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**Feb 03 2026**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA**

**In the Court of Appeals**

**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**

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' MOTION FOR LIMITED REMAND TO CIRCUIT COURT  
(ADDITIONAL GROUNDS: PENDING RULE 60(b)(4), SCRCP, MOTION FOR RELIEF  
FROM VOID ORDERS), TO BE CONSIDERED JOINTLY WITH PENDING MOTION  
TO REMAND**

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Pursuant to Rules 204(c), 205, 221, and 242(c), SCACR, and this Court's inherent authority to remand for resolution of threshold jurisdictional issues affecting the validity of orders on appeal, Appellants Rex A. Field and Tracy L. Field, pro se, respectfully move for a limited remand to the Circuit Court to rule on their pending Motion to Vacate Void Orders pursuant to SCRCP 60(b)(4) (*Exhibit A*). Appellants request that this motion be considered jointly with their previously-filed 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 (filed January 7, 2026, currently pending with Respondents' Return and Appellants' Reply before the Court). In support of this Motion, Appellants state as follows:

1. This is an interlocutory appeal from the May 7, 2025 Order and Form-4 Order striking Appellants' jury trial demand, referring the case to the Master-in-Equity, and denying recusal.
2. On August 8, 2025, Appellants filed in the Circuit Court a Motion to Vacate Void Orders Pursuant to SCRCF 60(b)(4) (*Exhibit A*), seeking relief from the May 7, 2025 Orders and all prior related orders of reference. The motion asserts these orders are void ab initio due to cascading jurisdictional defects originating with the October 17, 2019 Clerk's Order of Reference (*Exhibit B*), issued before commencement of the action under the then-applicable SCRCF 3(a), before service of process on Appellants, without notice, without default, before answer filed and without consent in a foreclosure action involving legal issues and a without a preserved jury trial demand.
3. A judgment or order entered without subject-matter jurisdiction, personal jurisdiction, or in violation of fundamental due process is void and may be attacked at any time, directly or collaterally. *McDaniel v. U.S. Fid. & Guar. Co.*, 324 S.C. 639, 644, 478 S.E.2d 868, 871 (Ct. App. 1996); *Bonney v. Granger*, 356 S.C. 419, 589 S.E.2d 764 (Ct. App. 2003); *Universal Benefits, Inc. v. McKinney*, 349 S.C. 179, 183, 561 S.E.2d 659, 661 (Ct. App. 2002) (void orders are legal nullities). Rule 60(b)(4), SCRCF, expressly authorizes relief from void judgments without time limit.
4. The October 17, 2019 Order of Reference was entered before the action was commenced (service occurred October 22, 2019), without notice to Appellants, and without their consent, rendering it void ab initio. See *Chabek v. Nationwide Mut. Fire Ins. Co.*, 303 S.C. 26, 29–30, 397

S.E.2d 786, 788 (Ct. App. 1990) (action must be commenced and pending before referral to master; premature referral improper); *First Palmetto State Bank & Trust Co. v. Boyles*, 302 S.C. 136, 138–39, 394 S.E.2d 313, 314–15 (1990) (vacating order of reference in foreclosure action issued without notice to defendants, before answer filed, and without consent, as improper under SCRCP 53(b) where legal issues and jury trial rights implicated). The reference in *Boyles*, issued ex parte, without notice, before the defendants' answer was filed, and in the absence of consent or default, was vacated outright because it prematurely deprived the defendants of their inviolate right to jury trial under SCRCP 38(b). Here, the October 17, 2019 **Clerk's Order of Reference suffers analogous and compounded defects**: issued before commencement of the action and service of process, without any notice, in the absence of consent or default, denied Appellants' timely jury demand protections, rendering it improper and subject to vacatur. The prematurity of the October 17, 2019 reference further compounded the deprivation of Appellants' jury trial rights under SCRCP 38(b). By issuing the reference before service of process, and thus before Appellants had any opportunity to file a jury demand, the Clerk effectively preempted Appellants' ability to invoke Rule 38 protections that would have prevented a clerical reference in an action involving legal issues. Appellants filed their jury demand on the very day of service (October 22, 2019), but the pre-service reference had already stripped them of the chance to assert that demand prior to referral, when it could have blocked clerical authority altogether under local practice and SCRCP 53(b). This timing denied Appellants the full procedural opportunity to preserve their inviolate jury right at the outset, rendering the reference not only premature but structurally improper; *South Carolina Community Bank v. Salon Proz, LLC*, 420 S.C. 89, 800 S.E.2d 488 (Ct. App. 2017) (improper reference in foreclosure where jury trial rights implicated and premature/without proper basis deprives determination of trial mode).

Jurisdictional defects such as lack of notice and improper service render judgments and orders void from inception, with no ratification possible through later proceedings or participation. *Thomas & Howard Co. v. T.W. Graham & Co.*, 318 S.C. 286, 291, 457 S.E.2d 340, 343 (1995) (void judgment is complete nullity without legal effect); *Roche v. Young Bros., Inc.*, 318 S.C. 207, 209–11, 456 S.E.2d 897, 899–900 (1995) (jurisdictional defects render judgments void ab initio; no ratification by later participation). Such voidness claims under Rule 60(b)(4) are attackable at any time and take priority over other considerations. *Gainey v. Gainey*, 382 S.C. 414, 424–25, 675 S.E.2d 792, 797–98 (Ct. App. 2009). The lack of notice also violates due process. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950); *Charleston Cty. Dep't of Soc. Servs. v. Father*, 317 S.C. 283, 288, 454 S.E.2d 307, 310 (1995) (inadequate notice voids proceedings where actual notice practicable). The May 7, 2025 Orders on appeal directly rely upon this void reference history and subsequent proceedings and are therefore themselves void or voidable. If the 2019 reference is void ab initio as a jurisdictional nullity, all subsequent orders and proceedings deriving from or relying upon it, including the appealed May 7, 2025 Orders, are likewise void or voidable as cascading nullities that confer no rights and cannot be ratified by later participation or law-of-the-case doctrine. Appellants raised these same jurisdictional and due process defects, pre-commencement issuance, lack of service/notice, and impairment of jury rights, as early as March 16, 2020, in their Motion for Relief from Order of Reference Pursuant to SCRCP Rule 60 (*Exhibit D*). That motion was never scheduled for hearing by the Clerk of Court and was never heard or ruled upon by any judge, yet the docket anomalously reflects it as “resolved” on September 29, 2020, the same date Judge Dukes granted vacatur of the reference on other grounds. This early filing demonstrates that Appellants have consistently preserved these threshold issues from near the inception of the case and are not

raising them belatedly or for dilatory purposes. Resolution of the Rule 60(b)(4) motion is a threshold jurisdictional issue that must precede meaningful appellate review.

5. This Court possesses authority to remand for resolution of threshold matters pending below that materially affect the appeal. Rule 204(c), SCACR (settlement of record); Rule 205, SCACR (lower court retains jurisdiction over certain matters); Rule 221(b), SCACR (reconstruction or correction); Rule 242(c), SCACR (limited remands); see also *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) (threshold issues like recusal require resolution first).

6. **Judicial efficiency strongly favors a single limited remand addressing all pending threshold matters:** (a) settlement/reconstruction of the defective January 21, 2025 transcript or new hearings; (b) ruling on the pending Motion for Reconsideration of recusal denial; and (c) ruling on the pending Rule 60(b)(4) motion challenging the jurisdictional foundation of the appealed orders.

7. Remand causes no prejudice to Respondents, who may respond to the Rule 60(b)(4) motion below. Any delay stems from the State's defective OWL recording system and the 2019 jurisdictional defects initiated by Respondents' pursuit of a pre-service reference.

8. Absent remand, Appellants face denial of due process and appellate review of potentially void ab initio orders.

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

- a. Consider this Motion jointly with the pending Motion to Remand filed January 7, 2026;
- b. Stay the appeal and all briefing deadlines;
- c. Issue a limited remand to the Circuit Court for:

- i. Ruling on the pending Motion for Reconsideration of the denial of recusal (filed May 20, 2025);
- ii. Settlement of the record pursuant to Rule 204(c), SCACR, or, if impossible, new hearings on the motions leading to the May 7, 2025 Order striking the jury demand and referring the case to the Master-in-Equity; and
- iii. Hearing and ruling on the pending Motion to Vacate Void Orders Pursuant to SCRCRCP 60(b)(4) (filed on or about August 8, 2025);
- d. Direct the Circuit Court to prioritize recusal and voidness issues as threshold matters before record settlement or new hearings on the merits; and
- e. Grant such other and further relief as this Court deems just and proper.

