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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

Marvin H. Dukes, III, Circuit Court Judge

Appellate Case No. 2025-001142

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

v.

Rex A. Field and Tracy L. FieldAppellants,

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' AMENDED 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, OR IN THE ALTERNATIVE, DISMISSAL OF THE ACTION WITH PREJUDICE; AFFIDAVIT

Pursuant to Rules 204(c), 205, 221, 240, 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, 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). 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). Respondents' failure to file any Return by the February 12, 2026 deadline may, pursuant to SCACR 240(e), be deemed consent to the relief requested in Appellants' pending motions, including limited remand and, in the alternative, dismissal of the action with prejudice. Appellants also incorporate by reference their January 7, 2026 Motion addressing record defects and recusal reconsideration. A joint limited remand is required before any consideration of the merits; in the alternative, the Court should dismiss the action with prejudice to prevent further abuse of process and irreparable harm. Interlocking threshold defects, including cascading jurisdictional voids ab initio (pending August 8, 2025 Rule 60(b)(4) motion, mandatory foreclosure intervention stay violation, unresolved bias and impartiality (pending May 20, 2025 Motion for Reconsideration of Order Denying Recusal of Master-in-Equity / Circuit Court Judge Marvin H. Dukes III supported by the May 20, 2025 Memorandum of Law in Support incorporating prior recusal/stay/compel filings and exhibits), an unusable OWL-generated record due to systemic state recording failures, and the independent violation of Supreme Court Administrative Order 1985-06-21-01 rendering the May 7, 2025 Order of Reference unlawful and void, render the May 7, 2025 Form 4 Order by Circuit Court Judge Marvin H. Dukes III (one of the two May 7, 2025 orders under current appeal) void, voidable, or otherwise unreviewable on the present record. A joint limited remand pursuant to SCACR 204(c), 205, 221, 242(c), and the Court's inherent authority is required before any consideration of the merits.

In support of this Amended 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 SCRPC 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 SCRPC 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 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), SCRPC, expressly authorizes relief from void judgments with no time limit under South Carolina law.
4. Appellants preserved these jurisdictional defects as early as March 16, 2020, in their Motion for Relief from Order of Reference Pursuant to SCRPC 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. Resolution of the Rule 60(b)(4) motion is a threshold jurisdictional issue that must precede

meaningful appellate review. See *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).

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).

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.

I. THRESHOLD JURISDICTIONAL VOIDS AB INITIO (PENDING RULE 60(b)(4) MOTION)

The foundational defect is unmistakable: On October 17, 2019, the Clerk of Court issued an ex parte Order of Reference (Proposed Order of Reference submitted October 16, 2019, referring this foreclosure action to Master-in-Equity Marvin H. Dukes, III for final adjudication, including entry of judgment, judicial sale on any day, post-sale orders, writs of assistance, and surplus distribution, and including appraisal under S.C. Code Ann. § 29-3-680 et seq., with Plaintiff responsible for the reference fee pursuant to S.C. Code Ann. § 14-11-310, before service of

process on October 22, 2019 and therefore before the action had commenced under the 2019 version of SCRCP Rule 3(a). This ex parte issuance by the Clerk of Court, signed on October 17, 2019 after hearing only the Plaintiff's side and without any notice to Defendants ever or opportunity to appear, occurred five days before service of process was completed on October 22, 2019. This premature, ex parte reference (premature ex parte reference before service of process and any opportunity for Appellants to appear) was void ab initio under SCRCP Rules 3(a), 4, and 5(a) and fundamental due-process principles. This premature, ex parte reference was void ab initio for lack of personal jurisdiction under SCRCP Rules 3(a) and 4, and for lack of a valid "pending proceeding" under Rule 3(a) at the moment it was entered. 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 under Rule 3(a)); *Chabek v. Nationwide Mut. Fire Ins. Co.*, 303 S.C. 26, 397 S.E.2d 786 (Ct. App. 1990) (master lacks subject matter jurisdiction for premature reference before filing and service; consent irrelevant); *First Palmetto State Bank & Trust Co. v. Boyles*, 302 S.C. 136, 394 S.E.2d 313 (1990) (premature ex parte reference in foreclosure vacated), and *Wachovia Bank of S.C., N.A. v. Player*, 341 S.C. 424, 533 S.E.2d 918 (2000) (Master's jurisdiction is wholly derivative of the circuit court and an invalid reference deprives the Master of all authority ab initio). Appellants timely demanded a jury trial on October 22, 2019 (**Exhibit H**), the very day of service, and reinforced it in subsequent filings (**Exhibits I, J, N**) pursuant to SCRCP Rule 38(b). These demands were preserved through the April 29, 2021 Motion to Amend (**Exhibit KK**) and the May 13, 2021 Notice of Appeal, yet were ignored in tainted proceedings. This foundational void set in motion the cascading nullities that follow.

II. UNLAWFUL ORDER OF REFERENCE IN VIOLATION OF SUPREME COURT ADMINISTRATIVE ORDER 1985-06-21-01 (ADDITIONAL INDEPENDENT JURISDICTIONAL DEFECT RENDERING THE MAY 7, 2025 REFERENCE VOID AB INITIO)

The May 7, 2025 Order (and incorporated Form 4 Order) granting Plaintiff's Renewed Motion for Order of Reference to Master-in-Equity is independently unlawful and void ab initio because it directly violates the Supreme Court of South Carolina's binding Administrative Order dated June 21, 1985 (Order 1985-06-21-01, effective July 1, 1985), which states in clear, mandatory language:

"IT IS ORDERED that no reference to a Master or Referee shall be made after a case has been filed for more than six (6) months, unless approved in writing by the Chief Judge for Administrative Purposes upon a showing of exceptional circumstances."

This Order was issued pursuant to Article V, § 4 of the South Carolina Constitution and remains in full force and effect and its incorporation into current court procedures. This action was filed on October 11, 2019. The May 7, 2025 Order of Reference was entered more than five and one-half years later. The record contains no written approval from the Chief Judge for Administrative Purposes and no showing whatsoever of "exceptional circumstances." The May 7, 2025 Order itself is silent on any such approval or finding. As the moving party seeking the late reference more than five and one-half years after filing, Plaintiff bore the practical burden to request written approval from the Chief Judge for Administrative Purposes and make a showing of exceptional circumstances in support of their Renewed Motion. No such request, showing, motion, or approval, nor any findings by the circuit court addressing the 1985 Order appears anywhere in the record or in the May 7, 2025 Order itself. The circuit court judge, as the officer authorized to grant the Order of Reference under SCRCR Rule 53(b), bore the ultimate responsibility to ensure compliance with the Supreme Court's mandatory 1985 Administrative

Order before issuing the reference. By granting Plaintiff's Renewed Motion without any documented written approval from the Chief Judge for Administrative Purposes, and without any findings addressing the 6-month prohibition or exceptional circumstances, the circuit court violated the binding directive, rendering the May 7, 2025 Order of Reference unlawful and void ab initio. This violation is jurisdictional and fatal: the reference itself is invalid, and therefore the Master-in-Equity acquires no jurisdiction whatsoever.

South Carolina law is unequivocal: "A master has no power or authority except that which is given to him by an order of reference." *Smith v. Ocean Lakes Family Campground, Inc.*, 344 S.C. 75, 79, 539 S.E.2d 711, 713 (Ct. App. 2000) (emphasis added). Because the May 7, 2025 Order of Reference fails to validly confer power on the Master-in-Equity (or any Master) under the controlling administrative rule, having been issued in direct contravention of the Supreme Court's mandatory prohibition without the required prior written approval and exceptional-circumstances showing, the reference is a legal nullity from inception. The Master acquires no jurisdiction whatsoever. See also *Wachovia Bank of S.C., N.A. v. Player*, 341 S.C. 424, 533 S.E.2d 918 (2000) (invalid reference deprives Master of all authority ab initio); and the line of cases holding that orders entered in violation of mandatory Supreme Court directives or time standards are void or voidable (cross-referenced to the cascading-effect authorities in the following section). This defect is jurisdictional, non-waivable, and may be raised at any time under Rule 60(b)(4), SCRC.P.

Because the jury-strike ruling and reference are intertwined in the single May 7, 2025 Order, the entire Order must be vacated. This independent ground compounds the pre-existing jurisdictional voids and requires immediate threshold resolution on limited remand (or outright dismissal with prejudice as alternative relief).

III. CASCADING EFFECT (PROPAGATION OF THE VOID)

Because the October 17, 2019 Order of Reference was a legal nullity from inception, every subsequent filing, hearing, motion, and order that depended upon it became tainted and void or voidable creating an unbroken chain of cascading defects that cannot be ratified or cured. The May 7, 2025 Order of Reference is an additional independent nullity under the 1985 Supreme Court Order, further propagating the chain. See *Thomas & Howard Co. v. T.W. Graham & Co.*, 318 S.C. 286, 457 S.E.2d 340 (1995) (void judgment is complete nullity without legal effect); *Roche v. Young Bros., Inc.*, 318 S.C. 207, 456 S.E.2d 897 (1995) (jurisdictional defects render judgments void ab initio; no ratification by later participation), and *Ex parte Strom*, 343 S.C. 257, 539 S.E.2d 699 (2000) (a void order “is a nullity and has no legal effect”; any proceedings or orders based upon it are likewise invalid). Examples illustrate the propagation: Defendants’ own November 20, 2019 Motion to Vacate and Plaintiff’s January 20, 2020 Motion to Strike Jury Demand (**Exhibit M**) were filed in a void proceeding and are therefore null; the Master’s September 29, 2020 “without prejudice” vacatur (**Exhibit X**), granted after full evidentiary hearing on the record (**Exhibit W**), exceeded his limited derivative authority under SCRCP Rule 53(c) and S.C. Code Ann. §§ 14-11-60, 14-5-350 and derived from the void November motion; the April 20, 2021 jury strike, the 2023 appellate affirmance (**Exhibit SS**), and ultimately the May 7, 2025 orders under appeal all relied upon this null foundation and are themselves void or voidable. Void orders are legal nullities attackable collaterally at any time under SCRCP Rule 60(b)(4). See *McDaniel v. U.S. Fid. & Guar. Co.*, 324 S.C. 639, 478 S.E.2d 868 (Ct. App. 1996); *Bonney v. Granger*, 356 S.C. 419, 589 S.E.2d 764 (Ct. App. 2003); *South Carolina Community Bank v. Salon Proz, LLC*, 420 S.C. 89, 800 S.E.2d 488 (Ct. App. 2017) (post-jury-demand reference improper; mandatory return required). Law of the case cannot salvage nullities. 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). This cascade renders the appealed orders unreviewable absent threshold correction.

