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SC Court of Appeals

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

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.

APPELLANTS' REPLY TO RESPONDENTS' RETURN IN OPPOSITION TO 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

Appellants Rex A. Field and Tracy L. Field, pro se, respectfully reply to Respondents' Return in Opposition. Respondents' arguments are meritless, misstate the law, and ignore controlling precedent that mandates remand when a defective record, caused entirely by the State's failed Online Wireless Link "OWL" system, denies Appellants due process and meaningful appellate review. Respondents' attempt to portray this standard relief as "extraordinary" is baseless and must be rejected. Pursuant to South Carolina Appellate Court Rule 203, Appellants appeal from the orders of the Honorable Marvin H. Dukes, III filed on May 7, 2025. Copies of these orders

have been submitted to the Court of Appeals via Notice of Appeal. Appellants received written notice of these orders on May 12, 2025. The Notice of Appeal was received by this Court on June 9, 2025. The defective transcripts stem from the hearing held on January 21, 2025, before the Honorable Marvin H. Dukes, III, in the Court of Common Pleas for Beaufort County, where oral arguments were presented on multiple motions, including Plaintiff and Third-Party Defendants' Renewed Motion to Strike Jury Demand and Request for Order of Reference to Master in Equity (filed May 20, 2024), Defendants' Motion to Dismiss Plaintiff's Complaint and/or for Judgment on Pleadings (filed May 29, 2024), Defendants' Motion to Sanction Plaintiff and/or Compel Interrogatories and Production and to Deem Admissions Admitted (filed June 13, 2024), and Defendants' Motion to Sanction Third-Party Defendants and/or Compel Interrogatories and Production and to Deem Admissions Admitted (filed January 10, 2025). The Court granted the Renewed Motion to Strike Jury Demand, referred the action to the Master in Equity (the Honorable James J. Wegmann), denied the Motion to Dismiss, and denied the Motions for Sanctions without prejudice. These rulings, including the strike of the jury demand and order of reference, are central to the prejudice claimed herein due to the lost oral arguments and rulings from the defective OWL recording. Additionally, one of the orders appealed is the false Form 4 Order, electronically filed on May 7, 2025, denying Appellants' Motion to Recuse the Honorable Marvin H. Dukes, III, no hearing despite having been requested, no explanation on Form-4, no transcript possible. This denial does not end the case, and Appellants' subsequent Motion for Reconsideration of this recusal denial remains pending (filed May 20, 2025), necessitating remand for resolution to ensure impartiality. The third defective transcript in this appeal was served on Appellants on November 21, 2025. The initial brief of Appellants would have been theoretically due December 21, 2025 (Rule 208(b)(1)(B), SCACR). Appellants filed a

Motion for Thirty-Day Extension of Time on December 8, 2025, before the brief was due, to file “Appellants’ Motion to Remand to the Circuit Court for Settlement of the Record, Reconstruction of the Transcript or New hearings, and Ruling on Pending Motion for reconsideration of Denial of Recusal” (“Motion”), which was their first request for enlargement of time in this appeal, extending the time up to and including January 7, 2026, and/or suspending the briefing schedule until further order of this Court. This Motion was served on January 7, 2026. On January 23, 2026, the Court granted the motion for an extension of time to serve and file the Motion, accepted the Motion, and ordered that any return to the Motion is due within ten (10) days of the date of the order.

I. Respondents Misapply the Burden; the Defect Is Not Appellants’ Fault

Respondents mischaracterize Appellants as bearing an insurmountable burden under *Taylor v. Taylor*, 294 S.C. 296, 363 S.E.2d 909 (Ct. App. 1987) and Rule 210(h), SCACR. This burden applies only when the defect or insufficiency is the appellant’s fault. When the defect is caused by the court, the recording system, the court reporter, or other state actors, and not by the appellant’s inaction or negligence, due process requires relief, including remand for reconstruction or new trial. *State v. Ladson*, 373 S.C. 320, 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).

Respondents’ Reliance on Unpublished Smalls Is Improper; Controlling Precedent

Mandates Remand

Respondents’ citation to the unpublished *Smalls v. State*, No. 2022-001151, 2025 WL 2529019 (S.C. Ct. App. Sept. 3, 2025) is improper and irrelevant. Under Rule 268(d), SCACR, unpublished opinions "shall not be considered as precedent" and have no binding authority. Even

if persuasive, Smalls is factually distinguishable, a PCR case with minor/reconstructable defects where appellant failed to show unreviewable claims. Here, reconstruction is impossible (three failed attempts; reporter affidavit confirming irretrievable source audio). Respondents' citation to Smalls and selective Ladson quotes demanding "specific prejudice" and identification of unreviewable claims is disingenuous. Appellants are blameless. They timely ordered the transcript (Rule 207(a)(1), SCACR), as confirmed by **(Exhibit F)**, the Transcript Request notification from Court Administration dated June 16, 2025, for Transcript Request ID: 2078865210, requested by Appellants for the entire hearing on January 21, 2025, before Judge Marvin H. Dukes, III, in Circuit Court, Beaufort County, with regular delivery (60 days) via PDF/email, and noting the appeal pending in the Court of Appeals. They diligently sought corrections (three attempts by three transcriptionists), including a formal Transcript Challenge filed with SC Court Administration and the Court of Appeals on or around September 22, 2025 **(Exhibit G)**, identifying errors in the 54-page transcript produced by Court Reporter Latasha Jefferson, with approximately 300 lines marked for corrections, omissions, and inaccuracies (an error rate of about 22%), rendering it completely unusable and altering the legal meaning of testimony. The challenge requested review of the entire audio recording and reserved the right to obtain the audio for re-transcription by a different reporter if necessary. Appellants requested an in-person hearing and a live reporter in advance on the respective Motion Cover Sheets (denied). **The defect is systemic:** the OWL system produced audio the State's transcription contractor describes as "of poor quality, often being muffled and intermittently skipping," with no microphones provided despite stationed arguments at the Plaintiff and Defendants' table for over ninety minutes. The OWL audio quality is so poor that it mangled the judge's voice to the extent that the transcript takes on an entirely different legal meaning. Fault lies exclusively with the

State. Prejudice is material and specific, inability to brief jury strike/reference orders from lost oral arguments/rulings. Appellants cannot identify "specific claims" without a usable record, the circularity is the violation. Jones, 344 S.C. at 192, 543 S.E.2d at 553; *Gilmore v. Ivey*, 290 S.C. at 56, 348 S.E.2d at 181. Three failed attempts + reporter affidavit confirm irretrievability, reconstruction impossible. Respondents' demand for transcript copies is meritless. Appellants paid for them (Rule 207) and have no duty to furnish defective versions. The contractor has not authorized release. Respondents may order their own (under Rule 207(a)(4)). This objection improperly shifts burden. Appellants have satisfied every requirement, remand is mandated.