**EXHIBIT LIST**

**Exhibit A:** Motion to Vacate Void Orders Pursuant to SCRCRCP 60(b)(4) (**Clean Copy:** August 8, 2025)

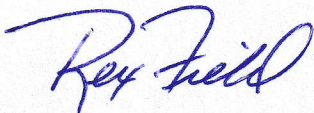
**Exhibit A-1:** Motion to Vacate Void Orders Pursuant to SCRCRCP 60(b)(4) (**Filed Copy:** August 8, 2025)

**Exhibit B:** Prior Order of Reference dated October 17, 2019 (void ab initio)

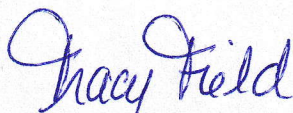
**Exhibit C:** Form-4 Order Vacating Order of Reference dated September 29, 2020 (for context)

**Exhibit D:** Motion for Relief from Order of Reference Pursuant to SCRCRCP Rule 60 (filed March 16, 2020, never scheduled or heard, docketed as “resolved” September 29, 2020 without ruling)

Respectfully submitted this 2<sup>nd</sup> day of February, 2026.



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



Tracy L. Field

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

**MOTION TO VACATE VOID ORDERS  
PURSUANT TO SCRPC RULE 60(b)(4)**

vs.

(In-Person Hearing Requested)

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

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 TO VACATE VOID ORDERS PURSUANT TO SCRPC RULE 60(b)(4)**

COME NOW the Defendants/Third-Party Plaintiffs, Rex A. Field and Tracy L. Field (“Defendants”), pro se, and respectfully move this Honorable Court, pursuant to SCRPC Rule 60(b)(4), for relief from void judgments by vacating the May 7, 2025 Orders and all prior related orders that are void due to cascading jurisdictional defects, including lack of commencement under Rule 3(a), lack of notice under Rule 5(a), lack of personal jurisdiction under Rule 4(d), due process violations, the void motion to vacate filed by Defendants on November 20, 2019 (as it was filed during a void proceeding under the void reference), the void Motion to Strike Defendants' Demand for Jury Trial filed by Plaintiff on January 30, 2020 (as it was filed during the void reference proceeding), and the Master's lack of authority to vacate the order of reference on September 29, 2020 (which stemmed from the void November 20, 2019 motion). Defendants incorporate by reference their prior filings and arguments in this matter.

## I. INTRODUCTION

This case involves a sequence of jurisdictional defects beginning with the issuance of an order of reference on October 17, 2019, prior to service of process on the Defendants. This initial defect led to a series of void orders under SCRCP Rule 60(b)(4), which permits courts to vacate void judgments at any time, as they lack legal effect. See *McDaniel v. U.S. Fid. & Guar. Co.*, 324 S.C. 639, 644, 478 S.E.2d 868, 871 (Ct. App. 1996) (defining "void" under Rule 60(b)(4) as encompassing only judgments from courts which failed to provide proper due process, or judgments from courts which lacked subject matter jurisdiction or personal jurisdiction); *Bonney v. Granger*, 356 S.C. 419, 589 S.E.2d 764 (Ct. App. 2003). The defects include subject matter jurisdictional voids due to the absence of a pending proceeding pre-service under Rule 3(a) (2019 version), as well as fundamental due process violations arising from non-waivable pre-deprivation notice requirements under *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950). These voids are attackable collaterally at any time, as they render orders legal nullities. See *McDaniel v. U.S. Fid. & Guar. Co.*; *Mullane*; *Bonney v. Granger*. Additional defects encompass lack of notice under Rule 5(a), absence of personal jurisdiction under Rule 4(d), the void motion to vacate filed by Defendants on November 20, 2019 (as it was filed during a void proceeding under the void reference), the void Motion to Strike Defendants' Demand for Jury Trial filed by Plaintiff on January 30, 2020 (as it was filed during the void reference proceeding), and the Master's lack of authority to vacate the order of reference on September 29, 2020 (which stemmed from the void November 20, 2019 motion). Vacatur of the May 7, 2025 orders and all related prior orders is necessary to address these defects and prevent further injustice.

## II. STATEMENT OF FACTS

1. The Plaintiff filed the complaint on October 11, 2019. On October 16, 2019, the Plaintiff submitted a proposed order of reference to the clerk without notice to the Defendants. The clerk signed and filed the order on October 17, 2019, without providing notice, in violation of Rule 5(a) and fundamental due process requirements. No notice of the order has been provided to date. (Exhibit A: Order of Reference, October 17, 2019).
2. The Defendants were served with the summons and complaint on October 22, 2019, after the reference had been issued. On November 20, 2019, the Defendants filed a motion to vacate the reference, citing Rule 3(a), Rule 5(a), Rule 53, and due process. The motion argued that the reference was issued before commencement of the action, without notice, and that the clerk lacked jurisdiction. However, this motion was filed during the void reference proceeding, rendering it void, as the Master lacked jurisdiction to act on filings. See *Bunkum v. Manor Properties*, 321 S.C. 95, 467 S.E.2d 758 (Ct. App. 1996); *Tri-County Ice & Fuel Co. v. Palmetto Ice Co.*, 303 S.C. 237, 399 S.E.2d 779 (1990). (Exhibit B: Motion to Vacate Order of Reference; Rule 38, November 20, 2019);
3. On January 30, 2020, the Plaintiff filed a motion to strike the Defendants' demand for jury trial during the void reference proceeding, rendering this motion void due to the Master's lack of jurisdiction. (Exhibit C: Motion to Strike Defendants' Demand for Jury Trial, January 30, 2020);
4. On September 29, 2020, Master-in-Equity Judge Dukes issued an order purporting to vacate the reference under Rule 3(a) following a hearing on the November 20, 2019 motion. However, as Master, Judge Dukes lacked authority to vacate the order of reference, which exceeded the scope under Rule 53(c), S.C. Code Ann. § 14-11-60, and §

14-5-350. The vacatur was also void because it derived from the void November motion filed in a void proceeding. "Serving the Master: Challenging the Authority, Power or Jurisdiction of a Master-in-Equity or Special Referee in South Carolina," S.C. Law., Jan. 2015, at 26. (Exhibit D: Vacatur Order, September 29, 2020);

5. On April 20, 2021, Judge Price issued an order striking the jury demand based on the void January 30, 2020 motion. (Exhibit E: Jury Strike Order, April 20, 2021);
6. The Defendants appealed on May 13, 2021, and the Court of Appeals affirmed on June 14, 2023. (Exhibit F: Appellate Opinion, June 14, 2023);
7. On May 7, 2025, Judge Dukes issued orders granting the Plaintiff's renewed motion to strike the jury demand and for reference, denying the Defendants' motion to dismiss, and denying sanctions motions without prejudice. The orders relied on the void 2021 jury strike order and the void 2023 appellate affirmation as "law of the case," barring jury demands on existing and new claims (e.g., breach of contract and FCRA violations) and finding counterclaims permissive. This reliance perpetuated the voids, affecting the grant of the renewed motion to strike (¶A), the new reference under Rule 53(b) (¶F), the denial of dismissal (¶C), and the denial of sanctions (¶D, E). (Exhibit G: May 7, 2025 Order).
8. **The sequence of events establishes a chain of voids:** the 2019 reference (pre-service and without notice); the 2019 and 2020 motions (filed in a void proceeding); the 2020 vacatur (unauthorized and derivative); the 2021 strike and 2023 affirmation; and the 2025 orders.

### III. LEGAL ARGUMENTS

1. This case involves a series of procedural defects that began with the issuance of an order of reference before the action was properly commenced, resulting in a chain of void

orders that cannot be remedied. The circuit court did not acquire jurisdiction at the beginning due to the failure to commence the action under SCRCRCP Rule 3(a) (2019 version), lack of notice under Rule 5(a), and absence of personal jurisdiction under Rule 4(d). Consequently, the court could not retain jurisdiction because it was never established; all following orders, including the Master's 2020 vacatur and subsequent decisions, derived from this initial defect and compounded the voids. The case is currently in procedural limbo, with no mechanism to retroactively confer valid jurisdiction, necessitating the vacatur of all impacted orders and dismissal without prejudice as the proper resolution.