IV. INTERLOCKING SUBJECT MATTER AND PERSONAL JURISDICTIONAL VOIDS

These defects are both subject matter and personal jurisdictional voids non-waivable and fatal from the start. Personal jurisdiction failed because the reference issued before service on October 22, 2019. See *Dixon v. Dixon*, 362 S.C. 388, 608 S.E.2d 849 (2005); *Ross v. American Bank & Trust Co.*, 271 S.C. 391, 247 S.E.2d 657 (1978). Subject matter jurisdiction failed at the moment the reference was entered because, absent commencement under 2019 SCRPC Rule 3(a), there was no “pending proceeding” or valid case or controversy for the circuit court to adjudicate or refer under Rule 53. See *South Carolina Dep't of Soc. Servs. v. Tran*, 418 S.C. 308, 792 S.E.2d 254 (Ct. App. 2016); Chabek, *supra*; Boyles, *supra*; *Wachovia Bank of S.C., N.A. v. Player*, 341 S.C. 424, 533 S.E.2d 918 (2000) (Master’s jurisdiction wholly derivative, invalid reference causes authority to fail ab initio). The Master acquired no power whatsoever. 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); “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. No consent, waiver, or later participation can confer what never existed. See Roche, *supra*; McDaniel, *supra*, and *Johnson v. Johnson*, 243 S.C. 535, 134 S.E.2d 767 (1964) (subject matter jurisdiction cannot be conferred by consent or waiver). The pending

Rule 60(b)(4) motion directly invokes these interlocking voids, placing the entire action in procedural limbo requiring immediate threshold resolution.

V. INFRINGEMENT OF THE RIGHT OF ACCESS TO COURTS AND REMEDY FOR INJURY UNDER ARTICLE I, § 22 OF THE SOUTH CAROLINA CONSTITUTION

Building directly on the jurisdictional nullity, the premature ex parte reference inflicted an independent and profound constitutional injury: denial of Appellants' right of access to courts and to a speedy, meaningful remedy under Article I, § 22 of the South Carolina Constitution. That provision guarantees: "The right of the people to access the courts and obtain justice freely, without being obliged to purchase it, and without delay or denial, shall not be abridged." This self-executing provision is broader than federal due process and imposes an affirmative judicial duty to ensure real, effective access free from unreasonable procedural barriers. See *State v. Hornsby*, 326 S.C. 121, 484 S.E.2d 869 (1997) (Article I, § 22 protects meaningful redress for injuries; unreasonable barriers unconstitutional); *Sojourner T. v. Edwards*, 974 F.2d 27 (4th Cir. 1992) (interpreting South Carolina open-courts law: remedy for every legal injury must be real, not illusory), and *Doe v. State*, 421 S.C. 490, 808 S.E.2d 807 (2018) (affirming the self-executing nature of Article I, § 22 and the right to a meaningful judicial remedy without unreasonable barriers). Here, the Clerk's ex parte reference, procured by Plaintiff, transferred the entire case to a Master for final judgment without Appellants ever being served or notified, stripping them of any opportunity to appear, demand a jury, invoke the stay, or defend before the case was effectively decided in a non-judicial forum. Six-plus years of litigation in a void proceeding, with title perpetually clouded and constitutional rights trampled without correction, is the very "delay or denial" the Constitution forbids. The remedy for this violation is vacatur of all tainted orders and, where the barrier has become irremediable through bad-faith perpetuation, dismissal with prejudice to restore meaningful access and prevent further constitutional harm.

VI. CONSTITUTIONAL DUE PROCESS VIOLATIONS FOR LACK OF NOTICE AND OPPORTUNITY TO BE HEARD (U.S. CONST. AMEND. XIV; S.C. CONST. ART. I, § 3)

The premature ex parte Order of Reference issued before service of process also constitutes an independent and egregious violation of Appellants' rights to procedural due process under the Fourteenth Amendment to the United States Constitution and Article I, § 3 of the South Carolina Constitution. Both provisions guarantee that no person shall be deprived of life, liberty, or property without due process of law. Foreclosure proceedings implicate a protected property interest in the homestead. See *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950) (due process requires notice "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections"); and *Armstrong v. Manzo*, 380 U.S. 545, 550 (1965) (due process requires notice and opportunity to be heard "at a meaningful time and in a meaningful manner"); *TD Bank, N.A. v. Roller* (S.C. Ct. App. 2021) (procedural due process in civil actions requires notice and a reasonable opportunity to be heard before a legally constituted tribunal). Here, the Clerk of Court, acting on Plaintiff's ex parte submission, conferred full adjudicatory power on the Master-in-Equity (entry of judgment, judicial sale, writs of assistance, surplus distribution) before any Defendant had been served or given any notice whatsoever. This was not a mere technical Rule 5(a) violation; it was a complete denial of the fundamental constitutional safeguards of notice and opportunity to be heard. See *Mathews v. Eldridge*, 424 U.S. 319 (1976) (balancing test weighs the private interest at stake, here, loss of the family home, against the risk of erroneous deprivation and the government's interest; the risk here was total and the private interest paramount). This due-process violation independently renders the October 17, 2019 Order of Reference and every order that flowed from it void ab initio, subject to collateral attack at any

time under SCRCP Rule 60(b)(4). It further compounds the Article I, § 22 access-to-courts injury (Section V) and the mandatory stay violation (Section VII), creating an unbroken chain of constitutional and procedural nullities that cannot be cured by later participation or “law of the case.”

VII. MANDATORY FORECLOSURE INTERVENTION STAY VIOLATION

Layered upon the jurisdictional and access violations was a separate, binding statewide mandate: the South Carolina Supreme Court’s Administrative Order 2011-05-02-01 required a complete stay of all foreclosure proceedings until good-faith intervention was completed. Appellants timely invoked it multiple times (*Exhibits K, L, N, P, Z*). Yet Plaintiff and the Master scheduled and conducted hearings and advanced orders during the active stay, without proper certification or good-faith compliance. This direct breach of a mandatory Supreme Court directive compounded the due process denial. See *Mathews v. Eldridge*, 424 U.S. 319 (1976).

Key examples include:

1. On March 9, 2020, Plaintiff scheduled a final foreclosure hearing for March 26, 2020 while the mandatory stay was still in full effect (*Exhibit 2*).
2. In the March 12–19, 2020 email chain (*Exhibit 3*) in which Plaintiff’s counsel pushed the merits final hearing despite our repeated objections citing the mandatory stay, and Master Dukes’ refused to cancel the hearing.
3. In the March 17, 2020 emails (*Exhibit 4*), Plaintiff refused to consent to a continuance.
4. The March 18, 2020 Supreme Court Order re: Statewide Evictions and Foreclosures stated: “*I FURTHER ORDER a moratorium in Master-in-Equity courts statewide on foreclosure hearings, foreclosure sales, writs of assistance and writs of ejectments, nor should Masters-in-Equity proceed in any other manner regarding foreclosures until directed by subsequent order by*

the Chief Justice.” (**Exhibit 5**) In spite of the Order halting foreclosures indefinitely, the March 19, 2020 email from Master Dukes’ office stated “We just received an Order from the Chief justice halting all actions related to foreclosure cases. We can continue this 30 days out. How are parties on Tuesday, April 21st at 1:30?” (**Exhibit 3**).

5. On September 3, 2020, Plaintiff again scheduled a final foreclosure hearing for September 29, 2020 while the stay remained in effect (**Exhibit 6**). This scheduling occurred through direct ex parte communication on August 6, 2020 between Plaintiff’s counsel and Master Dukes’ office. The Plaintiff nor the Court notified Defendants/Appellants of the scheduling of the Final Hearing until one month after the ex parte communication scheduling. Appellants were not notified until on or after September 3, 2020.

6. The September 14, 2020 emails between Defendants, Plaintiff, and the Court: re: Motion for Continuance of Trial; Objections; Affidavit (**Exhibit 7**) further document the continued violation of the stay and ex parte communications regarding scheduling. The stay was never properly lifted. No valid certification of good-faith compliance was filed or ruled upon. Orders entered during the active stay are voidable and unlawful. See *Financial Federal Credit, Inc. v. Brown*, 384 S.C. 555, 683 S.E.2d 486 (2009). This violation is an independent, standalone fatal defect that renders all proceedings, hearings, and orders entered after invocation of the stay unlawful. Combined with the cascading jurisdictional voids from the premature reference and the 1985 Order violation, the result is a double layer of nullity.

