

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

Reliance First Capital, LLC,

Plaintiff,

vs.

Nikia Renee Noisette; Arbor Oaks  
Homeowners Association,

Defendant(s)

IN THE COURT OF COMMON PLEAS  
BEFORE THE EQUITY DIVISION

C/A No.: 2024-CP-18-00207

ORDER  
(Defendant's 60 (b) Motion Denied)

The Defendant, on a motion to set aside a judgment titled, "ORDER OF FORECLOSURE AND SALE," entered on May 23, 2025, under SCRCF, appeared specially to argue that the judgment should be set aside because she was not personally served. Therefore, she claims the Court lacked personal jurisdiction. Without jurisdiction, a fortiori, the judgment is void.

The Court heard the Defendant's motion on January 8, 2026, at 9:00 AM, in Courtroom C at the Dorchester County Courthouse. She attended in person, as did Plaintiff's attorney, Martin J. Page of Columbia, SC.

The case file shows that Mr. Page served the Foreclosure Order and the Notice of Sale on June 12, 2025, by mailing them to the Defendant at her residence, which is the property subject to the mortgage foreclosure action. On that day, Defendant filed her rather long Rule 60(b) motion.

After a lengthy hearing in which the Defendant, who appeared under special appearance, pro se, and not by general appearance, presented an affidavit she filed the morning of the hearing, purportedly supplementing an affidavit filed December 17, 2025. She asserted in oral argument that the Plaintiff failed to serve the summons and complaint underlying the action on her. Specifically, she argues the individual named in the Affidavit of Service is not known to her. She states that the named person, Ron Noisette, identified in the Affidavit as her son, is unknown to her. She further states she does not have a son named Ronald Noisette. The Plaintiff does not contest the assertion that the Affidavit names and identifies Ronald Noisette by mistake.

Before this Court addresses the underlying merits of the Motion, the Court takes this opportunity to make findings pertaining to the affidavit filed on the morning of the hearing.

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The Affidavit states its purpose is to “ Establish my legal status and capacity as they relate to the foreclosure action styled Reliance First Capital LLC v Nikia Renee Noisette, Case No. 2024CP1800207.” Moreover, the affidavit repeats the averments of the affidavit filed on December 17, 2025. As such, the second filing is utterly unnecessary, duplicative, and a waste of judicial economy and the time of the Clerk of Court’s personnel. Further, it unnecessarily causes the Plaintiff’s counsel additional time in protecting the interest of his client to bring this case to a conclusion.

Nonetheless, the Court addresses the Affidavit filed January 8, 2026, at 9:54 A. M., six (6) minutes prior to the scheduled hearing. When this Court read this establishment language, it immediately went to the signature line of the Affidavit, where one finds:

1. The handwritten signature of Nikia Renee Noisette
2. The statement, “Real Party in Interest.”
3. The statement, “In restricted special appearance.”
4. The moniker, Executor/Fiduciary, NIKIA R. NOISETTE Bankruptcy Estate 24-03822
5. A second moniker, Trustee, Miguel-El Magdalena Ecclesiastical Trust
6. A third moniker, Beneficiary & Heir Apparent of the Estate “NIIKIA RENEEEE NOISETTE.”

The three additional monikers, Executor/Fiduciary, Trustee, and Beneficiary & Heir, are pseudo-legal terms. They are fictions in this Court. Therefore, this Court affords them no effect, and the defendant’s identification of herself as such has no standing before the Court. Moreover, Defendant’s assertion that these pseudo-legal identifiers do have “legal status and capacity” before this Court leads this Court to find that Defendant Nikia Renee Noisette lacks credibility.

