compulsory legal counterclaims and third-party claims, as preserved under SCRCR Rule 38(b) and protected by S.C. Const. Art. I, § 14 and U.S. Const. Amend. VII;
- v. Preservation of ongoing discovery, as granted by Judge Bonds' August 26, 2021 Order, until a deadline is set, per SCRCR Rule 26(b);
- vi. A hearing on this Motion for Reconsideration, to be scheduled in-person to accommodate Defendants' pro se status and ensure due process;
- vii. Such other and further relief as this Court deems just and proper to remedy the harm inflicted and uphold judicial fairness.

### **EXHIBIT LIST**

Exhibit A: Complaint (October 11, 2019)

Exhibit B: Order of Reference (October 17, 2019)

Exhibit C: Demand for Jury Trial (October 22, 2019)

Exhibit D: Motion for Case to Be Heard by Jury (November 18, 2019)

Exhibit E: Motion to Vacate Order of Reference (November 20, 2019)

Exhibit F: Motion for Mediation (November 20, 2019)

Exhibit G: Notice of Hearing (March 9, 2020)

Exhibit H: SCSC Administrative Order (March 11, 2020)

Exhibit I: Motion for Relief from Order of Reference (March 16, 2020)

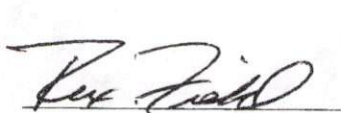
Exhibit J: Notice of Hearing (September 3, 2020)

Exhibit K: Motion for Continuance (September 11, 2020)  
Exhibit L: Form-4 Order to Vacate Order of Reference (September 29, 2020)  
Exhibit M: Form-4 Order – Judge Bentley Price (April 20, 2021)  
Exhibit N: Motion to Amend (April 29, 2021)  
Exhibit O: Second Amended Answer, Counterclaims, and Third-Party Complaint (April 29, 2021)  
Exhibit P: Demand for Jury Trial (May 11, 2021)  
Exhibit Q: Order – Judge Robert Bonds (August 26, 2021)  
Exhibit R: Transcript – Judge Dukes Conference Call (March 7, 2025)  
Exhibit S: Proposed Order (March 10, 2025)  
Exhibit T: Motion to Recuse (March 14, 2025)  
Exhibit U: Motion to Stay Proceedings (March 17, 2025)  
Exhibit V: Motion to Compel Hearing (March 24, 2025)  
Exhibit W: Motion for Continuance (March 27, 2025)

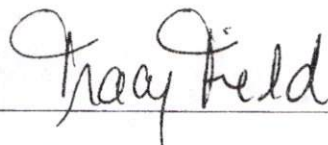
## VII. CERTIFICATION

Defendants certify that this motion is filed in good faith, supported by exhibits incorporated by reference, the record, and the following filings: Motion to Recuse (Exhibit T), Motion to Stay (Exhibit U), Motion to Compel (Exhibit V), Motion for Continuance (Exhibit W), and all exhibits (A through S) attached to the Motion to Recuse filed on March 14, 2025.

Respectfully submitted this 20th day of May, 2025,



Rex A. Field  
PO Box 975  
St Helena, SC 29920



Tracy L. Field  
(same)

# IN-PERSON HEARING REQUESTED

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF BEAUFORT ) 14TH JUDICIAL CIRCUIT

CASE NO.: 2019-CP-07-02279

2025 MAY 20 9:38

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

**MOTION AND ORDER INFORMATION**

Plaintiff, )

**FORM AND COVERSHEET**

vs. )

Rex A. Field and Tracy L. Field )

Defendant. )

Plaintiff's Attorney:  
G. Benjamin Miliam, Bar No. 80311  
Address:  
214 N. Tryon Street, #3700  
Charlotte, NC 28202  
Phone: 704-338-6049 Fax \_\_\_\_\_  
E-mail: [bmiliam@bradley.com](mailto:bmiliam@bradley.com) Other: \_\_\_\_\_