2. The jurisdictional defects in this case originated with the October 17, 2019 order of reference, issued before the action commenced under SCRCRCP Rule 3(a) (2019 version). This failure, combined with lack of notice under Rule 5(a) and personal jurisdiction under Rule 4(d), resulted in a void proceeding from the outset. See *South Carolina Dep't of Soc. Servs. v. Tran*, 418 S.C. 308, 792 S.E.2d 254 (Ct. App. 2016) (action commences upon service). These defects are subject matter jurisdictional, as there was no pending proceeding pre-service, stripping the court of inherent authority to act and rendering all orders void ab initio. See *McDaniel v. U.S. Fid. & Guar. Co.*, 324 S.C. 639, 644, 478 S.E.2d 868, 871 (Ct. App. 1996) (defining "void" under Rule 60(b)(4) as encompassing only judgments from courts which failed to provide proper due process, or judgments from courts which lacked subject matter jurisdiction or personal jurisdiction).

Alternatively, they constitute fundamental due process voids, as the absence of notice and opportunity to be heard violated non-waivable pre-deprivation notice requirements under *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) (requiring notice

"reasonably calculated... to apprise interested parties" before deprivation, mandating personal notice for known parties where practicable: "Where the names and post office addresses of those affected... are at hand, the reasons disappear for resort to means less likely than the mails"). Such violations are non-waivable and go to the court's power to act fairly, invalidating proceedings from the start. See S.C. Const. Art. I, § 3; U.S. Const. Amend. XIV. Premature references deprive parties of the ability to develop issues, as noted in *Chabek v. Nationwide Mut. Fire Ins. Co.*, 303 S.C. 26, 397 S.E.2d 786 (Ct. App. 1990), and *Holladay v. Holladay*, 27 S.C. 622, 3 S.E. 80 (1887). Improper service voids subsequent actions under *Roche v. Young Bros., Inc.*, 318 S.C. 207, 456 S.E.2d 897 (1995). Rule 53(b) requires a commenced action, which was not present here. These voids are attackable collaterally at any time, as they are legal nullities subject to challenge in a separate proceeding without time limits. See *McDaniel v. U.S. Fid. & Guar. Co.*; *Mullane*; *Bonney v. Granger*.

3. **The orders at issue are void ab initio;**
4. **2019 Reference Void:** Pre-service under Rule 3(a) (2019); no notice under Rule 5(a), due process. Until an action is commenced, there is no proceeding pending, rendering any pre-commencement order, including the reference, void for lack of jurisdiction. Moreover, the court lacked personal jurisdiction over Defendants because the summons and complaint were not served on Defendants until October 22, 2019, as required by SCRCP Rule 4(d) to establish personal jurisdiction, rendering any pre-service order, including the reference issued on October 17, 2019, a nullity for failure to provide reasonable notice and opportunity to be heard. Supporting notes to Rule 4(d) confirm that it conforms to state and federal practice on service methods, and improper service (or

lack thereof) can invalidate court actions. Additionally, issuing an order of reference before the action is at issue and pleadings are complete is premature and improper, depriving parties of the chance to fully develop issues and determine the appropriate mode of trial. *Chabek v. Nationwide Mut. Fire Ins. Co.*; *Holladay v. Holladay*; *South Carolina Dep't of Soc. Servs. v. Tran*; *Mullane v. Central Hanover Bank & Trust Co.*; *Charleston Cty. Dep't of Soc. Servs. v. Father*; *Roche v. Young Bros., Inc.* (improper service under Rule 4(d)(8) voids subsequent judgments for lack of jurisdiction); U.S. Const. Amend. XIV; S.C. Const. Art. I, § 3. Rule 53(b) requires commenced action;

5. **Defendants' November 20, 2019 Motion Void:** Filed during void reference proceeding, as the Master lacked jurisdiction; motions in void proceedings are null. *Bunkum v. Manor Properties*; *Coon v. Coon*; Plaintiff's January 30, 2020
6. **Motion to Strike Defendants' Demand for Jury Trial Void:** Filed during void reference proceeding, as the Master lacked jurisdiction; motions in void proceedings are null. *Bunkum*; *Coon v. Coon*;
7. **2020 Vacatur Void:** The Master's vacatur exceeded scope and stemmed from the void November 20, 2019 motion in a void proceeding, rendering it void. But since the reference was void, there's nothing to "move back"—the case never left properly. A new order would perpetuate the defects rather than cure them, as the court can't ratify nullities. *Roche v. Young Bros., Inc.*; *Chabek v. Nationwide Mut. Fire Ins. Co.* (master lacks jurisdiction absent proper referral); Rule 53(c); § 14-11-60; *Bunkum*; *Tri-County Ice & Fuel Co.*; "Serving the Master." *Judy v. Martin*; *Coon v. Coon*. Remedy: Vacate vacatur; dismiss without prejudice. *Bonney v. Granger*; *Woodard v. Westvaco Corp.*;

8. **2021 Jury Strike Void:** On void Motion to Strike Defendants' Demand for Jury Trial filed on January 30, 2020. *Coon v. Coon*;
9. **2023 Affirmation Void:** Of void order. *Judy v. Martin*; *Roche v. Young Bros., Inc.*;
10. **2025 Order Void:** The cascading voids from prior orders render the May 7, 2025 Order void ab initio, as it relies on the void 2021 jury strike and void 2023 affirmation as "law of the case" to bar jury demands on existing and new claims (e.g., Breach of Contract and FCRA), finding counterclaims permissive. This reliance on void priors taints the entire Order, including the grant of renewed motion to strike jury demand (§A), the reference to Master under Rule 53(b) (§F, repeating the void reference defect), the denial of dismissal based on standing (§C, ignoring jurisdictional voids), and the denial of sanctions without prejudice to Master review (§D, E, deferring to void reference). The Order's findings on pleadings and discovery are built on the void chain. *Salley v. Heartland-Charleston of Hanahan, SC, LLC*; *Brenco v. S.C. Dep't of Nat. Res.*; *Hudson v. Hudson*.
11. **The Defendants' November 20, 2019 motion was void**, as it was filed in a proceeding where the Master lacked jurisdiction. See *Bunkum v. Manor Properties*; *Coon v. Coon*, *Coon v. Coon*, 356 S.C. 342, 588 S.E.2d 624 (Ct. App. 2003). The Plaintiff's January 30, 2020 motion to strike the jury demand was similarly void.
12. The 2020 vacatur exceeded the Master's authority under Rule 53(c) and § 14-11-60, and derived from a void motion, rendering it void. Courts cannot ratify nullities. See *Roche*; *Chabek*; *Bunkum*; *Tri-County Ice & Fuel Co.*; *Judy v. Martin*, 381 S.C. 455, 674 S.E.2d 151 (2009); *Coon*. The appropriate remedy is vacatur and dismissal without prejudice. See *Bonney v. Granger*; *Woodard v. Westvaco Corp.*, 315 S.C. 329, 433 S.E.2d 890 (Ct. App. 1993).

13. **The 2021 jury strike order was void, based on the void 2020 motion.** See Coon. The 2023 appellate affirmation was void, as it affirmed a void order. See Judy; Roche. The 2025 orders are void due to reliance on these prior voids, including application of "law of the case" to bar jury demands and refer the case anew. See *Salley v. Heartland-Charleston of Hanahan, SC, LLC*, 381 S.C. 84, 671 S.E.2d 634 (Ct. App. 2009); *Brenco v. S.C. Dep't of Nat. Res.*, 377 S.C. 124, 659 S.E.2d 128 (2008); *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986).

14. As set forth above, the defects create a chain of void orders.

15. **The Court Has Jurisdiction to Grant Relief Under Rule 60(b)(4)**

This court possesses jurisdiction to consider motions under SCRCP Rule 60(b)(4) concerning void judgments, even during a pending appeal, subject to obtaining leave if required. Void orders are subject to challenge at any reasonable time, as outlined in *Bonney v. Granger*, which affirms that such defects justify relief to prevent ongoing injustice. The record here provides sufficient basis for the court to proceed promptly. See *McDaniel v. U.S. Fid. & Guar. Co.*; *Bonney v. Granger*. A judgment of a court without subject matter jurisdiction is void and constitutes grounds for the court to vacate the judgment. *Gainey v. Gainey*, 382 S.C. 414, 675 S.E.2d 792 (Ct. App. 2009); see also Rule 60(b)(4), SCRCP (stating a court may relieve a party from a final judgment if the judgment is void).