II. Respondents Grossly Mischaracterize the Defects and Relief Sought—Remand Is Required and Timely

Respondents' portrayal of Appellants' motion as mere "complaints" about "inaudible" portions "in their view," with omissions or inaccuracies, is disingenuous and ignores the undisputed evidence. The defects are not subjective assertions, they are confirmed by the State's own transcription contractor in a sworn affidavit (**Exhibit A**): the source OWL audio is "of poor quality, often being muffled and intermittently skipping," rendering reconstruction impossible despite three separate attempts by three transcriptionists. This is systemic failure, not Appellants' "view." The 54-page transcript has approximately 300 lines with errors, omissions, and/or inaccurate statements, resulting in an approximately 22% error rate, making it completely unusable and altering the legal meaning of what was stated in Court, as detailed in Appellants' Transcript Challenge filed on or around September 22, 2025 (**Exhibit G**). Respondents' claim that Appellants seek "sweeping relief" to "pause the appeal, re-open proceedings below, and prolong final resolution" without predicate showing is baseless. Relief pursuant to this Court's inherent authority, motion practice under Rules 231 and 240, SCACR, controlling precedent

including *State v. Ladson*, 373 S.C. 320, 644 S.E.2d 271 (Ct. App. 2007), and due process is standard when a defective record prevents meaningful review through no fault of the appellant, not "sweeping" or dilatory. Appellants have made the necessary showing: the defects are material (critical oral arguments/rulings on jury strike and reference orders lost), incapable of reconstruction (three failures + reporter affidavit (**Exhibit A**)), and prevent preparation of a brief, denying due process. *State v. Ladson*, 373 S.C. 320, 644 S.E.2d 271 (Ct. App. 2007) (remand for settlement or new trial); *Gilmore v. Ivey*, 290 S.C. 53, 348 S.E.2d 180 (Ct. App. 1986) (new trial if reconstruction impossible); *State v. Jones*, 344 S.C. 189, 543 S.E.2d 551 (2001) (same). Any "prolonging" stems from the State's defective OWL system and failure to provide microphones or a live reporter, not Appellants, who acted diligently upon discovering defects. Respondents' opposition would force review on a broken record, precisely what precedent forbids.

III. Remand for Reconstruction or New Hearings Is the Standard Remedy—Not Extraordinary; Respondents Misapply *Dolive*

Respondents' assertion that new hearings are "extraordinary" and unwarranted absent a "specific showing of necessity" is flatly incorrect and must be rejected. Relief pursuant to this Court's inherent authority, controlling precedent including *State v. Ladson*, 373 S.C. 320, 644 S.E.2d 271 (Ct. App. 2007), and due process is standard, not extraordinary, when a defective transcript prevents meaningful appellate review through no fault of the appellant. Controlling precedent requires remand for reconstruction first, but if impossible, new hearings or trial are mandated. *State v. Ladson*, 373 S.C. 320, 644 S.E.2d 271 (Ct. App. 2007) (remand for settlement or new trial, requiring good faith effort to reconstruct and showing of inadequacy and prejudice); *Gilmore v. Ivey*, 290 S.C. 53, 348 S.E.2d 180 (Ct. App. 1986) (new trial if reconstruction impossible); *State v. Jones*, 344 S.C. 189, 543 S.E.2d 551 (2001) (same). Respondents' reliance

on *Dolive v. J.E.E. Devs., Inc.*, 308 S.C. 380, 418 S.E.2d 319 (Ct. App. 1992), while accurately reflecting South Carolina's strong preference for reconstruction of the record in civil cases through practical means such as affidavits, stipulations, or agreed statements, is misplaced and does not preclude the relief sought here. In *Dolive*, reconstruction was feasible because the parties cooperated to produce an adequate record, leading the Court of Appeals to affirm the denial of further relief. Here, in stark contrast, reconstruction is impossible: three separate transcription attempts by three different transcriptionists failed, and the State's own contractor has sworn under oath that the source OWL audio is irretrievably poor, of poor quality, often muffled and intermittently skipping, due to systemic failures including the absence of microphones despite over ninety minutes of seated oral arguments (**Exhibit A**, Affidavit of Kevin Dehlinger). No level of cooperation or alternative means, such as affidavits from counsel or the court, can remedy a defective source recording that mangles voices and alters legal meaning. *Dolive* does not bar new hearings; it simply upholds reconstruction when feasible. Where, as here, good faith efforts establish impossibility through no fault of the Appellants, stronger remedies are triggered. *State v. Ladson*, 373 S.C. 320, 644 S.E.2d 271 (Ct. App. 2007), explicitly adopts *Dolive*'s reconstruction procedure as the general approach applicable in both criminal and civil cases, requiring remand for settlement of the record first. However, *Ladson* and controlling precedent further mandate that if reconstruction proves impossible after good faith efforts, and material prejudice is shown, here, the inability to brief critical interlocutory orders striking the jury demand and referring the action to the Master in Equity, which affect substantial rights, the appellate court must grant relief, including remand for new hearings or trial. While *Ladson*, *Gilmore v. Ivey*, 290 S.C. 53, 348 S.E.2d 180 (Ct. App. 1986), and *State v. Jones*, 344 S.C. 189, 543 S.E.2d 551 (2001), arise in the criminal context, their adoption of

Dolive for civil reconstruction and their reliance on due process principles extend equally to civil appeals, particularly interlocutory ones denying fundamental rights like jury trial. Denying a usable record through state systemic failure, with no appellant fault, violates due process even in civil cases, rendering review meaningless and prejudice specific and material, not speculative. Though rare in civil appeals from the Court of Common Pleas (precisely because most defective records are reconstructable or settled), the underlying due process imperative supports remand for new hearings where irretrievability is conclusively shown, as here. This Court's inherent authority under Rules 231 and 240, SCACR, combined with the Ladson/Doland framework, mandates the requested relief: remand for attempted settlement or reconstruction first, but new hearings on the January 21, 2025, motions if reconstruction remains impossible. To hold otherwise would reward the State's defective OWL system and punish blameless Appellants. Appellants have shown specific, material prejudice: critical oral arguments and rulings on the jury strike and reference orders are lost due to no microphones, arguments from tables for over ninety minutes, and systemic OWL failure. Appellants cannot brief issues from a broken record. Due process forbids proceeding otherwise. Respondents' selective quote from Ladson ignores the full holding: while incomplete transcripts alone do not warrant reversal, a showing of good faith reconstruction efforts, impossibility, and prejudice, as here, mandates relief, including new hearings.