Defendant's Attorney:  
Rex A. Field & Tracy L. Field, Bar No. pro se  
Address:  
PO Box 975  
St. Helena Island, SC 29920  
Phone: 803-609-0410 Fax \_\_\_\_\_  
E-mail: [cyberport@protonmail.com](mailto:cyberport@protonmail.com) Other: \_\_\_\_\_

- MOTION HEARING REQUESTED** (attach written motion and complete **SECTIONS I and III**)  
 **FORM MOTION, NO HEARING REQUESTED** (complete **SECTIONS II and III**)  
 **PROPOSED ORDER/CONSENT ORDER** (complete **SECTIONS II and III**)

### SECTION I: Hearing Information

Nature of Motion: MOTION FOR RECONSIDERATION OF MOTION TO RECUSE THE HONORABLE  
MARVIN H. DUKES, III

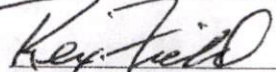
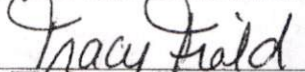
Estimated Time Needed: 30

Court Reporter Needed:  YES /  NO

### SECTION II: Motion/Order Type

- Written motion attached  
 Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

   
Signature of Attorney for  Plaintiff /  Defendant

MAY 20, 2025  
Date submitted

### SECTION III: Motion Fee

- PAID - AMOUNT: \$ \_\_\_\_\_  
 EXEMPT: (check reason)  Rule to Show Cause in Child or Spousal Support  
 Domestic Abuse or Abuse and Neglect  
 Indigent Status  State Agency v. Indigent Party  
 Sexually Violent Predator Act  Post-Conviction Relief  
 Motion for Stay in Bankruptcy  
 Motion for Publication  Motion for Execution (Rule 69, SCRPC)  
 Proposed order submitted at request of the court; or,  
reduced to writing from motion made in open court per judge's instructions  
Name of Court Reporter: \_\_\_\_\_  
 Other: \_\_\_\_\_

### JUDGE'S SECTION

- Motion Fee to be paid upon filing of the attached  
order.  
 Other: \_\_\_\_\_

JUDGE CODE \_\_\_\_\_

Date: \_\_\_\_\_

# **EXHIBIT D**

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS

C/A 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

**MEMORANDUM OF LAW IN SUPPORT OF  
MOTION FOR RECONSIDERATION OF  
ORDER DENYING RECUSAL OF THE  
HONORABLE MARVIN H. DUKES, III;**

vs.

**PRIORITY MATTER**

**(IN-PERSON HEARING REQUESTED)**

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

*The Honorable Marvin H. Dukes, III*

vs.

Federal National Mortgage Association (Fannie Mae), Wilmington Savings Fund Society, FSB  
(in its individual capacity), Christiana Trust Company of Delaware, DLJ Mortgage Capital, Inc.,  
and Unknown Defendants 1-10.

Third-Party Defendants

---

**MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR RECONSIDERATION OF  
THE ORDER DENYING MOTION TO RECUSE THE HONORABLE MARVIN H.  
DUKES, III DATED MAY 7, 2025**

**I. INTRODUCTION**

Defendants Rex A. Field and Tracy L. Field (“Defendants”), pro se, submit this Memorandum of Law in support of their Motion for Reconsideration of the Form-4 Order dated May 7, 2025, denying their “Motion to Recuse the Honorable Marvin H. Dukes, III” filed on March 14, 2025. The denial, issued without a hearing, explanation, or opportunity for Defendants to present briefs or oral arguments, constitutes a gross violation of due process under the South Carolina

Constitution (Art. I, §§ 3, 14) and the United States Constitution (Amendments VII, XIV). It perpetuates extreme bias by Judge Dukes, violates the South Carolina Code of Judicial Conduct, and denies Defendants an impartial tribunal, tainting the judicial process in this case, which has been pending for over five years. Defendants seek reconsideration under SCRCR Rules 59(e) and 60(b), recusal of Judge Dukes, reassignment to an impartial judge, and restoration of their jury trial rights.