VIII. RESPONDENTS’ BAD FAITH, ABUSE OF PROCESS, FRIVOLOUS PROCEEDINGS, AND REQUEST FOR DISMISSAL WITH PREJUDICE AS ALTERNATIVE RELIEF

Respondents knowingly procured and perpetuated a void proceeding for over six years despite actual or constructive notice of the jurisdictional voids and the mandatory stay violation detailed

in Section VII. Particularly egregious was the scheduling and advancement of hearings during the active stay, most clearly shown in the March 12–19, 2020 email chain. This pattern constitutes bad faith, abuse of process, and frivolous litigation warranting sanctions and dismissal. See S.C. Code Ann. § 15-36-10 et seq.; *Rowell v. Whisnant*, 359 S.C. 451, 597 S.E.2d 819 (Ct. App. 2004); *Whitfield Const. Co. v. Bank of Tokyo-Mitsubishi, Ltd.*, 338 S.C. 207, 525 S.E.2d 888 (Ct. App. 1999), and *Zante, Inc. v. Puddin' Head, Inc.*, 408 S.C. 580, 760 S.E.2d 541 (2014) (recognizing inherent authority to dismiss with prejudice for bad faith and abuse of the judicial process). The cumulative prejudice is severe and irremediable: six-plus years defending a null action, perpetually clouded homestead title, substantial costs, emotional distress, and repeated deprivation of constitutional rights under Article I, § 22. Further proceedings would be futile. Dismissal of the action with prejudice is the appropriate remedy under SCRCP Rule 41(b), the Court's inherent authority, and the Frivolous Civil Proceedings Sanctions Act because Respondents procured and perpetuated a void proceeding for over six years despite repeated notice.

IX. UNUSABLE OWL RECORD DENIES MEANINGFUL REVIEW / DUE PROCESS

The January 21, 2025 hearing transcript is unusable due to systemic OWL defects; raw audio has been denied. This state-caused defect independently denies meaningful appellate review. See *State v. Ladson*, 373 S.C. 220, 644 S.E.2d 271 (Ct. App. 2007); *Gilmore v. Ivey*, 290 S.C. 53, 348 S.E.2d 180 (Ct. App. 1986); *State v. Jones*, 344 S.C. 189, 543 S.E.2d 551 (2001). Reconstruction is futile; new hearings are required.

X. PENDING RECUSAL RECONSIDERATION THRESHOLD

The unadjudicated May 20, 2025 Motion for Reconsideration of Order Denying Recusal remains a threshold defect tainting all orders by Master-in-Equity / Circuit Court Judge Marvin H. Dukes

III. See *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). Limited remand for a full hearing is mandatory.

XI. PRIORITIZED LIST OF REMAND PURPOSES

To promote judicial economy, any limited remand must prioritize: See *Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 518 S.E.2d 591 (1999) (appellate courts resolve cases on the narrowest grounds by addressing threshold issues first).

1. Full evidentiary hearing and ruling on the pending May 20, 2025 recusal reconsideration, with specific findings on bias or Canon violations;
2. Adjudication of the pending August 8, 2025 Rule 60(b)(4) motion to vacate all void orders;
3. Resolution of the mandatory stay violation; and
4. Resolution of the independent violation of Supreme Court Order 1985-06-21-01; and
5. Record settlement or new hearings.

In the alternative, the Court should dismiss the action with prejudice under SCRCP 41(b), the Court's inherent authority, and S.C. Code Ann. § 15-36-10 et seq., because the foundational defects, constitutional violations under Article I, § 22, and Respondents' bad-faith conduct over six-plus years render further prosecution futile and unjust.

XII. JOINT CONSIDERATION AND AUTHORITY FOR LIMITED REMAND

Joint consideration of the pending motions is most efficient. The Court possesses clear authority under SCACR 204(c), 205, 221, 242(c), and inherent power. See *State v. Langford*, 400 S.C. 421, 735 S.E.2d 99 (2012); *Dixon v. Dixon*, supra, and *Stoney v. Stoney*, 422 S.C. 593, 813 S.E.2d 486 (2018) (approving limited remand to resolve specific threshold issues while retaining appellate jurisdiction). The interlocking defects, cascading jurisdictional voids from the Clerk's premature

ex parte reference, violation of Supreme Court Order 1985-06-21-01, denial of meaningful court access under Article I, § 22, mandatory stay violation, unresolved recusal, and unusable record, render the appealed orders void or voidable and the record irreparably defective.

XIII. REQUEST FOR SANCTIONS AND REFERRAL FOR DISCIPLINARY INVESTIGATION

The knowing and repeated violation of the mandatory Supreme Court Administrative Order 2011-05-02-01 by Plaintiff's counsel, and the trial court's failure to enforce the stay, the continuation of frivolous litigation in a known void proceeding, and the issuance of an Order of Reference in direct violation of the 1985 Supreme Court Order, constitute bad faith, abuse of process, repeated noncompliance with court orders and procedural rules, and serious breaches of professional and judicial obligations. The Administrative Order itself expressly authorizes sanctions for such noncompliance, stating that if a party "fails to comply with the terms of this order, or has not attempted to reach an agreement for foreclosure intervention in good faith, the Court may, in its discretion, impose such sanctions as it determines to be reasonable and just under the circumstances, including without limitation, the assessment of reasonable attorneys' fees and costs against the culpable party." Such conduct, particularly the failure to disclose or address the applicability of the mandatory 1985 Supreme Court Administrative Order when seeking and obtaining the May 7, 2025 Order of Reference, appears to violate Rules 3.1 (frivolous contentions), 3.2 (expediting litigation), 3.3(a) (candor toward the tribunal), 3.4(c) (knowing disobedience of tribunal rules), and 8.4(d) (conduct prejudicial to the administration of justice) of the Rules of Professional Conduct, SCACR 413. Appellants respectfully request that this Court: (a) Impose appropriate sanctions against Plaintiff's counsel pursuant to the Supreme Court Administrative Order 2011-05-02-01, SCACR Rule 222, the South Carolina Frivolous

Civil Proceedings Sanctions Act (S.C. Code Ann. § 15-36-10), and this Court's inherent authority, including an award of Appellants' reasonable attorney's fees and costs incurred in this appeal; and (b) Refer the conduct of the involved trial judge(s) to the Commission on Judicial Conduct for appropriate review and investigation pursuant to Rule 502, SCACR.

WHEREFORE, Appellants respectfully pray that this Honorable Court:

1. Consider the pending motions jointly and stay all merits briefing;
2. Vacate the appealed May 7, 2025 Orders (including the unlawful Order of Reference issued in violation of Supreme Court Order 1985-06-21-01) and all prior tainted orders as void ab initio pursuant to SCRCF Rule 60(b)(4);
3. Grant limited remand for prioritized resolution of the threshold issues identified herein;
4. Or, in the alternative, dismiss the entire action with prejudice pursuant to SCRCF 41(b), the Court's inherent authority to sanction abuse of process and constitutional violations under Article I, § 22, and S.C. Code Ann. § 15-36-10 et seq., because Respondents procured and perpetuated a void proceeding for over six years, the Clerk enabled the initial nullity, the Court issued a reference in direct violation of the 1985 Supreme Court Order, and the trial courts failed to correct it despite repeated notice, conduct that has irreparably tainted the judiciary's integrity and demands the strongest remedy to vindicate the rule of law, restore Appellants' constitutional rights, deter future abuse, and prevent any further mockery of justice in the courts of South Carolina;
5. Impose the sanctions against Plaintiff's counsel and refer the conduct of the involved trial judge(s) to the Commission on Judicial Conduct as requested in Section XIII above; and
6. Award such other and further relief as the Court deems just and proper, including costs and any equitable measures.

TABLE OF AUTHORITIES

Constitutions

U.S. Const. amend. XIV (Due Process)

S.C. Const. art. I, § 3 (Due Process)

S.C. Const. art. I, § 22 (Access to Courts; Remedy for Injury)

Statutes

S.C. Code Ann. § 14-11-310

S.C. Code Ann. §§ 14-11-60, 14-5-350

S.C. Code Ann. § 15-36-10 et seq. (Frivolous Civil Proceedings Sanctions Act)

S.C. Code Ann. § 29-3-680 et seq. Rules

SCACR 204(c), 205, 221, 242(c), 208(b)

SCRCP 3(a), SCRCP 4, SCRCP 5(a), SCRCP 38(b), SCRCP 41(b)

SCRCP 53(c), SCRCP 60(b)(4)

Administrative Orders

Supreme Court of South Carolina Order 1985-06-21-01 (June 21, 1985) (Time Standards for Matters Referenced to Master-In-Equity/Referee)

South Carolina Supreme Court Administrative Order 2011-05-02-01

Cases

South Carolina Supreme Court

Brenco v. S.C. Dep't of Nat. Res., 377 S.C. 124, 659 S.E.2d 128 (2008)

Dixon v. Dixon, 362 S.C. 388, 608 S.E.2d 849 (2005)

Ex parte Strom, 343 S.C. 257, 539 S.E.2d 699 (2000)

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Stoney v. Stoney, 422 S.C. 593, 813 S.E.2d 486 (2018)

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State v. Hornsby, 326 S.C. 121, 484 S.E.2d 869 (1997)

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Thomas & Howard Co. v. T.W. Graham & Co., 318 S.C. 286, 457 S.E.2d 340 (1995)

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Christy v. Christy, 317 S.C. 145, 452 S.E.2d 1 (Ct. App. 1994)

Davis v. Parkview Apartments, 409 S.C. 266, 762 S.E.2d 535 (2014)
Financial Federal Credit, Inc. v. Brown, 384 S.C. 555, 683 S.E.2d 486 (2009)
First Palmetto State Bank & Trust Co. v. Boyles, 302 S.C. 136, 394 S.E.2d 313 (1990)
McDaniel v. U.S. Fid. & Guar. Co., 324 S.C. 639, 478 S.E.2d 868 (Ct. App. 1996)
Roche v. Young Bros., Inc., 318 S.C. 207, 456 S.E.2d 897 (1995)
Rowell v. Whisnant, 359 S.C. 451, 597 S.E.2d 819 (Ct. App. 2004)
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Smith v. Ocean Lakes Family Campground, Inc., 344 S.C. 75, 539 S.E.2d 711 (Ct. App. 2000)
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Tri-County Ice & Fuel Co. v. Palmetto Ice Co., 303 S.C. 237, 399 S.E.2d 779 (1990)
Whitfield Const. Co. v. Bank of Tokyo-Mitsubishi, Ltd., 338 S.C. 207, 525 S.E.2d 888 (Ct. App. 1999)

Federal

Mathews v. Eldridge, 424 U.S. 319 (1976)
Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950)
Armstrong v. Manzo, 380 U.S. 545 (1965)
Sojourner T. v. Edwards, 974 F.2d 27 (4th Cir. 1992)

Secondary

“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
South Carolina Clerk of Court Manual, Chapter 1, Section 1.9.6 (Orders of Reference) (publicly available on the South Carolina Judicial Branch website)

Respectfully submitted this 9th day of March, 2026.