The Court takes the further opportunity to find that the Defendant filed 25 documents in the Court. Here is a list of those filings:

Noisette, Nikia Renee	Notice of Withdrawal of Supplemental Motion for Equitable Ac	Filing		12/17/2025-12:51
Noisette, Nikia Renee	Filing of Affidavit of Status/Capacity Notice of Withdrawal	Filing		12/17/2025-12:49
Noisette, Nikia Renee	Service/Affidavit Of Service	Filing		11/18/2025-12:11
Noisette, Nikia Renee	Supplemental Motion for Complete Equitable Accounting	Filing		11/18/2025-12:09

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Noisette, Nikia Renee	Request to Reschedule Hearing-Motion to Set Aside Judgment	Filing		11/06/2025-12:21
Noisette, Nikia Renee	Notice of Bad Faith Conduct and Willful Violation Automat	Filing		06/24/2025-16:38
Noisette, Nikia Renee	Service/Certificate Of Service	Filing		06/05/2025-16:28
Noisette, Nikia Renee	Declaration of Equity Loss & Double Recovery	Filing		06/05/2025-16:28
Noisette, Nikia Renee	Motion/Set Aside Foreclosure Sale & Supporting Docs	Motion		06/05/2025-16:26
Noisette, Nikia Renee	Service/Certificate Of Service	Filing		06/05/2025-16:25
Noisette, Nikia Renee	Motion/60 B4 Void Order/Judgment	Motion		06/05/2025-16:24
Noisette, Nikia Renee	Notice of Bad Faith Conduct and Willful Violation Automat	Filing		06/24/2025-16:38
Noisette, Nikia Renee	Service/Certificate Of Service	Filing		06/05/2025-16:28
Noisette, Nikia Renee	Declaration of Equity Loss & Double Recovery	Filing		06/05/2025-16:28
Noisette, Nikia Renee	Motion/Set Aside Foreclosure Sale & Supporting Docs	Motion		06/05/2025-16:26
Noisette, Nikia Renee	Service/Certificate Of Service	Filing		06/05/2025-16:25
Noisette, Nikia Renee	Motion/60 B4 Void Order/Judgment	Motion		06/05/2025-16:24
Noisette, Nikia Renee	Notice of Lawful Claim to Surplus Equity from Foreclosure	Filing		05/23/2025-16:12
Noisette, Nikia Renee	Motion/Dismiss Foreclosure Action	Motion		02/27/2025-14:00
Noisette, Nikia Renee	Exhibit/Filing of Exhibit	Filing		11/07/2024-16:50
Noisette, Nikia Renee	Filing Fees Wavied	Filing		10/07/2024-08:59

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Noisette, Nikia Renee	Complaint/No Summons Filed	Filing		09/16/2024- 10:20
Noisette, Nikia Renee	Notice of Interest	Filing		09/16/2024- 10:18
Noisette, Nikia Renee	Notice of Interest/Requesting Exemplified Copy	Filing		08/26/2024- 15:47

A cursory review of these filings reveals that the Defendant used one or more of the identifiers this court found in the affidavit first discussed. These filings are pseudo-legal. They further support this Court's finding that the Defendant lacks credibility.

Now, the Court addresses the main issue of the Defendant's motion. It must decide, based on reasonable discretion, whether the Plaintiff properly served the Defendant, considering that the Affidavit names a person the Defendant asserts does not exist. Additionally, the individual named is said to be the Defendant's son, whom the Defendant claims is a mistake.

A review of SCRCP 4 and the several cases decided by our Supreme Court is informative. The Rule is straightforward. The Defendant mistakenly reads the Rule to require much more than what it actually requires for substitute service.

The applicable subparagraph of the Rule states as follows:

(d)(1) Individuals. Upon an individual other than a minor under the age of 14 years or an incompetent person, by delivering a copy of the summons and complaint to him personally or by leaving copies thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or by delivering a copy to an agent authorized by appointment or by law to receive service of process. (Court's Emphasis)

Plaintiff is required to leave a copy of the Summons and Complaint at the Defendant's dwelling house by delivering it to:

1. Some person
2. Of Suitable Age
3. Of Discretion
4. Then residing therein.

Defendant asserts the process server incorrectly named the person upon whom the server delivered the Summons and Complaint and misidentified him as her son.

An examination of the Affidavit of Service states that the Summons and Complaint, along with additional documents, were delivered to a male aged 26-30, of Black ethnicity, with Black hair, standing between 5 feet 8 inches and 5 feet 11 inches tall, and weighing between 230 and 250 pounds.