IV. Remand for Ruling on Pending Motion for Reconsideration of Recusal Denial Is Necessary and Proper—Respondents Mischaracterize It as "Generalized"

Respondents' assertion that remand for the circuit court to rule on the pending Motion for Reconsideration of recusal denial should be denied is meritless and ignores the threshold nature of recusal. Whatever Respondents' quibbling over the motion's status, the Motion for

Reconsideration is undisputedly pending. (**Exhibit C**, stamped filed copy) Respondents' use of "purportedly" is baseless and ignores the record. The denial of recusal was issued via Form-4 Order May 7, 2025, stating that the motion is DENIED and that the order does not end the case. The Motion for Reconsideration was filed on May 20, 2025, and 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. Rule 210 and Rule 212, SCACR address supplementation of an existing record, not resolution of threshold impartiality issues or systemic record defects. **Recusal is indisputably threshold:** If reconsideration is granted (or a hearing held and recusal ordered), a new judge must preside over all further proceedings, including record settlement or new hearings on the other orders, to ensure impartiality and due process. *Davis v. Parkview Apartments*, 409 S.C. 266, 762 S.E.2d 535 (2014) (objective standard requires recusal when impartiality reasonably questioned); *Christy v. Christy*, 317 S.C. 145, 452 S.E.2d 1 (Ct. App. 1994) (recusal motions resolved before merits to avoid taint). An interlocutory appeal does not divest the circuit court of jurisdiction over collateral or pending matters like this (*Good v. Hartford Accident & Indem. Co.*, 298 S.C. 32, 378 S.E.2d 251 (1989)). Remand is the efficient, proper path to resolve this threshold issue without conflicting rulings or wasted appellate resources. Respondents' demand for a "targeted" Rule 212 process ignores that recusal reconsideration (with denied hearings and false Form-4) cannot be addressed through mere supplementation, it requires circuit court action. Remand is neither "generalized" nor improper, it is limited, necessary, and directly grounded in this Court's inherent authority, motion practice under Rules 231 and 240, SCACR, controlling precedent, and due process. Respondents' opposition would force review before an arguably biased judge on a defective record, precisely what precedent forbids. Appellants have made the specific, rule-grounded showing required: the

pending motion affects the impartiality of the entire record and proceedings, necessitating remand rather than mere supplementation. Respondents' conclusion to deny the motion ignores these facts and controlling law, and must be rejected.

V. No Dilatory Tactics—Motion Is Timely and Necessary

Respondents' "dilatory" accusation is baseless. Appellants acted diligently: requested live reporter (denied), ordered transcripts promptly, attempted corrections three times, and sought relief upon discovering defects. The motion is timely pursuant to this Court's inherent authority and controlling precedent. This Motion follows Appellants' Motion for Thirty-Day Extension of Time filed on December 8, 2025 (**Exhibit H**), which was their first request for enlargement of time in this appeal, to allow for the filing of this Motion by January 7, 2026. The extension was necessary to protect Appellants' constitutional and appellate rights and did not prejudice Respondents. Respondents' baseless "dilatory tactic" accusation ignores that any "four-year" duration stems from the State's OWL failures and Respondents' own inaction, not Appellants' fault. Appellants diligently pursued the transcript (**Exhibit F**), corrections (three attempts, including September 22, 2025 Challenge (**Exhibit G**)), and this timely Motion. Respondents' silence on prior extensions (unopposed December 8, 2025 Motion (**Exhibit H**)) waives complaints of delay (*Janos v. Peck*, 21 S.C. 382, 385 (1884)), and equity favors remand to cure systemic defects without further prolongation. Even if Respondents belatedly attempt to thwart remand via a motion to dismiss for lack of jurisdiction, despite their silence throughout, they cannot succeed. The appealed orders affect substantial rights (jury denial and recusal impacting due process) and are immediately appealable under § 14-3-330(2) (see *Flagstar Bank, FSB v. Aiken*, 420 S.C. 113, 800 S.E.2d 487 (Ct. App. 2017)). Their failure to object earlier waives this (*I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 526 S.E.2d 716 (2000)), and dismissal

would deny due process on a defective record. Similarly, any push for summary affirmance ignores the irretrievable OWL defects (**Exhibit A**), mandating remand under Ladson for material prejudice.

VI. Respondents' Legal Conclusions Fail

The record is materially defective (Ladson, Gilmore, Jones); reconstruction impossible; recusal threshold and pending; remand standard. Equity favors due process when the State provides a broken record. Appellants renew their request to stay the appeal and remand.

VII. Respondents' Complete Silence and Failure to Object Throughout the Proceedings Waives Any Opposition and Supports Remand

Respondents' total inaction and failure to object at every stage of this appeal, from the initial Notice of Appeal through transcript challenges, delays, the extension of time, and now this Motion, constitutes a waiver of any opposition and tacitly concedes the material defects in the record and the necessity of remand. Similarly, in the Circuit Court, Respondents have filed nothing to oppose or object to Appellants' Motion for Reconsideration of the recusal denial, further underscoring that the motion is unopposed and ripe for resolution on remand. This pattern of silence not only undermines Respondents' current opposition but affirmatively supports granting the requested relief pursuant to this Court's inherent authority, motion practice under Rules 231 and 240, SCACR, controlling precedent, and due process, as it demonstrates no prejudice to Respondents and aligns with equity and due process. From the outset of this interlocutory appeal, Respondents have not contested any procedural or substantive issues. They raised no objections to the transcript defects documented in Appellants' Transcript Challenge (filed September 22, 2025 (**Exhibit G**)), the absence of a usable transcript, or the systemic OWL failures. They did not oppose Appellants' Motion for Extension of Time (filed December 8, 2025

(Exhibit H), granted January 23, 2026 **(Exhibit I)**), nor did they file any returns, motions, or responses until this belated opposition **(Exhibit J)**, despite multiple opportunities over eight months. Under South Carolina law, such failure to timely object or respond waives arguments and implies acquiescence. See, e.g., *I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000) (“It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to be preserved for appellate review”); *Staubes v. City of Folly Beach*, 339 S.C. 406, 412, 529 S.E.2d 543, 546 (2000) (issues not raised are not preserved). Respondents’ silence confirms they do not dispute the OWL audio’s irretrievability (affirmed by **Exhibit A**, Kevin Dehlinger’s affidavit) or the resulting prejudice, which prevents meaningful appellate review. In the Circuit Court, Respondents’ inaction is equally telling: they have filed no response to Appellants’ Motion for Reconsideration of Recusal Denial (filed May 20, 2025 **(Exhibit C)**), leaving it unopposed for over eight months. This lack of opposition suggests the motion’s merits, alleging due process violations, denial of a hearing, and judicial bias (extrajudicial knowledge from a prior case), are uncontested, further justifying remand for prompt resolution. See SCRCP 7(b)(1) (motions require response if opposed); *Home Port Rentals, Inc. v. Moore*, 369 S.C. 493, 498, 632 S.E.2d 862, 865 (2006) (unopposed motions may be granted as conceded). Remand would allow the Circuit Court to rule on this threshold impartiality issue without prejudice to Respondents, who have forfeited any claim of delay or burden by their inaction. Respondents’ opposition now rings hollow: their prior silence estops them from claiming “sweeping” or “dilatatory” relief when they have never alleged prejudice from extensions or delays. See *Janos v. Peck*, 21 S.C. 382, 385 (1884) (party cannot complain of delay they acquiesced to). This estoppel by silence, preventing assertions after inaction induces reliance (*Provident Life & Accident Ins. Co. v. Driver*, 317 S.C.