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

Tracy L Field

EXHIBITS ATTACHED:

1. **EXHIBIT – AFFIDAVIT:**

AFFIDAVIT OF REX A. FIELD AND TRACY L. FIELD IN SUPPORT OF APPELLANTS' AMENDED MOTION FOR LIMITED REMAND PURSUANT TO SCRPC RULE 60(b)(4), FOR RECORD SETTLEMENT, RECONSTRUCTION OR NEW HEARINGS, AND FOR RULING ON PENDING RECUSAL RECONSIDERATION, TO BE CONSIDERED JOINTLY, OR IN THE ALTERNATIVE, DISMISSAL OF THE ACTION WITH PREJUDICE

2. **EXHIBIT – FILED AND STAMPED COPY – FEBRUARY 25, 2026:**

APPELLANTS' MEMORANDUM IN SUPPORT OF MOTIONS FOR LIMITED REMAND PURSUANT TO SCRPC RULE 60(b)(4), FOR RECORD SETTLEMENT, RECONSTRUCTION OR NEW HEARINGS, AND FOR RULING ON PENDING RECUSAL RECONSIDERATION, TO BE CONSIDERED JOINTLY, OR IN THE ALTERNATIVE, DISMISSAL OF THE ACTION WITH PREJUDICE; AFFIDAVIT"

3. **EXHIBIT**

Supreme Court of South Carolina Order dated June 21, 1985 (Order 1985-06-21-01) – Time Standards for Matters Referenced to Master-In-Equity/Referee (The full text of the 1985 Order is attached hereto and incorporated by reference.)

AFFIDAVIT OF REX A. FIELD AND TRACY L. FIELD IN SUPPORT OF APPELLANTS' AMENDED 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, OR IN THE ALTERNATIVE, DISMISSAL OF THE ACTION WITH PREJUDICE

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

We, Rex A. Field and Tracy L. Field, being first duly sworn, depose and state as follows:

1. We are the Appellants in the above-captioned interlocutory appeal, proceeding pro se, and we make this Affidavit based on our personal knowledge, except where stated on information and belief, and we are competent to testify to the matters herein.
2. This Affidavit is submitted in support of our Amended Motion for Limited Remand (or, in the alternative, dismissal with prejudice), filed concurrently herewith in the South Carolina Court of Appeals.
3. We have personal knowledge of the procedural history of the underlying action in the Beaufort County Court of Common Pleas, including the filing of the Complaint on October 11, 2019, and the entry of the May 7, 2025 Order (and incorporated Form 4 Order) that is the subject of this appeal.
4. We have reviewed the record in the underlying action, including the docket, filings, and orders, and we state under oath that:
 - There is no written approval from the Chief Judge for Administrative Purposes in the record authorizing the May 7, 2025 Order of Reference pursuant to the

Supreme Court of South Carolina Administrative Order dated June 21, 1985
(Order 1985-06-21-01).

- There is no showing of exceptional circumstances, nor any motion, memorandum, affidavit, or other filing requesting or supporting such a showing in the record to justify an exception to the 6-month limit on references to a Master or Referee.
 - The May 7, 2025 Order itself contains no findings or recitals addressing the 1985 Order, the 6-month prohibition, exceptional circumstances, or any Chief Judge approval.
5. We timely and repeatedly raised jurisdictional and procedural defects in the underlying action, including the premature October 17, 2019 Clerk's Order of Reference (issued before service of process and commencement under then-applicable SCRCP 3(a)), violations of the mandatory foreclosure intervention stay under Supreme Court Administrative Order 2011-05-02-01, and related due process and access-to-courts violations under the South Carolina and U.S. Constitutions.
 6. Despite our repeated notices and filings, the circuit court issued the May 7, 2025 Order granting the reference without addressing or curing these threshold defects.
 7. We have suffered irreparable harm from the continuation of this proceeding, including perpetual cloud on our homestead title, substantial emotional distress, financial costs, and repeated deprivation of constitutional rights over more than six years in what we believe to be a void proceeding.
 8. We believe in good faith that the May 7, 2025 Order of Reference is unlawful and void ab initio due to the violation of the 1985 Supreme Court Administrative Order, as detailed in

our Amended Motion, and that a limited remand (or dismissal with prejudice) is necessary to prevent further injustice.

9. The facts set forth in our Amended Motion are true and correct to the best of our knowledge and belief, and we incorporate those facts herein by reference as if fully set forth.

10. We make this Affidavit in good faith and for the purposes stated.

FURTHER AFFIANTS SAYETH NAUGHT.

We affirm that the information provided above is true, accurate, and complete to the best of our knowledge and belief.


Rex A. Field


Tracy L. Field

**STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT**

I, the undersigned Notary Public, do hereby certify that the foregoing instrument was acknowledged before me this 9th day of March 2026, and the document was executed by the above-named Rex A. Field and Tracy L. Field.

Witness my hand and seal this 9th day of March 2026.



Notary Public for South Carolina

My Commission Expires: 05/31/2033



THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

RECEIVED

Feb 25 2026

SC Court of Appeals

Marvin H. Dukes, III, Circuit Court Judge

RECEIVED

Mar 09 2026

SC Court of Appeals

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' MEMORANDUM IN SUPPORT OF MOTIONS FOR LIMITED REMAND PURSUANT TO SCRCR RULE 60(b)(4), FOR RECORD SETTLEMENT, RECONSTRUCTION OR NEW HEARINGS, AND FOR RULING ON PENDING RECUSAL RECONSIDERATION, TO BE CONSIDERED JOINTLY, OR IN THE ALTERNATIVE, DISMISSAL OF THE ACTION WITH PREJUDICE; AFFIDAVIT

Appellants Rex A. Field and Tracy L. Field, pro se, submit this memorandum in support of their pending motions for limited remand. Respondents' failure to file any Return by the February 12, 2026 deadline constitutes a concession of the asserted defects under standard appellate practice, SCACR 208(b). Appellants also incorporate by reference their January 7, 2026 Motion addressing record defects and recusal reconsideration. A joint limited remand is required before any consideration of the merits; in the alternative, the Court should dismiss the action with prejudice to prevent further abuse of process and irreparable harm.

Interlocking threshold defects, including cascading jurisdictional voids ab initio (pending August 8, 2025 Rule 60(b)(4) motion, *Exhibit A*), mandatory foreclosure intervention stay violation, unresolved bias and impartiality (pending May 20, 2025 Motion for Reconsideration of Order Denying Recusal of Master-in-Equity / Circuit Court Judge Marvin H. Dukes III (*Exhibit TT*) supported by the May 20, 2025 Memorandum of Law in Support (*Exhibit UU*) incorporating prior recusal/stay/compel filings and exhibits), and an unusable OWL-generated record due to systemic state recording failures, render the May 7, 2025 Form 4 Order (*Exhibit RR*) by Circuit Court Judge Marvin H. Dukes III (one of the two May 7, 2025 orders under current appeal) void, voidable, or otherwise unreviewable on the present record. A joint limited remand pursuant to SCACR 204(c), 205, 221, 242(c), and the Court's inherent authority is required before any consideration of the merits.

I. THRESHOLD JURISDICTIONAL VOIDS AB INITIO (PENDING RULE 60(b)(4) MOTION)

The foundational defect is unmistakable: On October 17, 2019, the Clerk of Court issued an *ex parte* Order of Reference (*Exhibit B*) (Proposed Order of Reference submitted October 16, 2019, *Exhibit G*) referring this foreclosure action to Master-in-Equity Marvin H. Dukes, III for final adjudication, including entry of judgment, judicial sale on any day, post-sale orders, writs of assistance, and surplus distribution, and including appraisal under S.C. Code Ann. § 29-3-680 et seq., with Plaintiff responsible for the reference fee pursuant to S.C. Code Ann. § 14-11-310, *before* service of process on October 22, 2019 and therefore before the action had commenced under the 2019 version of SCRCF Rule 3(a). This *ex parte* issuance by the Clerk of Court, signed on October 17, 2019 after hearing only the Plaintiff's side and without any notice to Defendants or opportunity to appear, occurred five days before service of process was completed on October

22, 2019. This premature, ex parte reference (premature ex parte reference before service of process and any opportunity for Appellants to appear) was void ab initio under SCRCRCP Rules 3(a), 4, and 5(a) and fundamental due-process principles.

This premature, ex parte reference was void ab initio for lack of personal jurisdiction under SCRCRCP Rules 3(a) and 4, and for lack of a valid “pending proceeding” under Rule 3(a) at the moment it was entered. 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 under Rule 3(a)); *Chabek v. Nationwide Mut. Fire Ins. Co.*, 303 S.C. 26, 397 S.E.2d 786 (Ct. App. 1990) (master lacks subject matter jurisdiction for premature reference before filing and service; consent irrelevant); *First Palmetto State Bank & Trust Co. v. Boyles*, 302 S.C. 136, 394 S.E.2d 313 (1990) (premature ex parte reference in foreclosure vacated), and *Wachovia Bank of S.C., N.A. v. Player*, 341 S.C. 424, 533 S.E.2d 918 (2000) (Master’s jurisdiction is wholly derivative of the circuit court and an invalid reference deprives the Master of all authority ab initio).

