

IN THE SUPREME COURT OF SOUTH CAROLINA

PETITION FOR WRIT OF CERTIORARI FROM THE
SOUTH CAROLINA COURT OF APPEALS

PennyMac Loan Services, LLC, Respondent,

v.

Judith-Ann Kelly ©™ as Co-Trustee of Judith Ann Kelly Family Trust,
Appellant.

Supreme Court Filing: _____

Court of Appeals Case No. 2025-002221

Lower Court Case No. 2023-CP-32-02327

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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

PennyMac Loan Services, LLC, Respondent,

v.

Judith A. Kelly; Judith-Ann Kelly as co-trustee of the Judith Ann Kelly Family Trust,

and individually as borrower/obligor,

Ann Cornell as co-trustee of the Judith Ann Kelly Family Trust;

and South Brook Community Association, Inc., Defendants.

Of which Judith-Ann Kelly, individually and as co-trustee of Judith Ann Kelly Family Trust, is
Appellant-Petitioner.

Court of Appeals Case No. **2025-002221**

Lower Court Case No. **2023-CP-32-02327**

PETITION FOR WRIT OF CERTIORARI

Pursuant to Rule 242, SCACR (preserving review following Petition for Rehearing under
Rules 219 & 221)

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- Attachment-1 Final Judgement Order from Appeals Court Judges January 16, 2026
- Attachment-2 Order of the Court of Appeals dated December 3, 2025
- Attachment-3 Order of the Court of Appeals dated December 9, 2025
- Attachment-4 Letter from the Clerk of the Court of Appeals December 22, 2025
- Attachment-5 Letter from the Clerk of the Court of Appeals January 2, 2026
- Attachment-6 Order of the Court of Appeals dated January 6, 2026

The Court of Appeals has now entered a final order denying rehearing and reinstatement, rendering this matter ripe for certiorari review.

Petitioner Judith-Ann Kelly ©™ respectfully petitions this Court to issue a Writ of Certiorari to review the December 3, 2025 and December 9, 2025 orders of the South Carolina Court of Appeals, which denied appellate relief without addressing the unresolved jurisdictional defect created by an Order of Reference signed only by a Deputy Clerk in violation of Rule 53(b), SCRCPP ('Reference').

Review is warranted because the panel decision conflicts with controlling South Carolina authority, raises issues of exceptional statewide importance, and leaves jurisdiction unresolved at the trial level, rendering all subsequent proceedings void.

I. QUESTIONS PRESENTED FOR REVIEW

1. Whether proceedings conducted after an Order of Reference signed only by a Deputy Clerk — not a Judge — were void under Rule 53(b), SCRCPP, depriving the referee and lower court of subject-matter jurisdiction.
2. Whether the Court of Appeals misapplied trust-representation precedent by treating Petitioner as a non-lawyer representing a separate entity, although she is the named borrower/obligor personally liable on the note and therefore appearing pro se for herself.
3. Whether jurisdiction must be decided before representation or standing, and whether the panel overlooked this foundational rule.

4. Whether the Court of Appeals failed to address material filings, pending motions, a written motion for medical continuance pursuant to Rule 40(i), SCRCP, supported by ongoing chemotherapy treatment, transcript record, and note/allonge/chain-of-title challenges, contrary to Rule 220(c), SCACR.
5. Whether foreclosure may continue when endorsement chain, custodial vault, and agency transfer under securitization remain unproven, affecting statewide foreclosure practice.
6. Whether this case presents issues of exceptional importance requiring clarity regarding clerk-signed reference orders, jurisdiction, transcript handling, and due-process rights of pro se litigants.

II. JURISDICTION

Jurisdiction is proper under Rule 242(a), SCACR, as this petition seeks review of final orders of the Court of Appeals entered December 3 & 9, 2025.

Petitioner timely filed a Petition for Rehearing with Suggestion for Rehearing En Banc under Rules 219 & 221.

This Petition is timely filed following final disposition by the Court of Appeals and before issuance of remittitur.