16. **The Orders Are Void Due to Cascading Jurisdictional Defects**

As set forth above, the defects create a chain of void orders. The information distinguishes void judgments (complete nullities from inception, due to fundamental defects like lack of subject matter jurisdiction) from voidable ones (merely erroneous and

fixable). This is crucial for the motion's claim that the pre-service order of reference created cascading voids, as courts cannot enforce or ratify nullities. From *Thomas & Howard Co., Inc. v. T.W. Graham & Co.*, 318 S.C. 286, 291, 457 S.E.2d 340, 343 (1995): "A void judgment is the one that, from its inception, is a complete nullity and is without legal effect and must be distinguished from one which is merely 'voidable.'" This directly bolsters the motion's argument that the 2019 reference (issued before commencement under Rule 3(a)) was a nullity, rendering all derivative orders (e.g., 2020 vacatur, 2021 jury strike) unenforceable. Moreover, a court lacking subject matter jurisdiction cannot enforce its own decrees. *Hallums v. Bowens*, 318 S.C. 1, 3, 428 S.E.2d 894, 895 (Ct. App. 1993) ("It would serve no useful purposes to determine issues submitted to the court since the jurisdiction as to subject matter can be raised at any time, and if the case were remanded to the family court, it would have no authority to carry out its previously ordered mandate."). This applies to the motion's argument that the Master's 2020 vacatur and later orders (e.g., 2025 reference) are unenforceable, as they stem from a jurisdictionally defective reference.

#### **17. Law of the Case Doctrine Does Not Apply to Void Orders**

The 2025 order's use of "law of the case" from the 2023 affirmation is misguided, as Salley and Brenco establish that the doctrine pertains only to valid rulings and gives way to jurisdictional voids. Hudson verifies that voids preclude reliance on earlier decisions. U.S. Const. Amend. XIV forbids enforcement of nullities, and the lack of a valid prior ruling amid cascading voids makes the doctrine inapplicable. See *McDaniel v. U.S. Fid. & Guar. Co.*; Salley; Brenco; Hudson. The Fourteenth Amendment prohibits enforcement of nullities.

**18. Other Points: Due Process, Notice Violations, and Foreclosure Intervention**

The lack of notice for the reference contravened Rule 5(a) and due process, rendering the proceedings invalid under *Mullane and Charleston Cty. Dep't of Soc. Servs. v. Father*.

The reference during the 30-day intervention period additionally violated due process, voiding jurisdiction as in *Financial Federal Credit, Inc. v. Brown. See Mullane;*

*Charleston Cty. Dep't of Soc. Servs. v. Father, 317 S.C. 283, 454 S.E.2d 307 (1995)*. The reference during the intervention period further voided jurisdiction. See *Financial*

*Federal Credit, Inc. v. Brown, 384 S.C. 555, 683 S.E.2d 486 (2009)*.

**TABLE OF AUTHORITIES**

**CASES:**

Bonney v. Granger, 356 S.C. 419, 589 S.E.2d 764 (Ct. App. 2003).....I, III.2, III.6, III.11, III.14  
Brenco v. S.C. Dep't of Nat. Res., 377 S.C. 124, 659 S.E.2d 128 (2008).....III.9, III.12, III.16  
Bunkum v. Manor Properties, 321 S.C. 95, 467 S.E.2d 758 (Ct. App. 1996)  
.....II.2, III.5, III.6, III.10, III.11  
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.....III.2, III.4, III.6, III.11  
Charleston Cty. Dep't of Soc. Servs. v. Father, 317 S.C. 283, 454 S.E.2d 307 (1995)....III.4, III.17  
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"Serving the Master: Challenging the Authority, Power or Jurisdiction of a Master-in-Equity or Special Referee in South Carolina," S.C. Law., Jan. 2015, at 26.....II.4, III.6

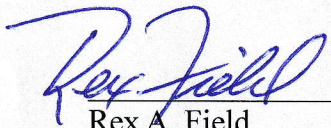
**INDEX OF EXHIBITS**

- Exhibit A: October 17, 2019 - Order of Reference
- Exhibit B: November 20, 2019 - Defendants' Motion to Vacate Order of Reference
- Exhibit C: January 30, 2020 - Plaintiff's Motion to Strike Defendants' Demand for Jury Trial
- Exhibit D: September 29, 2020 Vacatur Order – Order to Vacate Order of Reference
- Exhibit E: April 20, 2021 Jury Strike Order
- Exhibit F: June 14, 2023 Appellate Opinion
- Exhibit G: May 7, 2025 (2) Orders – Granted Plaintiff Jury Strike and Order of Reference, Denied Sanctions and Motions to Compel Plaintiff and Third-Party Defendants, and Denied Recusal of Judge Dukes (Form-4 Order).

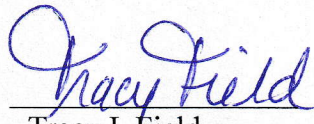
**CERTIFICATION** Defendants certify that this motion is filed in good faith, supported by the exhibits incorporated by reference, and the record.

**PRAYER FOR RELIEF** Defendants respectfully request that the Court vacate the void orders, dismiss the action without prejudice, and grant such other relief as may be just and proper.

Respectfully submitted this 8th day of August, 2025,



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



Tracy L Field  
(same)

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

VS.

**CERTIFICATE OF SERVICE**

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

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

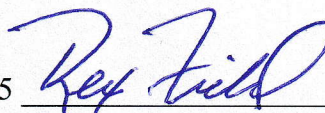
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I hereby certify that on the 8th day of August, 2025, I served a copy of **MOTION TO VACATE  
VOID ORDERS PURSUANT TO SCRPC RULE 60(b)(4)** by first-class U.S. Mail, postage  
prepaid and via electronic mail on the following:

BRADLEY ARANT BOULT CUMMINGS LLP  
Mr. G. Benjamin Milam  
214 North Tryon Street, Suite 3700  
Charlotte, NC 28202  
bmilam@bradley.com

BELL CARRINGTON & PRICE, LLC  
Mr. J. Martin Page  
330 Heyward Street, 2nd Floor  
Columbia, SC 29201  
mpage@bellcarrington.com

On this day, the 8th day of August, 2025

  
\_\_\_\_\_

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

**MOTION TO VACATE VOID ORDERS  
PURSUANT TO SCRPC RULE 60(b)(4)**

vs.

(In-Person Hearing Requested)

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

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 TO VACATE VOID ORDERS PURSUANT TO SCRPC RULE 60(b)(4)**

COME NOW the Defendants/Third-Party Plaintiffs, Rex A. Field and Tracy L. Field  
("Defendants"), pro se, and respectfully move this Honorable Court, pursuant to SCRPC Rule  
60(b)(4), for relief from void judgments by vacating the May 7, 2025 Orders and all prior related  
orders that are void due to cascading jurisdictional defects, including lack of commencement  
under Rule 3(a), lack of notice under Rule 5(a), lack of personal jurisdiction under Rule 4(d), due  
process violations, the void motion to vacate filed by Defendants on November 20, 2019 (as it  
was filed during a void proceeding under the void reference), the void Motion to Strike  
Defendants' Demand for Jury Trial filed by Plaintiff on January 30, 2020 (as it was filed during  
the void reference proceeding), and the Master's lack of authority to vacate the order of reference  
on September 29, 2020 (which stemmed from the void November 20, 2019 motion). Defendants  
incorporate by reference their prior filings and arguments in this matter.

2025 AUG -0 PM 2:05  
JEROME A. SMITH  
BEAUFORT COUNTY  
CLERK OF COURT

## I. INTRODUCTION

This case involves a sequence of jurisdictional defects beginning with the issuance of an order of reference on October 17, 2019, prior to service of process on the Defendants. This initial defect led to a series of void orders under SCRPC Rule 60(b)(4), which permits courts to vacate void judgments at any time, as they lack legal effect. See *McDaniel v. U.S. Fid. & Guar. Co.*, 324 S.C. 639, 644, 478 S.E.2d 868, 871 (Ct. App. 1996) (defining "void" under Rule 60(b)(4) as encompassing only judgments from courts which failed to provide proper due process, or judgments from courts which lacked subject matter jurisdiction or personal jurisdiction); *Bonney v. Granger*, 356 S.C. 419, 589 S.E.2d 764 (Ct. App. 2003). The defects include subject matter jurisdictional voids due to the absence of a pending proceeding pre-service under Rule 3(a) (2019 version), as well as fundamental due process violations arising from non-waivable pre-deprivation notice requirements under *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950). These voids are attackable collaterally at any time, as they render orders legal nullities. See *McDaniel v. U.S. Fid. & Guar. Co.*; *Mullane*; *Bonney v. Granger*. Additional defects encompass lack of notice under Rule 5(a), absence of personal jurisdiction under Rule 4(d), the void motion to vacate filed by Defendants on November 20, 2019 (as it was filed during a void proceeding under the void reference), the void Motion to Strike Defendants' Demand for Jury Trial filed by Plaintiff on January 30, 2020 (as it was filed during the void reference proceeding), and the Master's lack of authority to vacate the order of reference on September 29, 2020 (which stemmed from the void November 20, 2019 motion). Vacatur of the May 7, 2025 orders and all related prior orders is necessary to address these defects and prevent further injustice.