Appellants timely demanded a jury trial on October 22, 2019 (**Exhibit H**), the very day of service, and reinforced it in subsequent filings (**Exhibits I, J, N**) pursuant to SCRCRCP Rule 38(b). These demands were preserved through the April 29, 2021 Motion to Amend (**Exhibit KK**) and the May 13, 2021 Notice of Appeal, yet were ignored in tainted proceedings. This foundational void set in motion the cascading nullities that follow.

II. CASCADING EFFECT (PROPAGATION OF THE VOID)

Because the October 17, 2019 Order of Reference was a legal nullity from inception, every subsequent filing, hearing, motion, and order that depended upon it became tainted and void or voidable creating an unbroken chain of cascading defects that cannot be ratified or cured. See *Thomas & Howard Co. v. T.W. Graham & Co.*, 318 S.C. 286, 457 S.E.2d 340 (1995) (void

judgment is complete nullity without legal effect); *Roche v. Young Bros., Inc.*, 318 S.C. 207, 456 S.E.2d 897 (1995) (jurisdictional defects render judgments void ab initio; no ratification by later participation), and *Ex parte Strom*, 343 S.C. 257, 539 S.E.2d 699 (2000) (a void order “is a nullity and has no legal effect”; any proceedings or orders based upon it are likewise invalid).

Examples illustrate the propagation: Defendants’ own November 20, 2019 Motion to Vacate and Plaintiff’s January 20, 2020 Motion to Strike Jury Demand (***Exhibit M***) were filed in a void proceeding and are therefore null; the Master’s September 29, 2020 “without prejudice” vacatur (***Exhibit X***), granted after full evidentiary hearing on the record (***Exhibit W***), exceeded his limited derivative authority under SCRCF Rule 53(c) and S.C. Code Ann. §§ 14-11-60, 14-5-350 and derived from the void November motion; the April 20, 2021 jury strike, the 2023 appellate affirmance (***Exhibit SS***), and ultimately the May 7, 2025 orders under appeal all relied upon this null foundation and are themselves void or voidable.

Void orders are legal nullities attackable collaterally at any time under SCRCF Rule 60(b)(4). See *McDaniel v. U.S. Fid. & Guar. Co.*, 324 S.C. 639, 478 S.E.2d 868 (Ct. App. 1996); *Bonney v. Granger*, 356 S.C. 419, 589 S.E.2d 764 (Ct. App. 2003); *South Carolina Community Bank v. Salon Proz, LLC*, 420 S.C. 89, 800 S.E.2d 488 (Ct. App. 2017) (post-jury-demand reference improper; mandatory return required). Law of the case cannot salvage nullities. 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). This cascade renders the appealed orders unreviewable absent threshold correction.

III. INTERLOCKING SUBJECT MATTER AND PERSONAL JURISDICTIONAL VOIDS

These defects are both subject matter and personal jurisdictional voids non-waivable and fatal from the start. Personal jurisdiction failed because the reference issued before service on October 22, 2019. See *Dixon v. Dixon*, 362 S.C. 388, 608 S.E.2d 849 (2005); *Ross v. American Bank & Trust Co.*, 271 S.C. 391, 247 S.E.2d 657 (1978). Subject matter jurisdiction failed at the moment the reference was entered because, absent commencement under 2019 SCRPC Rule 3(a), there was no “pending proceeding” or valid case or controversy for the circuit court to adjudicate or refer under Rule 53. See *South Carolina Dep’t of Soc. Servs. v. Tran*, 418 S.C. 308, 792 S.E.2d 254 (Ct. App. 2016); Chabek, supra; Boyles, supra; *Wachovia Bank of S.C., N.A. v. Player*, 341 S.C. 424, 533 S.E.2d 918 (2000) (Master’s jurisdiction wholly derivative, invalid reference causes authority to fail ab initio). The Master acquired no power whatsoever. 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); “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. No consent, waiver, or later participation can confer what never existed. See Roche, supra; McDaniel, supra, and *Johnson v. Johnson*, 243 S.C. 535, 134 S.E.2d 767 (1964) (subject matter jurisdiction cannot be conferred by consent or waiver).

The pending Rule 60(b)(4) motion directly invokes these interlocking voids, placing the entire action in procedural limbo requiring immediate threshold resolution.

IV. INFRINGEMENT OF THE RIGHT OF ACCESS TO COURTS AND REMEDY FOR INJURY UNDER ARTICLE I, § 22 OF THE SOUTH CAROLINA CONSTITUTION

Building directly on the jurisdictional nullity, the premature ex parte reference inflicted an independent and profound constitutional injury: denial of Appellants’ right of access to courts

and to a speedy, meaningful remedy under Article I, § 22 of the South Carolina Constitution.

That provision guarantees: “The right of the people to access the courts and obtain justice freely, without being obliged to purchase it, and without delay or denial, shall not be abridged.” This self-executing provision is broader than federal due process and imposes an affirmative judicial duty to ensure real, effective access free from unreasonable procedural barriers. See *State v. Hornsby*, 326 S.C. 121, 484 S.E.2d 869 (1997) (Article I, § 22 protects meaningful redress for injuries; unreasonable barriers unconstitutional); *Sojourner T. v. Edwards*, 974 F.2d 27 (4th Cir. 1992) (interpreting South Carolina open-courts law: remedy for every legal injury must be real, not illusory), and *Doe v. State*, 421 S.C. 490, 808 S.E.2d 807 (2018) (affirming the self-executing nature of Article I, § 22 and the right to a meaningful judicial remedy without unreasonable barriers).

Here, the Clerk’s ex parte reference, procured by Plaintiff, transferred the entire case to a Master for final judgment without Appellants ever being served or notified, stripping them of any opportunity to appear, demand a jury, invoke the stay, or defend before the case was effectively decided in a non-judicial forum. Six-plus years of litigation in a void proceeding, with title perpetually clouded and constitutional rights trampled without correction, is the very “delay or denial” the Constitution forbids. The remedy for this violation is vacatur of all tainted orders and, where the barrier has become irremediable through bad-faith perpetuation, dismissal with prejudice to restore meaningful access and prevent further constitutional harm.

V. CONSTITUTIONAL DUE PROCESS VIOLATIONS FOR LACK OF NOTICE AND OPPORTUNITY TO BE HEARD (U.S. CONST. AMEND. XIV; S.C. CONST. ART. I, § 3)

The premature ex parte Order of Reference issued before service of process also constitutes an independent and egregious violation of Appellants’ rights to procedural due process under the

Fourteenth Amendment to the United States Constitution and Article I, § 3 of the South Carolina Constitution. Both provisions guarantee that no person shall be deprived of life, liberty, or property without due process of law. Foreclosure proceedings implicate a protected property interest in the homestead. See *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950) (due process requires notice “reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections”); and *Armstrong v. Manzo*, 380 U.S. 545, 550 (1965) (due process requires notice and opportunity to be heard “at a meaningful time and in a meaningful manner”); *TD Bank, N.A. v. Roller* (S.C. Ct. App. 2021) (procedural due process in civil actions requires notice and a reasonable opportunity to be heard before a legally constituted tribunal).

Here, the Clerk of Court, acting on Plaintiff’s ex parte submission, conferred full adjudicatory power on the Master-in-Equity (entry of judgment, judicial sale, writs of assistance, surplus distribution) before any Defendant had been served or given any notice whatsoever. This was not a mere technical Rule 5(a) violation; it was a complete denial of the fundamental constitutional safeguards of notice and opportunity to be heard. See *Mathews v. Eldridge*, 424 U.S. 319 (1976) (balancing test weighs the private interest at stake, here, loss of the family home, against the risk of erroneous deprivation and the government’s interest; the risk here was total and the private interest paramount).

This due-process violation independently renders the October 17, 2019 Order of Reference and every order that flowed from it void ab initio, subject to collateral attack at any time under SCRCF Rule 60(b)(4). It further compounds the Article I, § 22 access-to-courts injury (Section IV) and the mandatory stay violation (Section VI), creating an unbroken chain of constitutional and procedural nullities that cannot be cured by later participation or “law of the case.”

VI. MANDATORY FORECLOSURE INTERVENTION STAY VIOLATION

Layered upon the jurisdictional and access violations was a separate, binding statewide mandate: the South Carolina Supreme Court's Administrative Order 2011-05-02-01 required a complete stay of all foreclosure proceedings until good-faith intervention was completed. Appellants timely invoked it multiple times (*Exhibits K, L, N, P, Z*). Yet Plaintiff and the Master scheduled and conducted hearings and advanced orders during the active stay, without proper certification or good-faith compliance. This direct breach of a mandatory Supreme Court directive compounded the due process denial. See *Mathews v. Eldridge*, 424 U.S. 319 (1976).

Key examples include:

1. On March 9, 2020, Plaintiff scheduled a final foreclosure hearing for March 26, 2020 while the mandatory stay was still in full effect (*Exhibit 2*).
2. In the March 12–19, 2020 email chain (*Exhibit 3*) in which Plaintiff's counsel pushed the merits final hearing despite our repeated objections citing the mandatory stay, and Master Dukes' refused to cancel the hearing.
3. In the March 17, 2020 emails (*Exhibit 4*), Plaintiff refused to consent to a continuance.
4. The March 18, 2020 Supreme Court Order re: Statewide Evictions and Foreclosures stated: "*I FURTHER ORDER a moratorium in Master-in-Equity courts statewide on foreclosure hearings, foreclosure sales, writs of assistance and writs of ejectments, nor should Masters-in-Equity proceed in any other manner regarding foreclosures until directed by subsequent order by the Chief Justice.*" (*Exhibit 5*) In spite of the Order halting foreclosures indefinitely, the March 19, 2020 email from Master Dukes' office stated "*We just received an Order from the Chief justice halting all actions related to foreclosure cases. We can continue this 30 days out. How are parties on Tuesday, April 21st at 1:30?*" (*Exhibit 3*).