471, 477, 451 S.E.2d 924, 928 (Ct. App. 1994)), applies here, as Respondents knew of all proceedings yet failed to object for eight months. In *Provident Life*, the court held that silence, where a duty to speak exists to avoid misleading, estops later assertions if it induces reliance and prejudice, precisely as Respondents' inaction misled Appellants into proceeding unopposed, causing reliance on an unchallenged path to remand and prejudice from delayed resolution of the defective record. Under *I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000) ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to be preserved for appellate review"), this failure waives their arguments, implying acquiescence and barring complaints of prejudice or delay. Equity thus favors remand without harm to Respondents, who forfeited opposition. Equity favors remand where, as here, the State's faulty recording system, not Appellants' fault, created the defects, and Respondents' waiver reinforces the need for due process. Appellants' diligence (timely transcript order, three correction attempts, challenges) contrasts sharply with Respondents' passivity, mandating relief to prevent review on a defective record. This Court should reject Respondents' opposition as waived and grant the Motion in full.

VIII. Respondents' Accusation of Dilatory Tactics Is Baseless, Hypocritical, and Barred by Their Own Extensive Delays and Unclean Hands

Respondents' accusation that Appellants' Motion is "yet another dilatory tactic in a foreclosure case that has already lasted more than four years" is meritless, disingenuous, and must be rejected outright. This is not a simple foreclosure action, it is a complex case involving Appellants' eleven counterclaims and a third-party complaint against (4) four third-party defendants, with extensive discovery still pending and unresolved due largely to Respondents' own obstructive conduct. Respondents conveniently omit their pervasive dilatory tactics

throughout the circuit court proceedings, which have been the primary cause of delays, while now hypocritically accusing Appellants of the same in this appeal. Respondents' opposition itself prolongs resolution by forcing this unnecessary rebuttal. **The delays in this case are overwhelmingly attributable to Respondents' actions, not Appellants':**

i. At the outset, on or about October 17, 2019, Respondents pursued a void Order of Reference signed by the Clerk of Court before Appellants were even served with the summons and complaint. This void order was not vacated until September 29, 2020, causing an eleven-month delay solely due to Respondents' improper actions.

ii. Respondents repeatedly sought and obtained extensions: e.g., March 22, 2021 (Joint Motion to Extend Time to Reply to Counterclaim and Third-Party Complaint, delaying their answer until September 10, 2021, approximately six months); March 26, 2021 (Motion to Extend Time for DLJ Mortgage Capital, Inc.'s Answer); July 5, 2021 (Motion to Stay Discovery Pending Ruling on Dispositive Motions); October 25, 2021, and November 23, 2021 (Motions and Amended Motion to Extend Responses to Defendants' Interrogatories and Request for Production).

iii. Respondents failed to cooperate in mediation by not providing anyone with settlement authority, and engaged in gamesmanship in discovery (improper objections, incomplete or no responses), leaving discovery pending and denying Appellants due process. (While the 2020 COVID foreclosure moratorium caused a six-month pause, this was no fault of either party.) In a foreclosure action, which is equitable in nature, Respondents seek equity while coming to the Court with unclean hands, having substantially caused the very delays they now decry. Under South Carolina law, a party with unclean hands cannot equitably complain of delays or prolongations primarily of their own making. See, e.g., *Hooper v. Ebenezer Senior Servs. &*

Rehab. Ctr., 386 S.C. 108, 687 S.E.2d 29 (2009) (estopping a party from benefiting from delays induced by their own conduct); see also general equitable principles barring relief where a party's actions caused the complained-of harm. Respondents' pattern of extensions, non-cooperation, and procedural missteps estops them from accusing Appellants of dilatory conduct. Their silence throughout this appeal, failing to oppose extensions, transcript challenges, or prior motions, further waives any complaint of delay now. Equity demands rejection of their baseless accusation; any prolongation stems from the State's defective OWL system and Respondents' own history of obstruction, not Appellants' diligent efforts to protect their rights.

CONCLUSION

For the foregoing reasons, Appellants respectfully pray that this Court grant the Motion in full: stay the appeal, remand to the circuit court for settlement/reconstruction of the record (or new hearings on the January 21, 2025 motions if reconstruction remains impossible), and for ruling on the pending Motion for Reconsideration of recusal denial, with such further relief as the Court deems just and proper.

EXHIBIT LIST:

**The following exhibits are attached and incorporated by reference in this Reply.
Exhibits from the original Motion to Remand:**

Exhibit A: Affidavit of Kevin Dehlinger/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

Additional exhibits for this Reply:

Exhibit E: Correspondence from the Chief Deputy Clerk of the Court of Appeals / stamped filed copy supporting pending status (dated June 16, 2025)

Exhibit F: Transcript Request Notification from Court Administration / circuit court docket supporting pending status (dated June 16, 2025)

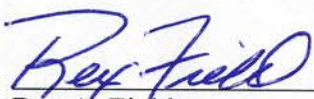
Exhibit G: Transcript Challenge filed September 22, 2025

Exhibit H: Motion for Thirty-Day Extension of Time filed December 8, 2025

Exhibit I: Court Order dated January 23, 2026, granting extension and accepting Motion

Exhibit J: Respondents' Return in Opposition (January 27, 2026)

Respectfully submitted this 29th day of January, 2026.



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

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.

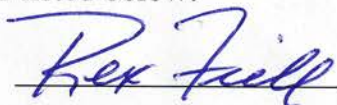
Federal National Mortgage Association (Fannie Mae), Wilmington Savings Fund Society, FSB (in its individual capacity), Christiana Trust Company of Delaware, DLJ Mortgage Capital, Inc., and Unknown Defendants 1-10, Third Party Defendants,

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

I certify that I have served “**APPELLANTS’ REPLY TO RESPONDENTS’ RETURN IN OPPOSITION TO 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**” via Electronic Mail on Respondents and by depositing a copy of it in the United States Mail, postage pre-paid, on January 29, 2026 addressed to the following attorneys of record listed below:

This day, January 29, 2026



Rex A. Field

COUNSEL OF RECORD FOR RESPONDENT/PLAINTIFF:

BELL CARRINGTON & PRICE. LLC
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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
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EXHIBIT E



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
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June 16, 2025

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Re: Wilmington Savings Fund Society v. Rex A. Field (2)
Appellate Case No. 2025-001142

Dear Mr and Mrs. Field:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please

note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

This is to advise that the title in the above matter has been changed to read as follows:

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.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in cursive script that reads "Catherine Hannissai, deputy". The signature is written in black ink and is positioned above the typed name of the signatory.