## II. STATEMENT OF FACTS

1. The Plaintiff filed the complaint on October 11, 2019. On October 16, 2019, the Plaintiff submitted a proposed order of reference to the clerk without notice to the Defendants. The clerk signed and filed the order on October 17, 2019, without providing notice, in violation of Rule 5(a) and fundamental due process requirements. No notice of the order has been provided to date. (Exhibit A: Order of Reference, October 17, 2019).
2. The Defendants were served with the summons and complaint on October 22, 2019, after the reference had been issued. On November 20, 2019, the Defendants filed a motion to vacate the reference, citing Rule 3(a), Rule 5(a), Rule 53, and due process. The motion argued that the reference was issued before commencement of the action, without notice, and that the clerk lacked jurisdiction. However, this motion was filed during the void reference proceeding, rendering it void, as the Master lacked jurisdiction to act on filings. See *Bunkum v. Manor Properties*, 321 S.C. 95, 467 S.E.2d 758 (Ct. App. 1996); *Tri-County Ice & Fuel Co. v. Palmetto Ice Co.*, 303 S.C. 237, 399 S.E.2d 779 (1990). (Exhibit B: Motion to Vacate Order of Reference; Rule 38, November 20, 2019);
3. On January 30, 2020, the Plaintiff filed a motion to strike the Defendants' demand for jury trial during the void reference proceeding, rendering this motion void due to the Master's lack of jurisdiction. (Exhibit C: Motion to Strike Defendants' Demand for Jury Trial, January 30, 2020);
4. On September 29, 2020, Master-in-Equity Judge Dukes issued an order purporting to vacate the reference under Rule 3(a) following a hearing on the November 20, 2019 motion. However, as Master, Judge Dukes lacked authority to vacate the order of reference, which exceeded the scope under Rule 53(c), S.C. Code Ann. § 14-11-60, and §

14-5-350. The vacatur was also void because it derived from the void November motion filed in a void proceeding. "Serving the Master: Challenging the Authority, Power or Jurisdiction of a Master-in-Equity or Special Referee in South Carolina," S.C. Law., Jan. 2015, at 26. (Exhibit D: Vacatur Order, September 29, 2020);

5. On April 20, 2021, Judge Price issued an order striking the jury demand based on the void January 30, 2020 motion. (Exhibit E: Jury Strike Order, April 20, 2021);
6. The Defendants appealed on May 13, 2021, and the Court of Appeals affirmed on June 14, 2023. (Exhibit F: Appellate Opinion, June 14, 2023);
7. On May 7, 2025, Judge Dukes issued orders granting the Plaintiff's renewed motion to strike the jury demand and for reference, denying the Defendants' motion to dismiss, and denying sanctions motions without prejudice. The orders relied on the void 2021 jury strike order and the void 2023 appellate affirmation as "law of the case," barring jury demands on existing and new claims (e.g., breach of contract and FCRA violations) and finding counterclaims permissive. This reliance perpetuated the voids, affecting the grant of the renewed motion to strike (§A), the new reference under Rule 53(b) (§F), the denial of dismissal (§C), and the denial of sanctions (§D, E). (Exhibit G: May 7, 2025 Order).
8. **The sequence of events establishes a chain of voids:** the 2019 reference (pre-service and without notice); the 2019 and 2020 motions (filed in a void proceeding); the 2020 vacatur (unauthorized and derivative); the 2021 strike and 2023 affirmation; and the 2025 orders.

### **III. LEGAL ARGUMENTS**

1. This case involves a series of procedural defects that began with the issuance of an order of reference before the action was properly commenced, resulting in a chain of void

orders that cannot be remedied. The circuit court did not acquire jurisdiction at the beginning due to the failure to commence the action under SCRPC Rule 3(a) (2019 version), lack of notice under Rule 5(a), and absence of personal jurisdiction under Rule 4(d). Consequently, the court could not retain jurisdiction because it was never established; all following orders, including the Master's 2020 vacatur and subsequent decisions, derived from this initial defect and compounded the voids. The case is currently in procedural limbo, with no mechanism to retroactively confer valid jurisdiction, necessitating the vacatur of all impacted orders and dismissal without prejudice as the proper resolution.

2. The jurisdictional defects in this case originated with the October 17, 2019 order of reference, issued before the action commenced under SCRPC Rule 3(a) (2019 version). This failure, combined with lack of notice under Rule 5(a) and personal jurisdiction under Rule 4(d), resulted in a void proceeding from the outset. See *South Carolina Dep't of Soc. Servs. v. Tran*, 418 S.C. 308, 792 S.E.2d 254 (Cl. App. 2016) (action commences upon service). These defects are subject matter jurisdictional, as there was no pending proceeding pre-service, stripping the court of inherent authority to act and rendering all orders void ab initio. See *McDaniel v. U.S. Fid. & Guar. Co.*, 324 S.C. 639, 644, 478 S.E.2d 868, 871 (Cl. App. 1996) (defining "void" under Rule 60(b)(4) as encompassing only judgments from courts which failed to provide proper due process, or judgments from courts which lacked subject matter jurisdiction or personal jurisdiction). Alternatively, they constitute fundamental due process voids, as the absence of notice and opportunity to be heard violated non-waivable pre-deprivation notice requirements under *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) (requiring notice

"reasonably calculated... to apprise interested parties" before deprivation, mandating personal notice for known parties where practicable: "Where the names and post office addresses of those affected... are at hand, the reasons disappear for resort to means less likely than the mails"). Such violations are non-waivable and go to the court's power to act fairly, invalidating proceedings from the start. See S.C. Const. Art. I, § 3; U.S. Const. Amend. XIV. Premature references deprive parties of the ability to develop issues, as noted in *Chabek v. Nationwide Mut. Fire Ins. Co.*, 303 S.C. 26, 397 S.E.2d 786 (Cl. App. 1990), and *Holladay v. Holladay*, 27 S.C. 622, 3 S.E. 80 (1887). Improper service voids subsequent actions under *Roche v. Young Bros., Inc.*, 318 S.C. 207, 456 S.E.2d 897 (1995). Rule 53(b) requires a commenced action, which was not present here. These voids are attackable collaterally at any time, as they are legal nullities subject to challenge in a separate proceeding without time limits. See *McDaniel v. U.S. Fid. & Guar. Co.*; *Mullane*; *Bonney v. Granger*.

**3. The orders at issue are void ab initio;**

**4. 2019 Reference Void:** Pre-service under Rule 3(a) (2019); no notice under Rule 5(a), due process. Until an action is commenced, there is no proceeding pending, rendering any pre-commencement order, including the reference, void for lack of jurisdiction.

Moreover, the court lacked personal jurisdiction over Defendants because the summons and complaint were not served on Defendants until October 22, 2019, as required by SCRCF Rule 4(d) to establish personal jurisdiction, rendering any pre-service order, including the reference issued on October 17, 2019, a nullity for failure to provide reasonable notice and opportunity to be heard. Supporting notes to Rule 4(d) confirm that it conforms to state and federal practice on service methods, and improper service (or

lack thereof) can invalidate court actions. Additionally, issuing an order of reference before the action is at issue and pleadings are complete is premature and improper, depriving parties of the chance to fully develop issues and determine the appropriate mode of trial. *Chabek v. Nationwide Mut. Fire Ins. Co.*; *Holladay v. Holladay*; *South Carolina Dep't of Soc. Servs. v. Tran*; *Mullane v. Central Hanover Bank & Trust Co.*; *Charleston Cty. Dep't of Soc. Servs. v. Father*; *Roche v. Young Bros., Inc.* (improper service under Rule 4(d)(8) voids subsequent judgments for lack of jurisdiction); U.S. Const. Amend. XIV; S.C. Const. Art. I, § 3. Rule 53(b) requires commenced action;

5. **Defendants' November 20, 2019 Motion Void:** Filed during void reference proceeding, as the Master lacked jurisdiction; motions in void proceedings are null. *Bunkum v. Manor Properties*; *Coon v. Coon*; Plaintiff's January 30, 2020
6. **Motion to Strike Defendants' Demand for Jury Trial Void:** Filed during void reference proceeding, as the Master lacked jurisdiction; motions in void proceedings are null. *Bunkum*; *Coon v. Coon*;
7. **2020 Vacatur Void:** The Master's vacatur exceeded scope and stemmed from the void November 20, 2019 motion in a void proceeding, rendering it void. But since the reference was void, there's nothing to "move back"—the case never left properly. A new order would perpetuate the defects rather than cure them, as the court can't ratify nullities. *Roche v. Young Bros., Inc.*; *Chabek v. Nationwide Mut. Fire Ins. Co.* (master lacks jurisdiction absent proper referral); Rule 53(e); § 14-11-60; *Bunkum*; *Tri-County Ice & Fuel Co.*; "Serving the Master." *Judy v. Martin*; *Coon v. Coon*. Remedy: Vacate vacatur: dismiss without prejudice. *Bonney v. Granger*; *Woodard v. Westvaco Corp.*;