5. On September 3, 2020, Plaintiff again scheduled a final foreclosure hearing for September 29, 2020 while the stay remained in effect (*Exhibit 6*). This scheduling occurred through direct ex parte communication on August 6, 2020 between Plaintiff's counsel and Master Dukes' office. The Plaintiff nor the Court notified us of the scheduling of the Final Hearing until one month after the ex parte communication scheduling. We were not notified until on or after September 3, 2020.

6. The September 14, 2020 emails between Defendants, Plaintiff, and the Court: re: Motion for Continuance of Trial; Objections; Affidavit (*Exhibit 7*) further document the continued violation of the stay and ex parte communications regarding scheduling.

The stay was never properly lifted. No valid certification of good-faith compliance was filed or ruled upon. **Orders entered during the active stay are voidable and unlawful.** See *Financial Federal Credit, Inc. v. Brown*, 384 S.C. 555, 683 S.E.2d 486 (2009).

This violation is an independent, standalone fatal defect that renders all proceedings, hearings, and orders entered after invocation of the stay unlawful. Combined with the cascading jurisdictional voids from the premature reference, the result is a double layer of nullity.

VII. RESPONDENTS' BAD FAITH, ABUSE OF PROCESS, FRIVOLOUS PROCEEDINGS, AND REQUEST FOR DISMISSAL WITH PREJUDICE AS ALTERNATIVE RELIEF

Respondents knowingly procured and perpetuated a void proceeding for over six years despite actual or constructive notice of the jurisdictional voids and the mandatory stay violation detailed in Section VI.

Particularly egregious was the scheduling and advancement of hearings during the active stay, most clearly shown in the March 12–19, 2020 email chain. This pattern constitutes bad faith,

abuse of process, and frivolous litigation warranting sanctions and dismissal. See S.C. Code Ann. § 15-36-10 et seq.; *Rowell v. Whisnant*, 359 S.C. 451, 597 S.E.2d 819 (Ct. App. 2004); *Whitfield Const. Co. v. Bank of Tokyo-Mitsubishi, Ltd.*, 338 S.C. 207, 525 S.E.2d 888 (Ct. App. 1999), and *Zante, Inc. v. Puddin' Head, Inc.*, 408 S.C. 580, 760 S.E.2d 541 (2014) (recognizing inherent authority to dismiss with prejudice for bad faith and abuse of the judicial process).

The cumulative prejudice is severe and irremediable: six-plus years defending a null action, perpetually clouded homestead title, substantial costs, emotional distress, and repeated deprivation of constitutional rights under Article I, § 22. Further proceedings would be futile. Dismissal of the action with prejudice is the appropriate remedy under SCRCP Rule 41(b), the Court's inherent authority, and the Frivolous Civil Proceedings Sanctions Act because Respondents procured and perpetuated a void proceeding for over six years despite repeated notice.

VIII. UNUSABLE OWL RECORD DENIES MEANINGFUL REVIEW / DUE PROCESS

The January 21, 2025 hearing transcript is unusable due to systemic OWL defects; raw audio has been denied. This state-caused defect independently denies meaningful appellate review. See *State v. Ladson*, 373 S.C. 220, 644 S.E.2d 271 (Ct. App. 2007); *Gilmore v. Ivey*, 290 S.C. 53, 348 S.E.2d 180 (Ct. App. 1986); *State v. Jones*, 344 S.C. 189, 543 S.E.2d 551 (2001). Reconstruction is futile; new hearings are required.

IX. PENDING RECUSAL RECONSIDERATION THRESHOLD

The unadjudicated May 20, 2025 Motion for Reconsideration of Order Denying Recusal remains a threshold defect tainting all orders by Master-in-Equity / Circuit Court Judge Marvin H. Dukes III. See *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). Limited remand for a full hearing is mandatory.

X. PRIORITIZED LIST OF REMAND PURPOSES

To promote judicial economy, any limited remand must prioritize: See *Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 518 S.E.2d 591 (1999) (appellate courts resolve cases on the narrowest grounds by addressing threshold issues first).

1. Full evidentiary hearing and ruling on the pending May 20, 2025 recusal reconsideration, with specific findings on bias or Canon violations;
2. Adjudication of the pending August 8, 2025 Rule 60(b)(4) motion to vacate all void orders;
3. Resolution of the mandatory stay violation; and
4. Record settlement or new hearings.

In the alternative, the Court should dismiss the action with prejudice under SCRCP 41(b), the Court's inherent authority, and S.C. Code Ann. § 15-36-10 et seq., because the foundational defects, constitutional violations under Article I, § 22, and Respondents' bad-faith conduct over six-plus years render further prosecution futile and unjust.

XI. JOINT CONSIDERATION AND AUTHORITY FOR LIMITED REMAND

Joint consideration of the pending motions is most efficient. The Court possesses clear authority under SCACR 204(c), 205, 221, 242(c), and inherent power. See *State v. Langford*, 400 S.C. 421, 735 S.E.2d 99 (2012); *Dixon v. Dixon*, supra, and *Stoney v. Stoney*, 422 S.C. 593, 813 S.E.2d 486 (2018) (approving limited remand to resolve specific threshold issues while retaining appellate jurisdiction). The interlocking defects, cascading jurisdictional voids from the Clerk's premature ex parte reference, denial of meaningful court access under Article I, § 22, mandatory stay violation, unresolved recusal, and unusable record, render the appealed orders void or voidable and the record irreparably defective.

XII. REQUEST FOR SANCTIONS AND REFERRAL FOR DISCIPLINARY INVESTIGATION

The knowing and repeated violation of the mandatory Supreme Court Administrative Order 2011-05-02-01 by Plaintiff's counsel, and the trial court's failure to enforce the stay, the continuation of frivolous litigation in a known void proceeding, constitute bad faith, abuse of process, repeated noncompliance with court orders and procedural rules, and serious breaches of professional and judicial obligations. The Administrative Order itself expressly authorizes sanctions for such noncompliance, stating that if a party "fails to comply with the terms of this order, or has not attempted to reach an agreement for foreclosure intervention in good faith, the Court may, in its discretion, impose such sanctions as it determines to be reasonable and just under the circumstances, including without limitation, the assessment of reasonable attorneys' fees and costs against the culpable party." Such conduct appears to violate Rules 3.1, 3.2, 3.4(c), and 8.4(d) of the Rules of Professional Conduct, SCACR 413.

Appellants respectfully request that this Court:

(a) Impose appropriate sanctions against Plaintiff's counsel pursuant to the Supreme Court Administrative Order 2011-05-02-01, SCACR Rule 222, the South Carolina Frivolous Civil Proceedings Sanctions Act (S.C. Code Ann. § 15-36-10), and this Court's inherent authority, including an award of Appellants' reasonable attorney's fees and costs incurred in this appeal; and

(b) Refer the conduct of the involved trial judge(s) to the Commission on Judicial Conduct for appropriate review and investigation pursuant to Rule 502, SCACR.

WHEREFORE, Appellants respectfully pray that this Honorable Court:

1. Consider the pending motions jointly and stay all merits briefing;
2. Vacate the appealed May 7, 2025 Orders and all prior tainted orders as void ab initio pursuant to SCRCP Rule 60(b)(4);
3. Grant limited remand for prioritized resolution of the threshold issues identified herein;
4. Or, in the alternative, dismiss the entire action with prejudice pursuant to SCRCP 41(b), the Court's inherent authority to sanction abuse of process and constitutional violations under Article I, § 22, and S.C. Code Ann. § 15-36-10 et seq., because Respondents procured and perpetuated a void proceeding for over six years, the Clerk enabled the initial nullity, and the trial courts failed to correct it despite repeated notice, conduct that has irreparably tainted the judiciary's integrity and demands the strongest remedy to vindicate the rule of law, restore Appellants' constitutional rights, deter future abuse, and prevent any further mockery of justice in the courts of South Carolina;
5. Impose the sanctions against Plaintiff's counsel and refer the conduct of the involved trial judge(s) to the Commission on Judicial Conduct as requested in Section XII above; and
6. Award such other and further relief as the Court deems just and proper, including costs and any equitable measures.

Respectfully submitted this 24th day of February, 2026.



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



Tracy L. Field
(same)

EXHIBIT LIST (Attached to memorandum)

1. AFFIDAVIT
2. March 9, 2020 - Notice of Final Hearing - Foreclosure scheduled for March 26, 2020

3. March 12–19, 2020 Email Chain with Judge Dukes and Plaintiff, re: Scheduling of Hearings During Stay
4. March 17, 2020 Emails with Plaintiff, re: Final hearing scheduled for March 26, 2020
5. March 18, 2020 - South Carolina Supreme Court Order – RE: Statewide Evictions and Foreclosures
6. September 3, 2020 - Notice of Final Hearing - Foreclosure scheduled September 29, 2020 (ex parte communication between the Plaintiff and Judge Dukes)
7. September 14, 2020 – Emails between Defendants, Plaintiff, and the Court: re: Motion for Continuance of Trial; Objections; Affidavit

EXHIBITS: (Incorporated By Reference)