CLERK

cc: George Benjamin Milam, Esquire
James Martin Page, Esquire

EXHIBIT F

RECEIVED

Jun 16 2025

SC Court of Appeals

Transcript Request for Docket Number 2019CP0702279

From: Transcripts<Transcripts@sccourts.org>
Inbox: Monday, June 16th, 2025 at 10:15 AM
To: cyberport@protonmail.com
Monday, June 16th, 2025 at 10:15 AM

Greetings,

Please accept this email and the **summarized Transcript Request shown below** as confirmation that the online transcript request that you submitted has been received by our office. You should receive communication from a transcriptionist within five (5) business days with an estimated cost for production.

If you need further assistance, please contact us at transcripts@sccourts.org.

Regards,
Court Administration

Summarized Transcript Request ID(s): **2078865210**

Requester Information:

Name: Rex Field
Entity: *Not entered*
Phone Number: *Not entered*
Email: cyberport@protonmail.com
Address: PO Box 975 St Helena Island, SC 29920
Is the requester a party on the case? Yes Rex A. Field and Tracy L. Field
Does the requester represent a party? Self-represented

Transcript Information:

Docket Number: 2019CP0702279
Court Type: Circuit
County: Beaufort

Case Caption: Wilmington Savings Fund Society, FSB, not in its individual capacity, but solely as owner-trustee of the CSMC 2018 RPL-6 Trust vs. Rex A. Field and Tracy L. Field, Defendants and Third-Party Plaintiffs vs. Federal National Mortgage Association (Fannie Mae); Wilmington Savings Fund Society, FSB, in its individual capacity; Christiana Trust of Delaware; and DLJ Mortgage Capital, Inc., Third-Party Defendants

Appeal Pending? Court of Appeals
Start Date of Proceeding: 1/21/2025
End Date of Proceeding: 1/21/2025

Presiding Judge: Marvin H. Dukes, III

Court reporter daily assignments:

1/21/2025 (Tuesday): WebEx, Circuit Court (In-person hearing)

Opposing Counsel and/or other parties information:

(Plaintiff) Wilmington Savings Fund Society, FSB, not in its individual capacity, but solely as owner-trustee of the CSMC 2018 RPL-6 Trust

(Plaintiff Attorney) James Martin Page

(Defendants & Third-Party Plaintiffs) Rex A Field and Tracy L. Field
(email): cyberport@protonmail.com

Third-Party Defendants: Federal National Mortgage Association (Fannie Mae); Wilmington Savings Fund Society, FSB, in its individual capacity; Christiana Trust of Delaware; and DLJ Mortgage Capital, Inc.

(Plaintiff & Third Party Defendants Attorney) G. Benjamin Milam

Portion of proceeding to be transcribed: Entire Hearing

Delivery Information:

Delivery Timeframe: Regular Delivery (60 days)

Delivery Method: PDF/Email

Delivery Timeframe: Private/Self

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

**From:** [Transcripts](#)  
**To:** [Transcripts; Court Of Appeals Filings](#)  
**Subject:** Transcript Request for Docket Number 2019CP0702279  
**Date:** Monday, June 16, 2025 10:15:26 AM

---

Greetings,

You are receiving this notice and the **summarized Transcript Request shown below** for the case **Wilmington Savings Fund vs Field, Rex A.** Pursuant to Rule 207(a)(1), SCACR, you are being notified that the transcript has been requested on **6/16/2025**. There is no action required.

If you need further assistance, please contact us at [transcripts@sccourts.org](mailto:transcripts@sccourts.org).

Regards,

Court Administration

Summarized Transcript Request ID: **2078865210**

## Requester Information:

---

**Name:** Rex Field

**Entity:** *Not entered*

**Phone Number:** *Not entered*

**Email:** [cyberport@protonmail.com](mailto:cyberport@protonmail.com)

**Address:** PO Box 975 St Helena Island, SC 29920

**Is the requester a party on the case?** Yes Rex A. Field and Tracy L. Field

**Does the requester represent a party?** No

## Transcript Information:

---

**Docket Number:** 2019CP0702279

**Court Type:** Circuit

**County:** Beaufort

**Case Caption:** Wilmington Savings Fund vs Field, Rex A

**Appeal Pending?** Court of Appeals

**Death Penalty?** No

**Start Date of Proceeding:** 1/21/2025

**End Date of Proceeding:** 1/21/2025

**Presiding Judge:** Marvin H. Dukes, III

**Court reporter daily assignments:**

1/21/2025 (Tuesday): WebEx, Circuit Court

**Opposing Counsel and/or other parties information:**

(Attorney) Andrew Sims Radeker

(Defendant) Rex A Field

(email): cyberport@protonmail.com

(Plaintiff) Wilmington Savings Fund

(Plaintiff Attorney) James Martin Page

(Defendant) Tracy L Field

(email): cyberport@protonmail.com

(Plaintiff & Third Party Defendants Attorney) G. Benjamin Milam

**Next hearing date:** *Date not entered*

**Portion of proceeding to be transcribed:** Entire Hearing

## Delivery Information:

---

**Delivery Timeframe:** Regular Delivery (60 days)

**Delivery Method:** PDF/Email

**Delivery Timeframe:** Private/Self

# EXHIBIT G

**From:** Rex Field  
**To:** Court Of Appeals Filings  
**Cc:** Milam, Ben; jschulz@bradley.com; Martin Page (mpage@bellcarrington.com)  
**Subject:** Transcript CHALLENGE - UPDATE - Appellate case no. 2025-001142  
**Date:** Monday, September 22, 2025 1:24:17 PM  
**Attachments:** Transcript CHALLENGE Letter.pdf

---

\*\*\* **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

To: Ms. Katherine Harrison, Deputy Clerk  
South Carolina Court of Appeals

**RE: UPDATE - Transcript Challenge - 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.

Dear Ms. Harrison,

In response to your correspondence, please see attached for filing a CHALLENGE Transcript letter served to SC Court Administration (Transcript Challenge) via email and U.S. Mail. Kindly file these documents.

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

Tracy L. Field

Sent with Proton Mail secure email.

**RECEIVED**

**Sep 22 2025**

**SC Court of Appeals**

SC Court Administration  
Transcript Challenge  
1220 Senate St., Sute 200  
Columbia, SC 29201

**Re: Transcript CHALLENGE**

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

**Date of proceeding:** January 21, 2025

**Case no:** 2019-CP-07-02279

**CASE CAPTION: BEAUFORT COUNTY, SOUTH CAROLINA**

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

v.