8. **2021 Jury Strike Void:** On void Motion to Strike Defendants' Demand for Jury Trial filed on January 30, 2020. *Coon v. Coon*;
9. **2023 Affirmation Void:** Of void order. *Judy v. Martin*; *Roche v. Young Bros., Inc.*;
10. **2025 Order Void:** The cascading voids from prior orders render the May 7, 2025 Order void ab initio, as it relies on the void 2021 jury strike and void 2023 affirmation as "law of the case" to bar jury demands on existing and new claims (e.g., Breach of Contract and FCRA), finding counterclaims permissive. This reliance on void priors taints the entire Order, including the grant of renewed motion to strike jury demand (¶A), the reference to Master under Rule 53(b) (¶F, repeating the void reference defect), the denial of dismissal based on standing (¶C, ignoring jurisdictional voids), and the denial of sanctions without prejudice to Master review (¶D, E, deferring to void reference). The Order's findings on pleadings and discovery are built on the void chain. *Salley v. Heartland-Charleston of Hanahan, SC, LLC*; *Brenco v. S.C. Dep't of Nat. Res.*; *Hudson v. Hudson*.
11. **The Defendants' November 20, 2019 motion was void**, as it was filed in a proceeding where the Master lacked jurisdiction. See *Bunkum v. Manor Properties*; *Coon v. Coon*, *Coon v. Coon*, 356 S.C. 342, 588 S.E.2d 624 (Ct. App. 2003). The Plaintiff's January 30, 2020 motion to strike the jury demand was similarly void.
12. The 2020 vacatur exceeded the Master's authority under Rule 53(c) and § 14-11-60, and derived from a void motion, rendering it void. Courts cannot ratify nullities. See *Roche*; *Chabek*; *Bunkum*; *Tri-County Ice & Fuel Co.*; *Judy v. Martin*, 381 S.C. 455, 674 S.E.2d 151 (2009); *Coon*. The appropriate remedy is vacatur and dismissal without prejudice. See *Bonney v. Granger*; *Woodard v. Westvaco Corp.*, 315 S.C. 329, 433 S.E.2d 890 (Ct. App. 1993).

13. **The 2021 jury strike order was void, based on the void 2020 motion.** See Coon. The 2023 appellate affirmation was void, as it affirmed a void order. See Judy; Roche. The 2025 orders are void due to reliance on these prior voids, including application of "law of the case" to bar jury demands and refer the case anew. See *Salley v. Heartland-Charleston of Hanahan, SC, LLC*, 381 S.C. 84, 671 S.E.2d 634 (Cl. App. 2009); *Brenco v. S.C. Dep't of Nat. Res.*, 377 S.C. 124, 659 S.E.2d 128 (2008); *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986).

14. As set forth above, the defects create a chain of void orders.

15. **The Court Has Jurisdiction to Grant Relief Under Rule 60(b)(4)**

This court possesses jurisdiction to consider motions under SCRCP Rule 60(b)(4) concerning void judgments, even during a pending appeal, subject to obtaining leave if required. Void orders are subject to challenge at any reasonable time, as outlined in *Bonney v. Granger*, which affirms that such defects justify relief to prevent ongoing injustice. The record here provides sufficient basis for the court to proceed promptly. See *McDaniel v. U.S. Fid. & Guar. Co.*; *Bonney v. Granger*. A judgment of a court without subject matter jurisdiction is void and constitutes grounds for the court to vacate the judgment. *Gainey v. Gainey*, 382 S.C. 414, 675 S.E.2d 792 (Cl. App. 2009); see also Rule 60(b)(4), SCRCP (stating a court may relieve a party from a final judgment if the judgment is void).

16. **The Orders Are Void Due to Cascading Jurisdictional Defects**

As set forth above, the defects create a chain of void orders. The information distinguishes void judgments (complete nullities from inception, due to fundamental defects like lack of subject matter jurisdiction) from voidable ones (merely erroneous and

fixable). This is crucial for the motion's claim that the pre-service order of reference created cascading voids, as courts cannot enforce or ratify nullities. From *Thomas & Howard Co., Inc. v. T.W. Graham & Co.*, 318 S.C. 286, 291, 457 S.E.2d 340, 343 (1995): "A void judgment is the one that, from its inception, is a complete nullity and is without legal effect and must be distinguished from one which is merely 'voidable.'" This directly bolsters the motion's argument that the 2019 reference (issued before commencement under Rule 3(a)) was a nullity, rendering all derivative orders (e.g., 2020 vacatur, 2021 jury strike) unenforceable. Moreover, a court lacking subject matter jurisdiction cannot enforce its own decrees. *Hallums v. Bowens*, 318 S.C. 1, 3, 428 S.E.2d 894, 895 (Ct. App. 1993) ("It would serve no useful purposes to determine issues submitted to the court since the jurisdiction as to subject matter can be raised at any time, and if the case were remanded to the family court, it would have no authority to carry out its previously ordered mandate."). This applies to the motion's argument that the Master's 2020 vacatur and later orders (e.g., 2025 reference) are unenforceable, as they stem from a jurisdictionally defective reference.

#### **17. Law of the Case Doctrine Does Not Apply to Void Orders**

The 2025 order's use of "law of the case" from the 2023 affirmation is misguided, as *Salley* and *Brenco* establish that the doctrine pertains only to valid rulings and gives way to jurisdictional voids. *Hudson* verifies that voids preclude reliance on earlier decisions. U.S. Const. Amend. XIV forbids enforcement of nullities, and the lack of a valid prior ruling amid cascading voids makes the doctrine inapplicable. See *McDaniel v. U.S. Fid. & Guar. Co.*; *Salley*; *Brenco*; *Hudson*. The Fourteenth Amendment prohibits enforcement of nullities.

## 18. Other Points: Due Process, Notice Violations, and Foreclosure Intervention

The lack of notice for the reference contravened Rule 5(a) and due process, rendering the proceedings invalid under *Mullane* and *Charleston Cty. Dep't of Soc. Servs. v. Father*.

The reference during the 30-day intervention period additionally violated due process, voiding jurisdiction as in *Financial Federal Credit, Inc. v. Brown*. See *Mullane*:

*Charleston Cty. Dep't of Soc. Servs. v. Father*, 317 S.C. 283, 454 S.E.2d 307 (1995). The reference during the intervention period further voided jurisdiction. See *Financial Federal Credit, Inc. v. Brown*, 384 S.C. 555, 683 S.E.2d 486 (2009).

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Rule 53(b).....	III.2, III.4, III.9
Rule 53(c).....	II.4, III.6, III.11
Rule 60(b)(4).....	Title, Opening, I, III.14

**CONSTITUTIONAL PROVISIONS:**

S.C. Const. Art. I, §3.....	III.2, III.4
U.S. Const. Amend. XIV.....	III.2, III.4, III.16

**OTHER AUTHORITIES:**

"Serving the Master: Challenging the Authority, Power or Jurisdiction of a Master-in-Equity or Special Referee in South Carolina." S.C. Law, Jan. 2015, at 26.....	II.4, III.6
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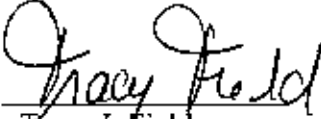
**INDEX OF EXHIBITS**

- Exhibit A: October 17, 2019 - Order of Reference
- Exhibit B: November 20, 2019 - Defendants' Motion to Vacate Order of Reference
- Exhibit C: January 30, 2020 - Plaintiff's Motion to Strike Defendants' Demand for Jury Trial
- Exhibit D: September 29, 2020 Vacatur Order – Order to Vacate Order of Reference
- Exhibit E: April 20, 2021 Jury Strike Order
- Exhibit F: June 14, 2023 Appellate Opinion
- Exhibit G: May 7, 2025 (2) Orders – Granted Plaintiff Jury Strike and Order of Reference, Denied Sanctions and Motions to Compel Plaintiff and Third-Party Defendants, and Denied Recusal of Judge Dukes (Form-4 Order).

**CERTIFICATION** Defendants certify that this motion is filed in good faith, supported by the exhibits incorporated by reference, and the record.