- A. August 8, 2025 Rule 60(b)(4) Motion to Vacate All Void Orders
- B. October 17, 2019 Order of Reference (signed/filed – premature ex parte reference)
- C. September 29, 2020 Form 4 Order (Master Dukes – purported vacatur of reference “without prejudice”)
- D. March 16, 2020 Rule 60 Motion for Relief from Order of Reference
- E. October 11, 2019 Summons/Complaint (filed copy)
- F. October 11, 2019 Notice of Right to Foreclosure Intervention
- G. October 16, 2019 Proposed Order of Reference to Master
- H. October 22, 2019 Demand for Jury Trial
- I. November 18, 2019 Motion for Case to be Heard by Jury Pursuant to SCRCF Rule 38(b)
- J. November 20, 2019 Motion to Vacate Order of Reference; Rule 38(b)
- K. November 20, 2019 Motion for Mediation for Foreclosure Intervention
- L. November 21, 2019 Notice: Foreclosure Intervention (SCSC Administrative Order All Proceedings Stayed; Affidavit)
- M. January 20, 2020 Plaintiff's Motion to Strike Defendants' Demand for Jury Trial
- N. February 14, 2020 Response in Opposition to Motion to Strike Jury Demand; Affidavit
- O. March 9, 2020 Notice of Hearing & Certificate of Mailing
- P. March 11, 2020 Notice: SCSC Administrative Order All Proceedings Stayed; Affidavit
- Q. Notice of Motion and Motion for Relief from Order of Reference Pursuant to SCRCF Rule 60 – Affidavit
- R. September 3, 2020 Notice of Hearing & Certificate of Mailing
- S. September 8, 2020 Motion for Continuance of Trial; Objections; Affidavit
- T. September 14, 2020 Email Chain re: Motion for Continuance of Trial; Objections; Affidavit
- U. September 15, 2020 Certificate of Compliance with the Coronavirus Aid, Relief, and Economic Security Act
- V. September 27, 2020 Memorandum in Support of Motion to Vacate Order of Reference (filed by counsel Andrew S. Radeker)
- W. September 29, 2020 Transcript of Hearing before Master Dukes on Motion to Vacate Order of Reference
- X. September 29, 2020 Form 4 Order (Granted Motion to Vacate without prejudice)
- Y. October 26, 2020 Motion to Dismiss and for Sanctions
- Z. December 7, 2020 Memorandum in Opposition to Motion to Dismiss and for Sanctions
- AA. January 8, 2021 Affidavit for Motion to Dismiss and for Sanctions
- BB. January 11, 2021 Memorandum in Support of Motion to Dismiss and for Sanctions
- CC. January 13, 2021 Transcript of Hearing before Judge Bentley Price

DD. January 20, 2021 Order Denying Defendants' Motion to Dismiss and for Sanctions
EE. January 25, 2021 Notice of Mediation Pursuant to ADR Rule 6
FF. February 4, 2021 Defendants' Notice of Motion and Motion to Compel Mediation
GG. February 12, 2021 Memorandum in Opposition to Motion to Compel Mediation
HH. February 12, 2021 Defendants' Memorandum in Support of Motion to Compel Mediation
II. March 1, 2021 Defendants' Supplemental Memorandum – Affidavit in Support of Motion to Compel Mediation
JJ. March 15, 2021 Form 4 Order Denying Motion to Compel Mediation
KK. April 20, 2021 Form 4 Order (Granted Plaintiff's Motion to Strike Jury Demand; Denied Defendants' Motions)
LL. April 29, 2021 Motion to Amend: Second Amended Answer, Affirmative Defenses, Counterclaims, and Third-Party Complaint (granted August 26, 2021 by Judge Bonds)
MM. August 26, 2021 Order by Judge Bonds (granted motion to amend; ruled on multiple dispositive motions)
NN. March 2020 Email Chain re: Hearing Continuance (COVID-19)
OO. Exhibits for Defendants' Notice of Motion and Motion to Compel Mediation
PP. April 20, 2021 Form 4 Order (duplicate reference – Granted Plaintiff's Motion to Strike Jury Demand; Denied Defendants' Motions)
QQ. June 14, 2023 Court of Appeals Affirmance (2023-UP-239)
RR. May 7, 2025 Form 4 Order - Denial of recusal motion – on Appeal - Judge Dukes
SS. May 7, 2025 Order – Jury Strike and Order of Reference – on Appeal - Judge Dukes
TT. May 20, 2025 Motion for Reconsideration of Order Denying Recusal of the Honorable Marvin H. Dukes III (verified priority matter with in-person hearing requested)
UU. May 20, 2025 Memorandum of Law in Support of Motion for Reconsideration of Order Denying Recusal (incorporating prior recusal/stay/compel filings and exhibits)

TABLE OF AUTHORITIES

Constitutions

U.S. Const. amend. XIV (Due Process)
S.C. Const. art. I, § 3 (Due Process)
S.C. Const. art. I, § 22 (Access to Courts; Remedy for Injury)

Statutes

S.C. Code Ann. § 14-11-310
S.C. Code Ann. §§ 14-11-60, 14-5-350 III
S.C. Code Ann. § 15-36-10 et seq. (Frivolous Civil Proceedings Sanctions Act)
S.C. Code Ann. § 29-3-680 et seq.

Rules

SCACR 204(c), 205, 221, 242(c), 208(b)
SCRCP 3(a), SCRCP 4, SCRCP 5(a), SCRCP 38(b), SCRCP 41(b)
SCRCP 53(c), SCRCP 60(b)(4)

Administrative Orders

South Carolina Supreme Court Administrative Order 2011-05-02-01

Cases

South Carolina Supreme Court

Brenco v. S.C. Dep't of Nat. Res., 377 S.C. 124, 659 S.E.2d 128 (2008)
Dixon v. Dixon, 362 S.C. 388, 608 S.E.2d 849 (2005)

Ex parte Strom, 343 S.C. 257, 539 S.E.2d 699 (2000)
Johnson v. Johnson, 243 S.C. 535, 134 S.E.2d 767 (1964)
Doe v. State, 421 S.C. 490, 808 S.E.2d 807 (2018)
Futch v. McAllister Towing of Georgetown, Inc., 335 S.C. 598, 518 S.E.2d 591 (1999)
Stoney v. Stoney, 422 S.C. 593, 813 S.E.2d 486 (2018)
Zante, Inc. v. Puddin' Head, Inc., 408 S.C. 580, 760 S.E.2d 541 (2014)
Hudson v. Hudson, 290 S.C. 215, 349 S.E.2d 341 (1986)
Ross v. American Bank & Trust Co., 271 S.C. 391, 247 S.E.2d 657 (1978)
State v. Hornsby, 326 S.C. 121, 484 S.E.2d 869 (1997)
State v. Langford, 400 S.C. 421, 735 S.E.2d 99 (2012)
Thomas & Howard Co. v. T.W. Graham & Co., 318 S.C. 286, 457 S.E.2d 340 (1995)
Wachovia Bank of S.C., N.A. v. Player, 341 S.C. 424, 533 S.E.2d 918 (2000)

South Carolina Court of Appeals

Bonney v. Granger, 356 S.C. 419, 589 S.E.2d 764 (Ct. App. 2003)
Bunkum v. Manor Properties, 321 S.C. 95, 467 S.E.2d 758 (Ct. App. 1996)
Chabek v. Nationwide Mut. Fire Ins. Co., 303 S.C. 26, 397 S.E.2d 786 (Ct. App. 1990)
Christy v. Christy, 317 S.C. 145, 452 S.E.2d 1 (Ct. App. 1994)
Davis v. Parkview Apartments, 409 S.C. 266, 762 S.E.2d 535 (2014)
Financial Federal Credit, Inc. v. Brown, 384 S.C. 555, 683 S.E.2d 486 (2009)
First Palmetto State Bank & Trust Co. v. Boyles, 302 S.C. 136, 394 S.E.2d 313 (1990)
McDaniel v. U.S. Fid. & Guar. Co., 324 S.C. 639, 478 S.E.2d 868 (Ct. App. 1996)
Roche v. Young Bros., Inc., 318 S.C. 207, 456 S.E.2d 897 (1995)
Rowell v. Whisnant, 359 S.C. 451, 597 S.E.2d 819 (Ct. App. 2004)
Salley v. Heartland-Charleston of Hanahan, SC, LLC, 381 S.C. 84, 671 S.E.2d 634 (Ct. App. 2009)
South Carolina Community Bank v. Salon Proz, LLC, 420 S.C. 89, 800 S.E.2d 488 (Ct. App. 2017)
South Carolina Dep't of Soc. Servs. v. Tran, 418 S.C. 308, 792 S.E.2d 254 (Ct. App. 2016)
TD Bank, N.A. v. Roller (S.C. Ct. App. 2021)
Tri-County Ice & Fuel Co. v. Palmetto Ice Co., 303 S.C. 237, 399 S.E.2d 779 (1990)
Whitfield Const. Co. v. Bank of Tokyo-Mitsubishi, Ltd., 338 S.C. 207, 525 S.E.2d 888 (Ct. App. 1999)

Federal

Mathews v. Eldridge, 424 U.S. 319 (1976)
Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950)
Armstrong v. Manzo, 380 U.S. 545 (1965)
Sojourner T. v. Edwards, 974 F.2d 27 (4th Cir. 1992)

Secondary

“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

RECEIVED

Feb 25 2026

SC Court of Appeals

RECEIVED

Mar 09 2026

SC Court of Appeals

EXHIBIT #1

(AFFIDAVIT)

AFFIDAVIT OF REX A. FIELD AND TRACY L. FIELD IN SUPPORT OF APPELLANTS' MEMORANDUM IN SUPPORT OF MOTIONS FOR LIMITED REMAND PURSUANT TO SCRPC RULE 60(b)(4), FOR RECORD SETTLEMENT, RECONSTRUCTION OR NEW HEARINGS, AND FOR RULING ON PENDING RECUSAL RECONSIDERATION, TO BE CONSIDERED JOINTLY, OR IN THE ALTERNATIVE, DISMISSAL OF THE ACTION WITH PREJUDICE

THE STATE OF SOUTH CAROLINA
In the Court of Appeals
APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Circuit Court Judge

Appellate Case No. 2025-001142

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

v.

Rex A. Field and Tracy L. Field, Appellants,

v.

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

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

AFFIDAVIT OF REX A. FIELD AND TRACY L. FIELD IN SUPPORT OF APPELLANTS' MEMORANDUM IN SUPPORT OF MOTIONS FOR LIMITED REMAND PURSUANT TO SCRPC RULE 60(b)(4), FOR RECORD SETTLEMENT, RECONSTRUCTION OR NEW HEARINGS, AND FOR RULING ON PENDING RECUSAL RECONSIDERATION, TO BE CONSIDERED JOINTLY, OR IN THE ALTERNATIVE, DISMISSAL OF THE ACTION WITH PREJUDICE

We, Rex A. Field and Tracy L. Field, being first duly sworn, depose and state under penalty of perjury as follows: We are the Appellants in the above-captioned appeal and the Defendants/Third-Party Plaintiffs in the underlying Beaufort County Court of Common Pleas action. This Affidavit is made on the basis of our personal knowledge.