## II. STATEMENT OF FACTS

- i. **Prior Citimortgage Case (2012-2014):** From January 23, 2012, to September 24, 2014, Judge Marvin H. Dukes, III presided over Citimortgage v. Rex A. Field and Tracy L. Field (Case No. 2012-CP-07-00244) as Special Circuit Court Judge and Master-in-Equity, gaining extrajudicial knowledge of Defendants' financial data and mortgage disputes, settled via a fraudulent modification without trial (Exhibit T, § III.1);
- ii. **Current Case Initiation (2019):** Plaintiff filed this foreclosure action on October 11, 2019 (Exhibit A). On October 17, 2019, the Clerk issued a void Order of Reference to Judge Dukes as Master-in-Equity (Exhibit B), violating SCRCR Rule 53(b) absent Defendants' consent. Defendants filed a jury demand on October 22, 2019 (Exhibit C);
- iii. **Master-in-Equity Role (2019-2020):** Judge Dukes scheduled foreclosure hearings despite the void referral (Exhibits G, J) and delayed Defendants' Motion to Vacate for eleven months (Exhibit E), vacating the referral on September 29, 2020 (Exhibit L);
- iv. **Second Amended Pleading (2021):** On August 26, 2021, Judge Bonds granted Defendants' Second Amended Answer, Counterclaims, and Third-Party Complaint (Exhibit O), adding eleven compulsory legal counterclaims (e.g., Breach of Contract, FCRA) (Exhibit Q). The order denied Plaintiff's Motion for Summary Judgment and

Motion to Dismiss Counterclaims, finding no res judicata or collateral estoppel, and revived Defendants' jury trial right (Exhibit Q);

- v. **Circuit Court Role (2024-2025):** Appointed Circuit Court Judge in July 2024, Judge Dukes heard motions on January 21, 2025. On March 7, 2025, he verbally struck Defendants' jury demand and referred the case to Master Wegman, stating: "I partly remembered my part in this which was literally years ago," "we changed everything" (sarcasm), and "I got to go with the Plaintiff here" (Exhibit R), demonstrating bias. Plaintiff's Proposed Order formalized these rulings (Exhibit S);
- vi. **Motion to Recuse and Procedural Violations:** On March 14, 2025, Defendants filed a Motion to Recuse (Exhibit T), paying a \$25.00 fee and requesting a hearing. The Clerk failed to schedule it. Defendants filed a Motion to Stay (March 17, 2025, Exhibit U), Motion to Compel Hearing (March 24, 2025, Exhibit V), and Motion for Continuance (March 27, 2025, Exhibit W), all with fees and hearing requests, none of which were scheduled or ruled upon. The Motion for Continuance was marked "resolved" on April 2, 2025, without action;
- vii. **Form-4 Order (May 7, 2025):** Judge Dukes denied the Motion to Recuse via a Form-4 Order, falsely implying a hearing was held and oral arguments were made (Exhibit X). No hearing occurred, and no explanation was provided. He also overruled Judge Bonds' 2021 Order, struck the jury demand, and referred the case to Master Wegman, violating SCRCR Rule 53(b).

### III. LEGAL STANDARD

- i. SCRCR Rule 59(e): A motion to alter or amend a judgment corrects errors of law, addresses new evidence, or prevents manifest injustice (*Elam v. S.C. Dep't of Transp.*,

361 S.C. 9, 602 S.E.2d 772 (2004)). The Form-4 Order's denial without a hearing or explanation is a legal error causing injustice.

- ii. **SCRCP Rule 60(b):** Relief from a judgment is warranted for mistake, fraud, or voidness due to procedural violations (*BB&T v. Taylor*, 369 S.C. 653, 633 S.E.2d 501 (2006)). The Form-4 Order's false assertion of a hearing renders it voidable;
- iii. **Due Process:** The South Carolina Constitution (Art. I, § 3) and U.S. Constitution (Amend. XIV) guarantee a meaningful opportunity to be heard before an impartial tribunal (*Mathews v. Eldridge*, 424 U.S. 319 (1976); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009)).
- iv. **Judicial Canons (Rule 501, SCACR):**
  - v. **Canon 2:** Avoids impropriety and its appearance.
  - vi. **Canon 3(B)(5):** Prohibits bias or prejudice.
  - vii. **Canon 3(E)(1):** Requires recusal where impartiality is reasonably questioned (*Davis v. Parkview Apartments*, 409 S.C. 266, 762 S.E.2d 535 (2014)).
  - viii. **Recusal Standard:** Recusal is mandatory if a reasonable person would doubt impartiality (*Davis*, 409 S.C. at 281, 762 S.E.2d at 543).