**PRAYER FOR RELIEF** Defendants respectfully request that the Court vacate the void orders, dismiss the action without prejudice, and grant such other relief as may be just and proper.

Respectfully submitted this 8th day of August, 2025,

	
Rex A. Field	Tracy I. Field
PO Box 975	(same)
St Helena, SC 29920	



STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

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

Plaintiff,

vs.

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

Defendant(s).

BCP No.: 19-43531

IN THE COURT OF COMMON PLEAS

C/A No.: 2019-CP-07-02279

**ORDER OF REFERENCE**

Upon motion of the undersigned attorney for the Plaintiff, it appearing that this case is a foreclosure action; and it further appearing, pursuant to Rule 53(b) South Carolina Rules of Civil Procedure, that this is a proper matter to refer to Marvin H. Dukes, III as Master in Equity for Beaufort County.

Now therefore, IT IS ORDERED that the above entitled cause be, and the same if hereby, referred to Marvin H. Dukes, III as Master in Equity for Beaufort County for a final foreclosure hearing to be held, wherein the Master in Equity will make appropriate findings of fact and conclusions of law with authority to dispose of any and all issues and enter a final judgment in the cause, without further order, to order a judicial sale on any day, not just a regular judicial sales day and to hear any issues and make any orders after sale or judgment, including but not limited to, issues involving surplus funds pursuant to Rule 71(c) SCRCF, Petitions or Motions relating to Writ of Assistance of any other actions as to possession, and/or removal of property, and issues pursuant to appraisal proceedings under S.C. Code Ann. Section 29-3-680, et seq. (1976 SC Code of Laws, as amended).

The Plaintiff is responsible for paying the Reference Fee set forth in South Carolina Code of Laws Section 14-11-310; however, if the Plaintiff's case has ended, any remaining party seeking Affirmative Relief shall be responsible for paying the fee. If the case is a Partition Action or Lien Foreclosure the fee amount is \$100.00; for all other types of cases

the fee is \$50.00. The Reference Fee shall be paid to the Office of the Master in Equity for Beaufort County within 30 of the date of this Order or the Master will dismiss the case for non-payment of the Reference Fee without further notice.

Any appeal from the final judgment in this cause shall be to the South Carolina Court of Appeals.

*SIGNATURE PAGE TO FOLLOW*

WE SO MOVE:

s/J. Martin Page  
J. Martin Page, Esq. (SC Bar: 100200)  
Bell Carrington Price & Gregg, LLC  
508 Hampton Street, Suite 301  
Columbia, SC 29201



Beaufort Common Pleas

**Case Caption:** Wilmington Savings Fund Society Fsb VS Rex A Field , defendant, et al  
**Case Number:** 2019CP0702279  
**Type:** Order/Referred to Master or Special Referee

So Ordered

s/Jerri Ann Roseneau, Beaufort County Clerk of Court

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2019 CP-07-02279

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

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

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Master In Equity Court

Attorney for :  Plaintiff  Defendant  
or  
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court: The Motion to Vacate Order of Reference, heard September 29<sup>th</sup>, 2020, is Granted without prejudice.

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest

or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.  
**Note: Title abstractors and researchers should refer to the official court order for judgment details.**

	3069	
<b>Circuit Court Judge</b>	<b>Judge Code</b>	<b>Date</b>

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**ATTORNEY(S) FOR THE DEFENDANT(S)**

\_\_\_\_\_  
**CLERK OF COURT**

**Court Reporter:** N/A

ELECTRONICALLY FILED - 2020 Sep 29 1:13 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0702279



Beaufort Common Pleas

**Case Caption:** Wilmington Savings Fund Society Fsb VS Rex A Field , defendant, et al  
**Case Number:** 2019CP0702279  
**Type:** Master/Order/Form 4

So Ordered:

s/Marvin H. Dukes III #3069

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

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

2020 MAR 16 PM 2:43

IN THE COURT OF COMMON PLEAS

BEAUFORT COUNTY, S.C.  
CLERK OF COURT

C/A No: 2019-CP-07-02279

vs.

Plaintiff

**NOTICE OF MOTION AND MOTION FOR  
RELIEF FROM ORDER OF REFERENCE  
PURSUANT TO SCRCP RULE 60; AFFIDAVIT**

Rex A. Field, Tracy L. Field

Defendants

*The Honorable Marvin H. Dukes, III*

(Jury Trial)

COMES NOW Rex A. Field and Tracy L. Field (“Defendants”) pursuant to SCRCP Rule 60 hereby move this Court for relief from the Clerk of Court's *Order of Reference* filed on October 17, 2019. This Rule 60 Motion for Relief from Order of Reference is also filed pursuant to SCRCP Rule 60(b)(1), Rule 60(b)(3), Rule 60(b)(4), Rule 3(a), Rule 38(b), Rule 40, and Rule 53, including, but not limited to, the right to trial by jury in any proceeding so triable in this case, and *due process* as declared by the Constitution or as given by a statute of South Carolina or under Federal law (the “Motion”).

**The grounds for this Motion for Relief from Order of Reference (October 17, 2019) and Relief from Final Hearing (March 26, 2020) are as follows:**

1. The Order of Reference (“Order”) is not properly before the Court and **the Order of Reference is invalid, null and void.** (emphasis added) The Plaintiff filed the Proposed Order with the Court before the commencement of the above caption case and the Clerk of Court signed the Order of Reference before the Summons and Complaint was served on the Defendants. The Plaintiff did not serve the Defendants the Proposed Order that was filed with the Clerk of Court nor was the Order of Reference that was signed by the Clerk of Court ever served on the

Defendants. At the time the Clerk of Court signed and filed the Order of Reference the Clerk of Court and the Court lacked jurisdiction to sign and file the Order of Reference. The Clerk nor the Court had jurisdiction and the Court was not authorized and did not have the power to render an Order of Reference in this case, a case that had not yet commenced. Consequently, the Master in Equity (“MIE”) with an invalid Order of Reference does not have the authority to schedule a Final Hearing for March 26, 2020 because the basis for the Final Hearing is based upon an Order of Reference that was not authorized and was procured without having jurisdiction. The Final Hearing scheduled for March 26, 2020 is without authority and/or jurisdiction because it is based upon an Order of Reference that is invalid, null and void. The Defendants do not waive their rights to jurisdictional matters, do not waive their right to subject matter jurisdiction, and object to the MIE hearings scheduled on March 24, 2020 and the Final Hearing scheduled for March 26, 2020. Given that the Order of Reference is invalid, null and void, the MIE does not have jurisdiction and does not have the power to render any particular judgment requested.

2. On October 11, 2019, unbeknownst to Defendants, the Plaintiff filed with the Court the above-captioned Summons and Complaint against the Defendants. At the time of the filing, the Defendants were completely unaware that a Summons and Complaint had been filed.
3. On October 16, 2019, unbeknownst to Defendants, the Plaintiff filed a Proposed Order of Reference, the Court docket shows “Order/Order Cover Sheet \$25.00”, the online court docket does not show the actual document, the Defendants were completely unaware that a Motion Order Cover sheet had been filed. Further, on October 16, 2019, the Plaintiff filed a Proposed Order online as “NEF(10-16-2019 11:54:28 AM) Proposed Order/Referred to M...,” the court docket does not show the actual Proposed Order document, the Defendants were completely unaware that a Proposed Order of Reference/Motion Order Form had been filed. The Plaintiff filed the Proposed Order of Reference/Motion Order Form for the Clerk of Courts' signature.

The Defendants object to the Plaintiff's Proposed Order because the Plaintiff failed to serve the Proposed Order of Reference, and to date, the Defendants have not seen or been served the Proposed Order of Reference/Motion Order Form. At the time of the Plaintiff's Proposed Order of Reference/Motion Order filing (10/16/2019), the Summons and Complaint had not yet been served on the Defendants. As of October 16, 2019, the day the Proposed Order of Reference was filed by the Plaintiff, **the above-captioned case had not yet commenced and the Court had no jurisdiction pursuant to SCRCP 3(a) states that a civil action is commenced by the filing and service of a summons and complaint.** (emphasis added). The above-captioned Complaint did not commence until October 22, 2019 when one of the Defendants was served. The jurisdiction of the circuit court did not vest in the circuit court until the Plaintiff served the Summons and Complaint on the Defendants on October 22, 2019. Thus, the commencement date of the action is on October 22, 2019, not (5) five or (6) six days earlier on October 16, 2019 or October 17, 2019. The Plaintiff and the Clerk of Court knew or should have known that the Proposed Order of Reference and the signed Order of Reference by the Clerk of Court before the case commenced would be untimely, improper, null and void, a surprise to the Defendants, and is extrinsic fraud upon the Court and the Defendants. The Summons and Complaint was filed with the Court on October 11, 2019, nonetheless, **the service of the summons and complaint did not effectuate the commencement of the case until October 22, 2019 pursuant to SCRCP Rule 3** (emphasis added)

4. On October 16, 2019 at 4:43pm, the Plaintiff's Proposed Order was filed. The very next morning at 8:15am, October 17, 2019, unbeknownst to Defendants, the Clerk of Court electronically signed the Order of Reference, the Defendants were not notified or served the Order of Reference. The same day, (10/17/2019) the Clerk of Court sent "*Certificate of Electronic Notification to James Page - Notification transmitted on 10-17-2019 12:16:08 PM.*" stating that the Defendants must be served by traditional means. The Defendants object to the

Order of Reference because neither the Clerk of Court nor the Plaintiff have served the Proposed Order, the signed Order of Reference or any other notices relating to the Order of Reference. The Order of Reference was not served at all on the Defendants, thus the Order of Reference is not properly before the Court. The Defendants object to the Order of Reference is invalid, null and void and the MIE does not have jurisdiction or authority to enforce a void Order.