III. PROCEDURAL HISTORY (Condensed)

- 2023-CP-32-02327 filed in Lexington Court of Common Pleas.
- Order of Reference signed only by Deputy Clerk, not a judge (jurisdictional defect).
- Petitioner filed multiple motions raising jurisdiction, chain-of-title,

RESPA/TILA/QWR, and discovery issues — never ruled on.

- Petitioner undergoing active chemotherapy filed continuance under Rule 40(i); the case proceeded regardless.
- Despite notice of medical incapacity, Special Referee conducted hearing & judgment entered.
- Transcript filed by opposing counsel; Petitioner transmitted certified copy to COA.
- Court of Appeals issued orders Dec. 3 & Dec. 9, 2025 denying relief, citing trust representation but not addressing jurisdiction.
- Petitioner timely filed Petition for Rehearing with Suggestion for Rehearing En Banc (Rules 219/221).
- This petition follows to preserve review and prevent remittitur.

IV. GROUNDS FOR CERTIORARI

A. Subject-Matter Jurisdiction Was Never Conferred Under Rule 53(b)

A referee may act only by judicial order, not by clerk signature.

A court cannot acquire power from a void delegation; orders entered without jurisdiction are void ab initio. Jurisdiction cannot be implied, waived, or retroactively cured.

Authority supporting jurisdiction priority:

- *Ex parte Strom*, 343 S.C. 257 (2001) — *Courts lack power to act absent jurisdiction; orders entered without jurisdiction are void. A void delegation cannot confer power.*
- *Lake v. Reeder*, 298 S.C. 195 (1989) — *Jurisdiction is a threshold issue and must be resolved before merits;*
- *State v. Gentry*, 363 S.C. 93 (2005) — *Subject-matter jurisdiction cannot be waived and*

may be raised at any time.

B. The Court of Appeals Resolved Representation Without First Resolving Jurisdiction

Standing cannot be evaluated unless jurisdiction exists.

The order below assumes a lawful reference — the dispositive issue on appeal.

C. Trust-representation law was misapplied

Petitioner is herself the borrower; she defends her own liability, not acting as counsel for others.

Cases distinguishing personal appearance vs. representation of others:

- *Welling v. Crosland*, 266 S.C. 234 (1976) — *Representation prohibition applies when a party seeks to represent others, not themselves.*
- *Ex parte Moore*, 367 S.C. 121 (2006) — *A non-attorney may not represent a separate legal entity but may appear on their own behalf.*
- *Moore v. Moore*, 376 S.C. 467 (2008) — *Trusts cannot appear pro se as separate entities; distinction highlights Petitioner's personal standing as borrower/obligor.*

In each, standing was personal or jurisdiction resolved first. These cases bar non-lawyers from representing *others*, not from defending themselves where they are personally named and personally liable, as here.

Petitioner is the borrower, the subject of judgment, and not merely an agent of a trust entity.

D. Matter of Exceptional Statewide Importance

This case directly impacts:

- Foreclosure jurisdiction requirements
- Validity of clerical vs. judicial authority in foreclosure
- Transcript handling and appellate procedure for pro se litigants
- Due process when litigant is medically unable to appear
- Chain-of-title authenticity, custody, note enforcement

Review is needed to maintain uniformity. Statewide clarity is required.

V. RELIEF REQUESTED

Petitioner respectfully prays that this Court:

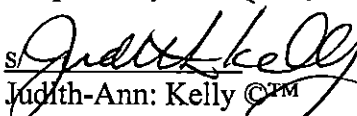
1. Grant this Petition for Writ of Certiorari;
2. Reverse or vacate the Court of Appeals' December 3 & 9 orders;
3. Remand for determination of subject-matter jurisdiction prior to any consideration of representation or merits;
4. Alternatively, remand for full briefing and argument;
5. Grant any additional relief deemed just.

Petitioner further requests that this Court retain jurisdiction to ensure proper resolution of the jurisdictional defect identified herein.

For the reasons stated, petitioner asks the Court to grant the petition for a writ of certiorari.

January 19, 2026

Respectfully Submitted,


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