#### IV. ARGUMENT

- i. The Form-4 Order Violates Due Process by Denying Defendants a Hearing  
The Clerk's failure to schedule a hearing on the Motion to Recuse, despite Defendants' \$25.00 fee and hearing request, and Judge Dukes' issuance of a Form-4 Order falsely claiming a hearing occurred, denied Defendants a meaningful opportunity to be heard, violating due process;

- ii. **No Hearing Scheduled:** Defendants paid the filing fee and requested a hearing on March 14, 2025 (Exhibit T). The Clerk's inaction, despite assurances of scheduling (Exhibits C, D), prevented Defendants from filing briefs or arguing in court, violating SCRCP Rule 7(b) and due process (Mathews v. Eldridge, 424 U.S. at 333; S.C. Const. Art. I, § 3; U.S. Const. Amend. XIV);
- iii. **False Form-4 Order:** The Form-4 Order's assertion that a hearing was held is factually incorrect (Exhibit X). This misrepresentation creates a false record, rendering the order voidable under SCRCP Rule 60(b) (BB&T v. Taylor, 369 S.C. at 658, 633 S.E.2d at 504);  
**Unresolved Motions:** Judge Dukes ignored the Motion to Stay (Exhibit U) and Motion to Compel (Exhibit V), leaving threshold issues unresolved, further denying due process (Christy v. Christy, 317 S.C. at 149, 452 S.E.2d at 3);
- iv. **Motion for Continuance:** The Clerk's erroneous marking of the Motion for Continuance as "resolved" without action (Exhibit W) deprived Defendants of an in-person hearing, critical for pro se litigants (Herron v. Century BMW, 395 S.C. 461, 719 S.E.2d 640 (2012));
- v. **Constitutional Violation:** These procedural denials violate Defendants' right to an impartial tribunal and fair hearing, mandating reconsideration (Caperton, 556 U.S. at 884; S.C. Const. Art. I, § 3; U.S. Const. Amend. XIV).

## V. Judge Dukes' Extreme Bias Violates Judicial Canons

- i. Judge Dukes' actions, including his extrajudicial knowledge, biased rulings, and pattern of favoring Plaintiff, violate the South Carolina Code of Judicial Conduct, necessitating recusal.

- ii. **Canon 3(E)(1)(a) – Extrajudicial Knowledge:** Judge Dukes’ role in Citimortgage (2012-2014) provided personal knowledge of disputed facts, confirmed by his March 7, 2025, statement: “I partly remembered my part in this” (Exhibit R). This violates Canon 3(E)(1)(a) (*Liteky v. United States*, 510 U.S. at 551; *Davis*, 409 S.C. at 281, 762 S.E.2d at 543);
- iii. **Canon 3(B)(5) – Bias and Prejudice:** His March 7, 2025, comments, “I got to go with the Plaintiff here” and “we changed everything” (sarcasm), and his May 7, 2025, rulings overruling Judge Bonds’ order, demonstrate extreme bias (*Cheeks v. State*, 401 S.C. at 328, 737 S.E.2d at 483);
- iv. **Canon 2 – Appearance of Impropriety:** Judge Dukes’ dual roles (Master-in-Equity 2019-2020, Circuit Judge 2024-2025), prior knowledge, and favoritism create an objective appearance of impropriety (*Davis*, 409 S.C. at 281, 762 S.E.2d at 543);
- v. **Pattern of Bias:** Judge Dukes’ actions—delaying motions, scheduling void hearings, striking jury demands, and referring the case despite SCRCP Rule 53(b)—show consistent bias, tainting the process (*Caperton*, 556 U.S. at 884);
- vi. Procedural Violations Cause Irreparable Harm;
- vii. Judge Dukes’ rulings on May 7, 2025, violate SCRCP and constitutional protections, causing irreparable harm;
- viii. **Improper Referral:** Referring the case to Master Wegman without consent for legal counterclaims violates SCRCP Rule 53(b) (*Wachovia Bank v. Blackburn*, 407 S.C. at 333, 755 S.E.2d at 443; *South Carolina Community Bank v. Salon*, 2017 WL 1653780);

