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Jan 12 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM KERSHAW COUNTY

The Honorable William B. Cox, Master-In-Equity
Civil Action 2025-CP-28-00383

Appellate Case No.: 2025-002267

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 BBPLCP,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,

RESPONDENT'S MOTION TO DISMISS APPEAL

This appeal concerns a foreclosure action on a home equity conversion mortgage made by Alma T. Bowen and Calvin T. Bowen on August 21, 2012. Alma T. Bowen died intestate on September 12, 2019, leaving the subject property to Calvin T. Bowen, Sr. pursuant to a right of survivorship. Thereafter, Calvin T. Bowen, Sr. a/k/a Calvin Theodore Bowen, Sr., died intestate

on November 19, 2021. The foreclosure action was filed on April 21, 2025, naming the two known heirs as Defendants along with any other heirs and unknown persons with any right, title or interest in the property at issue. With the exception of the Guardian Ad Litem for Unknown Defendants in the military service and Unknown Defendants who are minors or under legal disability, all Defendants were in default for failure to answer the Complaint or otherwise appear. After a hearing held on October 8, 2025, an Order of Foreclosure was entered on October 10, 2025 with a sale scheduled in November 2025.

On October 30, 2025, Appellant, appearing for the first time, filed an Emergency Motion to Stay and Vacate the Order of Foreclosure. The Master-In-Equity denied the Motion in an Order (“Order”) entered on November 5, 2025 and noticed the sale for January 5, 2026. On November 10, 2025, Appellant appealed the Master-In-Equity’s Order. Under Rule 241(b)(4), SCACR, Appellant’s notice of appeal did not automatically stay the order on appeal. Rather, to obtain a stay, Appellant was required to execute a written undertaking with two sureties pursuant to S.C. Code Ann. §18-9-170. Appellant did not seek such an undertaking. The property at issue was sold on January 5, 2026. See Proposed Order on Sale and Disbursements and Notice of Electronic Filing (filed January 9, 2026), attached as Exhibit A.

ARGUMENT

“A case becomes moot when judgment, if rendered, will have no practical legal effect upon an existing controversy.” Jones v. Dillon-Marion Hum. Res. Dev. Comm'n, 277 S.C. 533, 536, 291 S.E.2d 195, 196 (1982). “This is true when some event occurs making it impossible for reviewing Court to grant effectual relief.” Id. Here, the property at issue has been sold pursuant to an Order of Foreclosure and Sale. Thus, resolution of Appellant’s appeal would have no “practical legal effect.” Appellant’s appeal is moot and should be dismissed.

“Two exceptions in which the court may address an issue despite mootness are 1) when the issue raised is capable of repetition, yet evading review, and 2) when the question considers matters of important public interest.” Sloan v. Friends of Hunley, Inc., 369 S.C. 20, 26–27, 630 S.E.2d 474, 478 (2006). The issue raised in this appeal is not capable of repetition because the sale of the property has extinguished the mortgage, and even if the issue could be repeated, it does not evade review if an appellant obtains a stay under S.C. Code Ann. § 19-9-170. See Croft as Tr. of James A. Croft Tr. v. Town of Summerville, 433 S.C. 473, 481, 860 S.E.2d 352, 356 (2021) (“Here, Petitioners' appeal became moot because the Developer decided to abandon the Project, not because Petitioners had insufficient time to challenge the Board's approval before the controversy ended.”). And there is nothing raised in this appeal that presents “a question of imperative and manifest urgency requiring the establishment of a rule for future guidance in ‘matters of important public interest.’” Sloan v. Friends of Hunley, Inc., 369 S.C. 20, 27, 630 S.E.2d 474, 478 (2006). Foreclosure is a remedy for a creditor to recover on a private individual’s unpaid debt. There is no urgent matter of public policy or public interest in the satisfaction of private debt. Neither of these exceptions to mootness applies in this case.