Rex A. Field and Tracy L. Field,

Defendants/Third-Party Plaintiffs

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

**PARTIES IN ATTENDANCE:**

BRADLEY ARANT BOULT CUMMINGS LLP  
Mr. G. Benjamin Milam  
214 North Tryon Street, Suite 3700  
Charlotte, NC 28202  
(Co-counsel for Plaintiff and Counsel for Third-Party Defendants)

Rex A. Field, pro se – Defendant and Third-Party Plaintiff  
Tracy L. Field, pro se - Defendant and Third-Party Plaintiff  
PO Box 975  
St. Helena, SC 29920

**COURT REPORTERS NAME:**

Latasha Jefferson

**To: SC Court Administration, Transcript Challenge**

Please find attached a copy of the above referenced CHALLENGED transcript marked for corrections.

**Page 1, the case caption is incorrect and should be:**

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

v.

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

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

**Page 1, the location is:**

Beaufort County, South Carolina 14<sup>th</sup> Judicial Circuit  
Time: ????

**APPEARANCES:**

**Page 2, line 6:**

Co-counsel for Plaintiff and counsel for Third-Party Defendants

**Page 2, line 8 and 9:**

**Rex A. Field, pro se** (Defendant/Third-Party Plaintiff)

**Tracy L. Field, pro se** (Defendant/Third-Party Plaintiff)

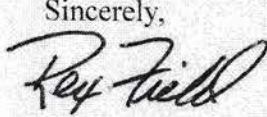
**Page 4, lines 1 through 9:** are false and misleading and take on an entirely different meaning  
that was stated in Court.

The attached transcript (54 pages), approximately 300 lines are marked with errors, omissions, and/or inaccurate statements, too numerous to list separately here. The transcript, with approximately a 22% error rate, is so botched and mangled that it is completely unusable, and takes on a different legal meaning that was testified to in Court.

Given the number of errors, we request that the entire audio tape be reviewed resulting in an accurate transcript. In an abundance of caution, we reserve the right to request a copy of the audio tape so that we may hire a different court reporter to transcribe the audio, if necessary.

Please feel free to contact us should you have any questions.

Sincerely,



Rex A. Field



Tracy L. Field

*Wilmington Savings Fund Society, FSB, not rights and remedies*  
\* First page of the hearing transcript, the judge did not say this.  
See correction letter 4

→ 1 THE COURT: (Wilmington Savings versus Rex Field.)  
→ 2 (Inaudible) first case for this long trial, but (inaudible)  
→ 3 also a problem. Sounds negative and vague and sick. All  
→ 4 right. The first motion is -- looks like a pro se motion to  
→ 5 sanction interrogatories. Is that right?

→ 6 MR. FIELD: Yes, your Honor. I -- we do have a motion  
→ 7 to dismiss, but I'm assuming that -- that's put on the roster  
→ 8 first because we're here to sanction the motion first, or do  
→ 9 you want to do the (inaudible)?

10 THE COURT: There's a motion to dismiss. It would be  
11 dispositive of the balance of them. I'm -- suppose you could  
12 make any objection to hearing that one first.

13 MR. MILAM: No, your Honor.

14 THE COURT: Let's hear that one first.

15 MR. FIELD: Okay.

16 THE COURT: Give me a little summary here since it's  
17 okay now.

18 MR. FIELD: Yes, your Honor. This case was filed  
19 October 11, 2019, foreclosure complaint. The -- we were not  
→ 20 served the Complaint what happened was that we were not served the  
21 complaint until October 22nd, but in the interim period, the  
→ 22 Plaintiff filed Order of Reference order of records with the clerk of court.  
→ 23 The clerk of court signed the Order of Reference order of records and sent it to  
24 Master-in-Equity before we were even served the complaint.

25 THE COURT: Was that me?

**Re: STATUS UPDATE REQUESTED; Transcript CHALLENGE - Beaufort County,  
SC - Case no: 2019-CP-07-02279**

From cyberport@protonmail.com <cyberport@protonmail.com>

To Transcripts <transcripts@sccourts.org>

Date Friday, November 14th, 2025 at 1:26 PM

**RECEIVED**

**Nov 17 2025**

**SC Court of Appeals**

SC Court Administration  
Transcript Challenge  
1220 Senate St., Sute 200  
Columbia, SC 29201

**Re: STATUS UPDATE REQUESTED; Transcript CHALLENGE**

**To: SC Court Administration:**

Please provide a STATUS UPDATE to the above referenced "Transcript CHALLENGE".

Attached to the original "Transcript CHALLENGE", copy of the transcript with corrections, was mailed under separate cover via U.S. Mail as the file size is too large to send via email.

Please advise.

Thank you.

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

Sent with Proton Mail secure email.

On Monday, September 22nd, 2025 at 12:21 PM, Rex Field <cyberport@protonmail.com> wrote:

SC Court Administration  
Transcript Challenge  
1220 Senate St., Sute 200  
Columbia, SC 29201

**Re: Transcript CHALLENGE**

**To: SC Court Administration:**

Please find attached a Transcript CHALLENGE letter request for a corrected transcript.

A copy of the transcript with corrections was mailed under separate cover via U.S. Mail as the file size is too large to send via email.

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

Sent with Proton Mail secure email.

**VIA US PRIORITY MAIL** #9505 5104 2986 5265 8168 45

September 22, 2025

SC Court Administration  
Transcript Challenge  
1220 Senate St., Sute 200  
Columbia, SC 29201

**RECEIVED**

**Nov 17 2025**

**SC Court of Appeals**

**Re: Transcript CHALLENGE**

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

**Date of proceeding:** January 21, 2025  
**Case no:** 2019-CP-07-02279

**CASE CAPTION: BEAUFORT COUNTY, SOUTH CAROLINA**

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

v.

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

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

**PARTIES IN ATTENDANCE:**

BRADLEY ARANT BOULT CUMMINGS LLP  
Mr. G. Benjamin Milam  
214 North Tryon Street, Suite 3700  
Charlotte, NC 28202  
(Co-counsel for Plaintiff and Counsel for Third-Party Defendants)

Rex A. Field, pro se – Defendant and Third-Party Plaintiff  
Tracy L. Field, pro se - Defendant and Third-Party Plaintiff  
PO Box 975  
St. Helena, SC 29920

**COURT REPORTERS NAME:**

Latasha Jefferson

**To: SC Court Administration, Transcript Challenge**

Please find attached a copy of the above referenced CHALLENGED transcript marked for corrections.

**Page 1, the case caption is incorrect and should be:**

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

v.

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

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

**Page 1, the location is:**

Beaufort County, South Carolina 14<sup>th</sup> Judicial Circuit  
Time: ????