- ix. **Jury Trial Denial:** Striking Defendants' jury demand violates SCRPC Rule 38(b) and constitutional rights (S.C. Const. Art. I, § 14; U.S. Const. Amend. VII), constituting irreparable harm (*Lester v. Dawson*, 327 S.C. at 267, 491 S.E.2d at 242);
- x. **Overruling Judge Bonds:** Reversing Judge Bonds' 2021 Order without justification disregards the compulsory nature of Defendants' counterclaims (*Hucks*, 305 S.C. at 300, 408 S.E.2d at 224);
- xi. **Discovery Cutoff:** The referral halts ongoing discovery, prejudicing Defendants' defense (*Lester*, 327 S.C. at 267, 491 S.E.2d at 242; SCRPC Rule 26(b)).

## VI. **Reconsideration Is Warranted Under SCRPC Rules 59(e) and 60(b)**

- i. **Rule 59(e):** The Form-4 Order's denial without a hearing or explanation is a legal error causing manifest injustice, as it perpetuates bias and denies due process (*Elam*, 361 S.C. at 24, 602 S.E.2d at 780);
- ii. **Rule 60(b):** The order's false assertion of a hearing and procedural violations render it voidable due to mistake or fraud (*BB&T v. Taylor*, 369 S.C. at 658, 633 S.E.2d at 504);
- iii. **Remedy:** Reconsideration, recusal, and reassignment to an impartial judge are necessary to restore Defendants' rights (*Christy v. Christy*, 317 S.C. at 150, 452 S.E.2d at 4).

## VII. **CONCLUSION**

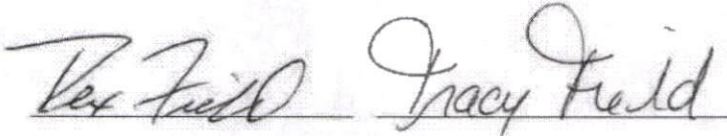
The Form-4 Order denying Defendants' Motion to Recuse without a hearing, explanation, or opportunity to argue violates due process under the South Carolina Constitution (Art. I, §§ 3, 14) and U.S. Constitution (Amendments VII, XIV). Judge Dukes' extreme bias, evidenced by his extrajudicial knowledge, biased rulings, and violations of Judicial Canons, taints the judicial process, denying Defendants an impartial tribunal. His improper referral to Master Wegman and

jury trial denial cause irreparable harm, necessitating reconsideration under SCRCP Rules 59(e) and 60(b). Defendants respectfully request vacatur of the Form-4 Order, recusal of Judge Dukes, reassignment to an impartial judge, restoration of jury trial rights, and preservation of discovery.

**IV. CERTIFICATION**

Defendants certify that this memorandum is filed in good faith, supported by exhibits incorporated by reference, the record, and the following filings: Motion to Recuse (Exhibit T), Motion to Stay (Exhibit U), Motion to Compel (Exhibit V), Motion for Continuance (Exhibit W), and all exhibits (A through S) attached to the Motion to Recuse filed on March 14, 2025.

Respectfully submitted this 20th day of May, 2025,

The image shows two handwritten signatures in cursive. The signature on the left is 'Rex Field' and the signature on the right is 'Tracy Field'. Each signature is written over a horizontal line.

Rex A. Field  
PO Box 975  
St Helena, SC 29920

Tracy L Field  
(same)

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

RECEIVED  
JAN 12 2026  
SC Court of Appeals

Appellate Case No. 2025-001142

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

v.

Rex A. Field and Tracy L. Field, Appellants

v.