Even if this appeal met an exception to mootness, Appellant lacks standing to bring this appeal. “Only a person aggrieved by a ruling may appeal.” Burns v. Gardner, 328 S.C. 608, 617, 493 S.E.2d 356, 361 (Ct. App. 1997). “A person is aggrieved by the judgment or decree when it operates on his rights of property or bears directly upon his interest, the word aggrieved referring to a substantial grievance, a denial of some personal or property right or the imposition on a party of a burden or obligation.” Id. Appellant claims she is “an interested relative and family descendant of the deceased borrowers.” See Motion to Stay and Vacate (filed Oct. 30, 2025). However, to be an aggrieved person, Appellant must show that the Order operated to substantially impair or

extinguish a right or interest that she has in the property at issue. A relative or family descendant of the Borrowers may not have any right or legal interest in the subject property, especially where, as is the case here, Calvin T. Bowen, Sr. died intestate and is survived by his children. See Order of Foreclosure, ¶¶ 10-11 (filed Oct. 10, 2025). Under S.C. Code Ann. § 62-2-103, the subject property passes to the surviving children of Calvin T. Bowen, Sr..

CONCLUSION

For the reasons set forth above, Respondent respectfully prays for an Order dismissing Appellant's Appeal.

s/Lowndes Pope

Lowndes Pope, S.C. Bar # 66507

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Columbia, SC
January 12, 2026

EXHIBIT A

STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

GITSIT Solutions, LLC, not in its individual capacity but solely in its capacity as separate Trustee of GITSIT Mortgage Loan Trust BBPLCP1,

Plaintiff,

vs.

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,

Defendant(s).

(File No. 4051.00325)

IN THE COURT OF COMMON PLEAS

C/A NO.: 2025-CP-28-00383

**ORDER ON SALE AND
DISBURSEMENTS**

Foreclosure of Real Estate Mortgage
(Deficiency Waived)

UNDER AUTHORITY of a Judgment of Foreclosure herein entered on October 10, 2025, I offered for sale to the highest bidder for cash, at public auction, the premises subject to this suit, and thereafter received at the final sale conducted on January 5, 2026, at 12:00 p.m. at the County Courthouse in Camden, South Carolina, a high bid of \$100,000.00 from GITSIT Solutions, LLC, not in its individual capacity but solely in its capacity as separate Trustee of GITSIT Mortgage Loan Trust BBPLCP1. Thereafter, GITSIT Solutions, LLC, not in its individual capacity but solely in its capacity as separate Trustee of GITSIT Mortgage Loan Trust BBPLCP1 assigned its bid to GITSIT Real Property BBPLC1, LLC. I executed and delivered a Foreclosure Deed to GITSIT Real Property BBPLC1, LLC, and disbursed the funds as follows:

RECEIPTS

Reference deposit paid by Plaintiff

\$350.00

Commission	<u>\$1,000.00</u>
Total	\$1,350.00

DISBURSEMENTS

Reference Fee	\$325.00
Commission	\$1,000.00
Court Deed	<u>\$25.00</u>
Total	\$1,350.00

ALL of the funds having been disbursed, I hereby ORDER the file closed and the case ended,

And it is so ordered.

SIGNATURE PAGE TO FOLLOW



***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2025CP2800383

Official File Stamp: 01-09-2026 01:08:02 PM
Court: CIRCUIT COURT
Common Pleas
Kershaw
Case Caption: Gitsit Solutions Llc , plaintiff, et al VS Calvin Theodore Bowen Jr , defendant, et al
Document(s) Submitted: Proposed Master/Order On Sale Of Real Estate
Master/Assignment of Bid
Filed by or on behalf of: Heidi B. Carey

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Jamie Anna Weller for Gitsit Solutions Llc, Mortgage Loan Trust Bbplcp1
Kelley Yarborough Woody for Richard Roe, John Doe
T Lowndes Pope for Gitsit Solutions Llc, Mortgage Loan Trust Bbplcp1
Heidi B. Carey for Gitsit Solutions Llc

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

T Lowndes Pope for Gitsit Solutions Llc, Mortgage Loan Trust Bbplcp1
Calvin Theodore Bowen
Calvin Theodore Bowen Pr
Safe Federal Credit Union
Kershaw County Ems
Calvin T Bowen Estate Of, Sr
Ronald J Bowen
Ascension Point Recovery Services Llc
Bank Of America Na
Calvin Theodore Bowen, Jr
Laura Bowen

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CERTIFICATE OF SERVICE

This is to certify that I, T. Lowndes Pope, attorney, with the law firm of Riley Pope & Laney, LLC, have this day caused to be served upon the person named below the attached **RESPONDENT’S MOTION TO DISMISS APPEAL** in the above-captioned matter via first class postage prepaid and electronic mail to the following:

Laura Bowen, Pro Se
1262 Wood Duck Road
Camden, SC 29020
Bowenlab78@gmail.com

s/T. Lowndes Pope

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Columbia, SC
January 12, 2026