**APPEARANCES:**

**Page 2, line 6:**

Co-counsel for Plaintiff and counsel for Third-Party Defendants

**Page 2, line 8 and 9:**

**Rex A. Field, pro se** (Defendant/Third-Party Plaintiff)

**Tracy L. Field, pro se** (Defendant/Third-Party Plaintiff)

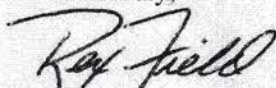
**Page 4, lines 1 through 9:** are false and misleading and take on an entirely different meaning that was stated in Court.

The attached transcript (54 pages), approximately 300 lines are marked with errors, omissions, and/or inaccurate statements, too numerous to list separately here. The transcript, with approximately a 22% error rate, is so botched and mangled that it is completely unusable, and takes on a different legal meaning that was testified to in Court.

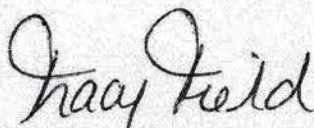
Given the number of errors, we request that the entire audio tape be reviewed resulting in an accurate transcript. In an abundance of caution, we reserve the right to request a copy of the audio tape so that we may hire a different court reporter to transcribe the audio, if necessary.

Please feel free to contact us should you have any questions.

Sincerely,



Rex A. Field



Tracy L. Field

# EXHIBIT H

**RECEIVED**

**Dec 08 2025**

**SC 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.

---

**APPELLANT'S MOTION FOR THIRTY-DAY EXTENSION OF TIME  
WITHIN WHICH TO FILE MOTION TO STAY APPEAL AND REMAND TO  
CIRCUIT COURT FOR RECONSTRUCTION OF RECORD OR NEW TRIAL**

---

Pursuant to Rules 231 and 204, SCACR, Appellants respectfully moves this Court for a thirty (30) day extension of time, up to and including January 7, 2026, within which to file a Motion to Stay the Appeal and Remand to the Circuit Court for Reconstruction of the Record or, in the Alternative, for a New Trial. In support of this Motion, Appellant states:

1. The transcript in this appeal was filed with the Court Administration and served on Appellants on November 21, 2025. The initial brief of Appellant is therefore presently due December 21, 2025 (Rule 208(b)(1)(B), SCACR).
2. The hearing below was recorded using the county's OWL audio system. Appellants requested a live court reporter from the Clerk of Court in advance of the hearing, but none was provided.
3. This is the third transcript produced from the same OWL audio recording. Despite the transcriptionist's efforts (including increasing the audio volume to 90/100), the recording is

muffled, intermittently cuts out every few seconds, and contains large portions marked "inaudible" or rendered as unintelligible text. Numerous critical rulings, objections, and/or witness answers are completely omitted or inaccurate.

4. After three good-faith attempts, it is now apparent that no accurate, usable verbatim transcript can be produced from the existing audio.

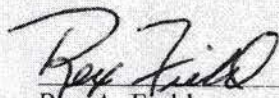
5. Without an accurate record, Appellant is unable to prepare a meaningful initial brief and is denied due process of law.

6. Appellant therefore intends to file, within the next thirty days, a Motion to Stay the Appeal and Remand to the Circuit Court for a hearing to settle or reconstruct the record pursuant to Rule 204(c), SCACR, or, if reconstruction proves impossible, for entry of an order granting a new trial.

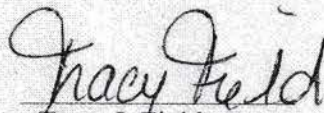
7. This is Appellant's first request for enlargement of time in this appeal. The requested thirty-day extension is reasonable, will not prejudice Respondents, and is necessary to protect Appellant's constitutional and appellate rights.

WHEREFORE, Appellant respectfully requests that this Court enter an order extending the time within which Appellant may file a Motion to Stay the Appeal and Remand to the Circuit Court up to and including January 7, 2026, and/or suspending the briefing schedule until further order of this Court.

Respectfully submitted this 8th day of December, 2025.



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



Tracy L. Field  
(same)

# EXHIBIT I

# The South Carolina Court of Appeals

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.

Appellate Case No. 2025-001142

The Honorable Marvin H. Dukes, III  
Beaufort County  
Trial Court Case No. 2019CP0702279

---

ORDER

---

The Court has received the motion for an extension of time to serve and file a motion to stay the appeal. This motion is Granted. The Motion to Stay Appeal and Remand to Circuit Court for Reconstruction of Record or New Trial has been

received and accepted as filed. Any return to the motion is due within ten (10) days of the date of this order.

FOR THE COURT  
BY Jasmine D. Smith, Deputy  
CLERK

Columbia, South Carolina  
January 23, 2026

cc:  
Rex A. Field  
Tracy L. Field  
George Benjamin Milam, Esquire  
James Martin Page, Esquire  
Jonathan Edward Schulz, Esquire

**FILED**  
**Jan 23 2026**

# EXHIBIT J

**RECEIVED**

**Jan 27 2026**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
In the Court of Appeals**

---

**APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas  
The Honorable Bentley D. Price  
Circuit Court Judge**

---

**Appellate Case No. 2025-001142  
Circuit Court Case 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,**

**Respondent,**

**v.**

**Rex A. Field, Tracy L. Field, Dulamo Estates  
Homeowners' Association, Inc.,**

**Defendants,**

**Of whom Rex A. Field and Tracy Field are the**

**Appellants.**

---

**OPPOSITION TO 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**

---

**Jonathan E. Schulz (SC Bar No. 79850)  
G. Benjamin Milam (SC Bar No. 80311)  
BRADLEY ARANT BOULT CUMMINGS LLP  
214 North Tryon Street, Suite 3700  
Charlotte, North Carolina 28202  
Telephone (704) 388-6000  
Facsimile: (704) 332-8858  
[jschulz@bradley.com](mailto:jschulz@bradley.com)  
[bmilam@bradley.com](mailto:bmilam@bradley.com)  
*Attorneys for Respondent***

More than six months after filing their Notice of Appeal, Defendant-Appellants Rex A. Field and Tracy Field (collectively “Appellants”) now ask this Court to remand the case to the circuit court for an array of extraordinary relief – including “reconstruction of transcript or new hearings” – based on complaints about the quality of the transcript and the existence of allegedly “pending” matters in the trial court. However, Appellants have facially failed to satisfy their burden to demonstrate the necessity of the extraordinary relief sought in 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 (the “Motion”). Instead, Appellants’ latest filing appears to be yet another dilatory tactic in a foreclosure case that has already lasted more than four years. Accordingly, the Motion should be denied.

In substance, Appellants complain that the digital recording system produced a transcript containing “inaudible” portions and assert that (in their view) the transcript contains omissions or inaccuracies. Appellants also contend they have been unable to obtain the “raw audio” recording and ask this Court to remand for sweeping relief, including “new hearings.” Whatever its label, Appellants’ requested remedy would pause the appeal, re-open proceedings below, and prolong final resolution – without the necessary predicate showing that the current record is inadequate for appellate review or that any missing portion is material and incapable of reconstruction. The Motion should be denied.