A plain reading of Rule 4(d)(1) and the application of the four-step requirements for substitute service on the Defendant require this Court to find that these four steps are satisfied. The incorrect naming and misidentification of the male are irrelevant; they are surplus language. The other facts stated in the Affidavit of Service, as mentioned above, demonstrate that the rule's requirements are met. Therefore, the defendant was served.

The Defendant is subject to the jurisdiction of the Court. Her constitutional right to due process has been met. A fortiori, the Defendant is bound by the judgment. Moreover, the foreclosure sale was conducted properly. And the Plaintiff, being the successful purchaser and recipient of the master's deed, is the holder in fee simple of the property that is the subject of the foreclosure.

The Defendant does not argue that the Summons and Complaint were not properly delivered to a person of suitable age and discretion residing there. A valid alternative argument supported by facts would have claimed and proven that even if the process server delivered the summons and complaint to the residence, the person, although misidentified, lacked the qualities of suitable age and discretion, or that even if the party was of suitable age and discretion, they did not reside at 402 Oak Arbor Drive. She did not raise these points. She did not prove these points. Therefore, the court has no choice but to deny her motion as the prima facie evidence of the Affidavit of Service has not been rebutted.

The case law in this state also supports the findings of this Court. In *MCC Financial Services, Inc. v. Duffel*, the Supreme Court upheld substituted service on a 15-year-old son where the original and supplemental affidavits together established that the person served was of suitable age and discretion and that the defendant resided at that location ([MCC Financial Services, Inc. v. Duffel, 265 S.C. 519 \(1975\)](#)). The concurring opinion noted that South Carolina Code Section 10-409 grants trial courts discretion to allow amended proof of service at any time unless material prejudice would result, and emphasized that the defendant suffered no prejudice where she did not rely on the error in proof of service ([MCC Financial Services, Inc. v. Duffel, 265 S.C. 519 \(1975\)](#)). This suggests courts may permit correction of errors in identifying the recipient through amended affidavits.

Similarly, in *Tri-County Ice & Fuel Co. v. Palmetto Ice Co.*, the Supreme Court held that amendment of a default judgment to correct a misnomer was permissible where the

corporation's principal shareholder and president had been properly served with the summons and complaint ([Tri-County Ice and Fuel Co. v. Palmetto Ice Co., 303 S.C. 237 \(1990\)](#)). The court recognized that where service is made on the party intended to be served, a misnomer may be corrected by amendment ([Tri-County Ice and Fuel Co. v. Palmetto Ice Co., 303 S.C. 237 \(1990\)](#)). While this case involved misidentification of the defendant rather than the recipient, the principle that technical naming errors can be corrected when actual service occurred may apply by analogy to misidentification of the person receiving substitute service.

The key distinction is between cases where proof of service fails to establish the statutory requirements versus cases where those requirements were met but the recipient was incorrectly identified. In [Cannon v. Haverty Furniture Co., 179 S.C. 1 \(1935\)](#), the court held proof of service void where it failed to show the person served was of suitable age and discretion or that the defendant resided at the place of service ([Cannon v. Haverty Furniture Co., 179 S.C. 1 \(1935\)](#)). However, that case involved a complete failure of proof, not merely an incorrect name. If the proof of service demonstrates through other evidence that an actual person of suitable age and discretion residing at the defendant's dwelling received service, an incorrect name would be treated as a correctable defect rather than a jurisdictional failure, particularly where the defendant suffered no prejudice.

Here, I find that the Plaintiff may enter a corrected Affidavit of Service as indicated herein.

The Motion of the Defendant is Denied.

The Electronic Signature of the Court follows:



Dorchester Common Pleas

**Case Caption:** Reliance First Capital Llc VS Nikia Renee Noisette , defendant, et al

**Case Number:** 2024CP1800207

**Type:** Order/Other

So Ordered

s/James E. Chellis, Master in Equity, SCJD#3078