Federal National Mortgage Association (Fannie Mae), Wilmington Savings Fund  
Society, FSB (in its individual capacity), Christiana Trust Company of Delaware,  
DLJ Mortgage Capital, Inc., and Unknown Defendants 1-10, Third Party Defendants  
of which Federal National Mortgage Association (Fannie Mae), Wilmington  
Savings Fund Society, FSB (in its individual capacity), Christiana Trust Company of  
Delaware, and DLJ Mortgage Capital, Inc., .....are Respondents.

**PROOF OF SERVICE**

We certify that we have served “APPELLANTS’ MOTION TO REMAND TO THE  
CIRCUIT COURT FOR SETTLEMENT OF THE RECORD, RECONSTRUCTION OF  
TRANSCRIPT OR NEW HEARINGS, AND RULING ON PENDING MOTION FOR  
RECONSIDERATION OF DENIAL OF RECUSAL” on Respondents by depositing a  
copy of it in the United States Mail, postage pre-paid, on January 7, 2026 addressed to the  
following attorneys of record listed below:

This day, January 7, 2026

  
Rex A. Field

COUNSEL OF RECORD FOR RESPONDENT/PLAINTIFF:

**BELL CARRINGTON & PRICE. LLC**

Mr. J. Martin Page  
339 Heyward Street, 2nd Floor  
Columbia, SC 29201

CO-COUNSEL OF RECORD FOR RESPONDENTS / PLAINTIFF AND COUNSEL FOR  
THIRD-PARTY DEFENDANTS FANNIE MAE; WILMINGTON SAVINGS FUND SOCIETY,  
FSB, IN ITS INDIVIDUAL CAPACITY; CHRISTIANA TRUST; AND DLJ MORTGAGE  
CAPITAL, INC.

**BRADLEY ARANT BOULT CUMMINGS LLP**

Mr. G. Benjamin Milam  
Mr. Jonathan Edward Schulz  
214 North Tryon Street, Suite 3700  
Charlotte, NC 28202

To: Ms. Katherine Harrison, Deputy Clerk  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

**RECEIVED**

JAN 12 2026

SC Court of Appeals

**Appellate Case No. 2025-001142**

**RE: APPELLANTS' MOTION TO REMAND TO THE CIRCUIT COURT FOR SETTLEMENT OF THE RECORD, RECONSTRUCTION OF TRANSCRIPT OR NEW HEARINGS, AND RULING ON PENDING MOTION FOR RECONSIDERATION OF DENIAL OF RECUSAL**

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

Rex A. Field and Tracy L. Field, Appellants

v.

Federal National Mortgage Association (Fannie Mae), Wilmington Savings Fund Society, FSB (in its individual capacity), Christiana Trust Company of Delaware, DLJ Mortgage Capital, Inc., and Unknown Defendants 1-10, Third Party Defendants of which Federal National Mortgage Association (Fannie Mae), Wilmington Savings Fund Society, FSB (in its individual capacity), Christiana Trust Company of Delaware, and DLJ Mortgage Capital, Inc., are Respondents.

Dear Ms. Harrison,

Please see attached for filing a "APPELLANTS' MOTION TO REMAND TO THE CIRCUIT COURT FOR SETTLEMENT OF THE RECORD, RECONSTRUCTION OF TRANSCRIPT OR NEW HEARINGS, AND RULING ON PENDING MOTION FOR RECONSIDERATION OF DENIAL OF RECUSAL". Kindly file these documents.

Enclosed is a check for the \$50.00 filing fee.

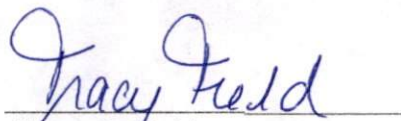
We are by copy of this letter serving the same on attorneys for Respondents.

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

Best regards,



Rex A. Field  
PO Box 975  
St. Helena, SC 29920



Tracy L. Field  
(same)

PO Box 975  
St. Helena, SC 29920

RECEIVED

JAN 12 2026

SC Court of Appeals

South Carolina Court of Appeals  
Ms. Katherine Harrison, Deputy Clerk  
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Columbia, SC 29211

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