**I. Appellants have failed to satisfy their burden to furnish a sufficient record on appeal and to demonstrate a specific prejudice flowing from gaps in the verbatim transcript.**

“The burden is on the appellant to furnish a sufficient record on appeal from which this court can make an intelligent review.” *Taylor v. Taylor*, 294 S.C. 296, 299, 363 S.E.2d 909, 911 (Ct. App. 1987). Consistent with that principle, appellate review is “limited to [the] Record on Appeal,” and (except in narrow circumstances) “the appellate court will not consider any fact

which does not appear in the Record on Appeal.” S.C. R. App. Prac. 210(h). “In South Carolina, as in a majority of jurisdictions, ‘the inability to prepare a complete verbatim transcript, in and of itself, does not necessarily present a sufficient ground for reversal’” or remand. *Smalls v. State*, No. 2022-001151, 2025 WL 2529019, at \*2 (S.C. Ct. App. Sept. 3, 2025) (quoting *State v. Ladson*, 373 S.C. 320, 324, 644 S.E.2d 271, 273 (Ct. App. 2007)). As with “[m]ost jurisdictions,” South Carolina “require[s] an appellant to demonstrate *specific* prejudice flowing from an incomplete or reconstructed record.” *Ladson* at 324, 644 S.E.2d at 273 (emphasis added); *see also Smalls* at \*2 (explaining appellant seeking reversal and remand “must identify a *specific* appellate claim that this court would be unable to review effectively using the reconstructed record” (emphasis added)).

Appellants’ Motion flips these principles on their head. Instead of attempting to demonstrate a material deficiency in the transcript and identifying any specific prejudice flowing from this allegedly incomplete record, Appellants seek a broad remand and new hearings based on the notion that some portions of the transcript may be incomplete. In support of this Motion, Appellants have not provided any copy of the relevant transcript for assessment by Respondent or the Court, despite the fact that Appellants state in their affidavit that they possess three separate transcriptions of the January 2025 Hearing. Instead, Appellants rely entirely on (1) an affidavit from Appellants themselves speculating as to the causes of potential audio record quality issues, and (2) an affidavit from Kevin Dehlinger, Director of Operations for Legal Eagle, that there are “22 inaudible notions . . . within the 54-page transcript.”

In the absence of a copy of a transcript of the January 2025 Hearing, none of the arguments in the Motion or the materials attached thereto attempts to address the manner in which the transcript is allegedly incomplete, such as an explanation of what portions of the transcript are incomplete or the manner in which those portions are in complete. The only reference to anything

about the specific gaps in the transcript is Mr. Dehlinger's statement that there is one "inaudible" part approximately every two-and-a-half pages on average. The Motion and its exhibits avoid any discussion of the content, context, implications, and significance of these "inaudible" parts instead relying on Appellants' conclusory assertions that they "cannot identify or brief the issues on appeal" for an appeal Appellants themselves brought. As a result, it remains unclear whether all "22 inaudible" parts in the transcript occurred during non-substantive portions of the January 2025 Hearing, such as party introductions.

Therefore, Appellants' request for remand and reconstruction of the record should be denied because Appellants have not attempted to identify a specific appellate claim that cannot be effectively reviewed using the reconstructed or incomplete record, and unsupported assertions that the transcript is inadequate is not sufficient to support a remand and reconstruction.

**II. Even if the transcript had been lost or unavailable, South Carolina courts require a focused reconstruction effort; new hearings are extraordinary and not warranted here in the absence of a specific showing of necessity.**

Even if Appellants had attempted to show the specific prejudice flowing from an allegedly incomplete transcript, remand for new hearings would not be the appropriate remedy. South Carolina courts recognize a limited tool: where a transcript is completely lost or destroyed, an appellate court may allow for reconstruction of the record. *See, e.g., Dolive v. J.E.E. Devs., Inc.*, 308 S.C. 380, 383, 418 S.E.2d 319, 321 (Ct. App. 1992) (approving record reconstruction methods, emphasizing practical means to settle the record, and affirming denial of remand). Rather than remand, courts require parties to attempt reconstruction through stipulations, affidavits, and trial-court settlement of what occurred rather than ordering fresh evidentiary proceedings. *See, e.g., id.* at 381–84, 418 S.E.2d at 321.

Appellants cite no authority supporting the proposition that routine complaints about transcript quality justify “new hearings” in the trial court while an appeal is pending. Indeed, South Carolina caselaw points plainly in the opposite direction: “the inability to prepare a complete verbatim transcript, in and of itself, does not necessarily present a sufficient ground for reversal” or remand. *Ladson* at 324, 644 S.E.2d at 273.

**III. Appellants’ request for a remand so the trial court may rule on purportedly “pending” motions should be denied.**

Appellants also request a remand for the circuit court to rule on a “pending motion for reconsideration of denial of recusal.” Whatever the status of any post-order filings below, the appropriate path is not a generalized remand order that re-opens the case and invites additional hearings. As this Court’s rules make clear, appellate review is limited to the Record on Appeal, and supplementation is addressed through Rule 212’s targeted process – not by restarting proceedings. S.C. R. App. Prac. 210, 212. If Appellants contend that a specific post-order motion affects appellate jurisdiction or the proper contents of the record, they must make a specific, rule-grounded showing for the limited relief necessary. Appellants have not done so here.

**CONCLUSION**

For the reasons described herein, the Court should deny the Motion.

Respectfully submitted this the 26th day of January 2026.

/s/ Jonathan E. Schulz

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**Feb 03 2026**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA**

**In the Court of Appeals**

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**APPEAL FROM BEAUFORT COUNTY**

**Court of Common Pleas**

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**Marvin H. Dukes, III, Circuit Court Judge**

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**Appellate Case No. 2025-001142**

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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.

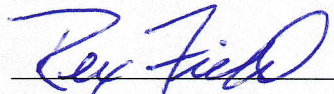
Federal National Mortgage Association (Fannie Mae), Wilmington Savings Fund Society, FSB (in its individual capacity), Christiana Trust Company of Delaware, DLJ Mortgage Capital, Inc., and Unknown Defendants 1-10, Third Party Defendants,

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**

I certify that I have served “**APPELLANTS’ REPLY TO RESPONDENTS’ RETURN IN OPPOSITION TO 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**” by depositing a copy of it in the United States Mail, postage pre-paid, on January 29, 2026 and Electronic Mail February 2, 2026 addressed to the following attorneys of record listed below:

This day, February 2, 2026



Rex A. Field

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THIRD-PARTY DEFENDANTS FANNIE MAE; WILMINGTON SAVINGS FUND SOCIETY,  
FSB, IN ITS INDIVIDUAL CAPACITY; CHRISTIANA TRUST; AND DLJ MORTGAGE  
CAPITAL, INC.

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