5. On October 22, 2019, the Plaintiff commenced the above-captioned case by service of process on the Defendants via the *Summons and Complaint*.
6. On October 22, 2019, on the day of the commencement of the case, the Defendants filed "*Demand for Jury Trial*".
7. On October 29, 2019, *Homeowner Defendants* filed "*Notice of Appearance as of October 22, 2019*"
8. *On November 18, 2019, Homeowner Defendants* filed "*Motion for Case to be Heard by Jury Pursuant SCRCF Rule 38(b)*"
9. On November 20, 2019, filed this "*Motion to Vacate Order of Reference; Rule 38(b)*"
10. The Court docket shows that the Plaintiff, in conjunction with the Clerk of Court, filed the *Order of Reference* on October 17, 2019 before the commencement of the case on October 22, 2019 when the Defendants were served the *Summons and Complaint* and (43) forty-three days before the expiration of time for the Defendants to answer or otherwise respond to said Summons and Complaint on or before November 21, 2019. At the time of the filing of this Motion, the time has not expired to file an answer or otherwise respond the Complaint, thus, the Defendants have not filed an answer or otherwise responded to the Plaintiff's Complaint.
11. The Plaintiff prepared a Proposed *Order of Reference* (October 16, 2019) referring the case to the MIE which the Clerk of Court adopted and signed on October 17, 2019, before the commencement of the action on October 22, 2019, the Defendants have not received notice of

the Motion for *Order of Reference*, have not received notice of the *Proposed Order of Reference*, and have not received a signed copy of the signed *Order of Reference*.

12. The Clerk of Court has erred in ordering a mandatory reference, including, but not limited to violation of SCRCP Rule 3(a), violation of Rule of Rule 53(b), foreclosure of Defendants rights to *due process* as declared by the Constitution and a jury trial, and the foreclosure of Defendants *due process* rights in circuit court. South Carolina Rule of Civil Procedure 53(b) authorizes the circuit court to refer an action to a master-in-equity (1) by consent of the parties, (2) if there is a default, (3) in actions with complicated issues to be tried before a jury, and (4) in all other actions, upon application of any party or upon the court's motion. The Defendants did not consent to a reference and there was no default. Thus, the question becomes whether the case involves complicated issues to be tried before a jury or whether the action is equitable, permitting either party or the court to move for reference. Given a Stay pursuant to Foreclosure Intervention, the Defendants have not yet answered the Complaint or otherwise responded, thus, it is premature to determine the type of action and this case should remain in Circuit Court. If the issues are complicated, a case may be referred to a master for the limited purpose of making factual findings to be received by the circuit court as evidence only. The record before us indicates that the action was referred to the master for final adjudication and provides for appeal, if any. The Clerk of Court's invalid, untimely, and premature referral via Order of Reference to the MIE was improper under the circumstances of this case.
13. The right to a jury trial is expressly preserved by SCRCP 38(a). This Rule states: The right of trial by jury as declared by Constitution or as given by a statute of South Carolina shall be preserved \*139 to the parties inviolate. Under Rule 38(a), the Defendants are expressly entitled to a jury trial unless they waive that right. The record before this Court does not reflect a waiver. The procedure for demanding a jury trial is set forth in SCRCP 38(b) as follows: Any party may demand a trial by jury of an issue triable of right by a jury by serving upon the other

parties a demand therefor in writing **at any time after the commencement of the action** and not later than 10 days after the service of the last pleading directed to such issue. Such demand may be endorsed upon a pleading of the party.

14. At a minimum, Defendants have ten days after service of their answer, in which to demand a jury trial. However, the case was referred by the Clerk of Court on October 17, 2019, **(5) five days prior the commencement of the case** and (43) forty-three days prior to the theoretical first deadline to answer or otherwise respond. The time to answer Complaint has not expired.
15. The Clerk of Court's premature and invalid *Order of Reference* deprived the Defendants of their right to a jury trial as provided under Rule 38(a).
16. The failure of the Plaintiff and/or the Clerk of Court to give Defendants notice and service of process of the Motion for the Proposed Order of Reference deprives the court of jurisdiction (Clerk of Court) to entertain a motion for a proposed Order of Reference and rendering the resulting Order of Reference void.
17. The Clerk of Court lacked jurisdiction to refer the case via Order of Reference because the case had not yet commenced at the time the Order was signed and filed rendering the Order void.
18. The Order of Reference is void, frivolous, baseless and is without merit.

This Motion is further based on the pleadings, affidavits, and other documents filed in this case, the South Carolina Rules of Civil Procedure, the applicable statutory and case law of South Carolina, and any memorandum of law or other supporting materials to be submitted prior to, at, or subsequent to a hearing on this Motion.

The Defendants intend that neither this Motion nor any previous or later appearance, pleadings, claim, or suit shall waive to the right to answer the Complaint or otherwise respond within (30) thirty days after the conclusion of Foreclosure Intervention and/or (30) thirty days after the conclusion of Mediation/ADR including, but not limited to the right to Mediation/ADR, the

right to Foreclosure Intervention pursuant to South Carolina Supreme Court Administrative Order 2011-05-02-01, or any other rights, claims, action, and defenses, to which said Defendants are or may be entitled, in law or in equity, all of which rights, claims, actions, defenses said Defendants expressly reserves.

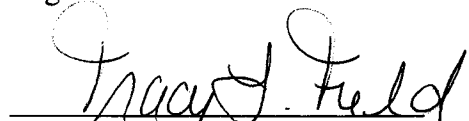
**WHEREFORE**, Defendants pray for relief from the Order of Reference and relief from the Final Hearing scheduled in Master in Equity for March 26, 2020 and seek an order from this Court deeming the Order of Reference null and void and remand the case back to Circuit Court and any other relief that is just and proper.

**AFFIDAVIT**


Personally appeared before me, the undersigned Notary Public duly authorized to administer oaths, Rex A. Field and Tracy L. Field, who after being duly sworn deposes and states that they are authorized to make this verification on behalf of themselves and the statements and evidence are true and correct based upon his personal knowledge.

This day, March 16, 2020

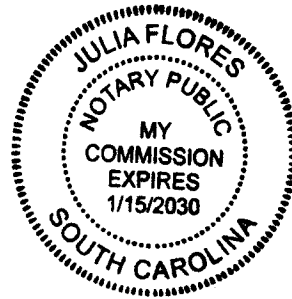
  
Rex A. Field

  
Tracy L. Field

Sworn before me, this 16<sup>h</sup> day of March, 2020

  
Notary Public  
State of South Carolina  
Beaufort County

1/15/30



**RECEIVED**

**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,

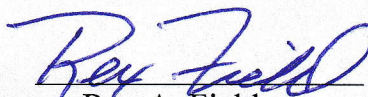
of which Federal National Mortgage Association (Fannie Mae), Wilmington Savings Fund Society, FSB (in its individual capacity), Christiana Trust Company of Delaware, and DLJ Mortgage Capital, Inc., are Respondents.

**PROOF OF SERVICE**

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I certify that I have served “**APPELLANTS’ MOTION FOR LIMITED REMAND TO CIRCUIT COURT (ADDITIONAL GROUNDS: PENDING RULE 60(b)(4), SCRPC, MOTION FOR RELIEF FROM VOID ORDERS), TO BE CONSIDERED JOINTLY WITH PENDING MOTION TO REMAND**” by Electronic Mail and by depositing a copy of it in the United States Mail, postage pre-paid, on February 2, 2026 addressed to the following attorneys of record listed below:

This day, February 2, 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