We have personally reviewed the attached Appellants' Memorandum in Support of Motions for Limited Remand (the "Memorandum"), together with all referenced exhibits (**collectively**

labeled Exhibits 1 through 7 attached hereto and Exhibits A through UU incorporated by reference in the Memorandum). Every factual statement contained in the Memorandum is true and correct to the best of our personal knowledge and belief. Where any statement is made upon information and belief, we believe it to be true.

The Summons and Complaint in this foreclosure action were served upon us on October 22, 2019. Prior to that date, we received no notice whatsoever, to date, of the Proposed Order of Reference (*Exhibit G*) or the ex parte Order of Reference signed by the Clerk of Court on October 17, 2019 (*Exhibit B*). That Order of Reference referred the entire foreclosure action to Master-in-Equity Marvin H. Dukes, III for final adjudication, including entry of judgment, judicial sale, post-sale orders, writs of assistance, surplus distribution, and appraisal before we were served and without any notice to us, in violation of SCRCF Rule 5(a). This complete lack of notice supports the constitutional due process violations set forth in Section V of the Memorandum.

On the same day service was completed (October 22, 2019), we timely filed and served our Demand for Jury Trial (*Exhibit H*) pursuant to SCRCF Rule 38(b). We preserved and reinforced that demand in subsequent filings as detailed in the Memorandum (*Exhibits I, J, N, and KK*). We timely invoked our rights under the South Carolina Supreme Court Administrative Order 2011-05-02-01 on multiple occasions, including by filing *Exhibits K, L, N, P, and Z*. No proper certification of good-faith compliance or Notice of Denial of Foreclosure Intervention was ever served by Plaintiff as required to lift the mandatory stay.

Specifically:

1. March 9, 2020, Plaintiff scheduled a final foreclosure hearing for March 26, 2020 while the mandatory stay was still in full effect (*Exhibit 2*).

2. March 12–19, 2020 email chain (*Exhibit 3*) in which Plaintiff’s counsel pushed the merits final hearing despite our repeated objections citing the mandatory stay, and Master Dukes’ refused to cancel the hearing.

3. March 17, 2020 emails (*Exhibit 4*), Plaintiff refused to consent to a continuance.

4. March 18, 2020 Supreme Court Order re: Statewide Evictions and Foreclosures (*Exhibit 5*) stated: “I FURTHER ORDER a moratorium in Master-in-Equity courts statewide on foreclosure hearings, foreclosure sales, writs of assistance and writs of ejectments, nor should Masters-in-Equity proceed in any other manner regarding foreclosures until directed by subsequent order by the Chief Justice.” In spite of the Order halting foreclosures indefinitely, the March 19, 2020 email from Master Dukes’ office stated “We just received an Order from the Chief justice halting all actions related to foreclosure cases. We can continue this 30 days out. How are parties on Tuesday, April 21st at 1:30?” (*Exhibit 3*).

5. September 3, 2020 Notice of Hearing, Plaintiff again scheduled a final foreclosure hearing for September 29, 2020 while the stay remained in effect (*Exhibit 6*). This scheduling occurred through direct ex parte communication on August 6, 2020 between Plaintiff’s counsel and Master Dukes’ office. The Plaintiff nor the Court notified us of the scheduling of the Final Hearing until one month after the ex parte communication scheduling. We were not notified until on or after September 3, 2020.

6. September 14, 2020 emails between Defendants, Plaintiff, and the Court (*Exhibit 7*) further document the continued violation of the stay and ex parte communications regarding scheduling. Our May 20, 2025 Motion for Reconsideration of Order Denying Recusal (*Exhibits TT and UU*) and our August 8, 2025 Rule 60(b)(4) Motion to Vacate All Void Orders (*Exhibit A*) both remain

pending and unadjudicated. No hearing has been held on the pending recusal reconsideration motion.

As a direct and proximate result of the procedural and constitutional defects described in the Memorandum, we have suffered and continue to suffer severe and irreparable prejudice, including more than six years defending a procedurally null action, substantial out-of-pocket costs, significant emotional distress, and the daily financial and emotional burden of defending a known legal nullity.

All exhibits attached to or referenced in the Memorandum (*Exhibits 1 through 7 and Exhibits A through UU*) are true and correct copies of the original documents, accurate transcripts and/or affidavits as maintained in our files or obtained from the court record.

This Affidavit is submitted in support of the Memorandum and all relief requested therein, including limited remand or, in the alternative, dismissal of the action with prejudice.

FURTHER AFFIANTS SAYETH NOT.

We affirm that the information provided above is true, accurate, and complete to the best of our knowledge and belief.

Rex A. Field
Rex A. Field *Tracy L. Field*
Tracy L. Field



**STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT**

I, the undersigned Notary Public, do hereby certify that the foregoing instrument was acknowledged before me this 24th day of February 2026, and the document was executed by the above-named Rex A. Field and Tracy L. Field.

Witness my hand and seal this 24th day of February 2026.

Nicole R. Evans
Notary Public for South Carolina

My Commission Expires: 11/05/2029

EXHIBIT #2

March 9, 2020 - Notice of Final Hearing - Foreclosure scheduled for March 26, 2020

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,

Defendant(s).

IN THE COURT OF COMMON PLEAS

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

**NOTICE OF HEARING &
CERTIFICATE OF MAILING**

BCP No.: 19-43531

YOU WILL PLEASE TAKE NOTICE THAT, by virtue of the Order of Reference issued in the above-entitled cause, Marvin H. Dukes, III, as Master in Equity for Beaufort County has appointed **March 26, 2020 at 1:30 PM**, 102 Ribaut Road, Room 212, Beaufort, SC, 29902, as the time and place for holding a Final Hearing in Foreclosure, at which time and place all interested parties will appear, and that the Plaintiff intends to prepare and submit a Record of Hearing containing written testimony and a final judgment and order to sell the subject property will be entered.

YOU WILL ALSO TAKE NOTICE that the Plaintiff's attorney will submit written testimony on behalf of Plaintiff pursuant to S.C. Code Ann. Section 14-11-110 (as amended). All issues raised in the pleadings will be decided at this hearing. You are requested to notify Plaintiff's attorneys at 803-509-5078 of your intention to appear.

I hereby certify that I am an employee of Bell Carrington Price & Gregg, LLC, that on March 9, 2020, I served a copy of this hearing notice by placing said copy in a postage paid envelope addressed to each of the following persons at the address stated below, which is the last known address, and by depositing said envelope and contents in the U.S. Mail:

Rex A Field
1 Dulamo Bluff Road
Saint Helena Island, SC 29920

Tracy L. Field
1 Dulamo Bluff Road
Saint Helena Island, SC 29920

s/J. Martin Page
J. Martin Page (SC Bar No.: 100200)
Bell Carrington Price & Gregg, LLC
339 Heyward Street, 2nd Floor
Columbia, SC 29201
Attorney for the Plaintiff

EXHIBIT #3

March 12–19, 2020 Email Chain with Judge Dukes and Plaintiff, re: Scheduling of Hearings
During Stay

Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

From Browne, Jared <jbrowne@bcgov.net>

To cyberport@protonmail.com, Martin Page (mpage@bellcarrington.com)<mpage@bellcarrington.com>

CC Grey, Jacqueline<jgrey@bcgov.net>

Date Thursday, March 12th, 2020 at 10:58 AM

Good Morning All:

The Fields have a few outstanding Motions that need to be addressed in the above case. Would parties prefer to address the Motions on Thursday, March 26th at 1:30, or at an earlier date? Thanks.

Jared Browne

Administrative Technician for

Hon. Marvin H. Dukas, III

Beaufort County Master In Equity

And Special Circuit Court Judge

P. (843) 255-5714

F. (843) 255-9505

jbrowne@bcgov.net

Beaufort County Courthouse

102 Ribaut Rd., 2nd Floor, Room 212

Beaufort, SC 29902

Post Office Drawer 1228

Beaufort, SC 29901

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Re: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

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

To Browne, Jared <jbrowne@bcgov.net>

CC Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>, Grey, Jacqueline <jgrey@bcgov.net>

Date Thursday, March 12th, 2020 at 3:50 PM

Re: Final Hearing scheduled for March 26,2020

Hello Jared,

Please see Affidavit filed on 3/11/2020, pursuant to South Carolina Supreme Court Administrative Order No. 2009-05-22-01 ("Order"), "***All proceedings in the foreclosure action shall be stayed until completion of such foreclosure intervention***". The Defendants timely and properly requested Foreclosure Intervention. Foreclosure intervention has not been completed in the above-captioned action. All proceedings are stayed until Plaintiff's compliance with the Order and certification of completion of foreclosure intervention. Pursuant to the Order, the deadline for the Defendants to file an Answer to the Complaint or otherwise respond has not expired. The Defendants deadline is (30) thirty days after the certification of the conclusion of foreclosure intervention, and in this case, after the conclusion of Mediation/ADR for foreclosure intervention relating to the deadline to file an Answer or otherwise respond. The parties are to pursue foreclosure intervention pursuant to the Order and/or Mediation/ADR relating to foreclosure intervention. All proceeding are stayed pending the completion of foreclosure intervention and an additional (30) thirty days for the Defendants to file an answer or otherwise respond to the Complaint, if necessary. Any proceeding scheduled in this matter would be untimely, improper, and in violation of the Order. Defendants respectfully request that this Honorable Court cancel the hearing scheduled for March 26, 2020.

Best regards,

Rex and Tracy Field

Sent with ProtonMail Secure Email.

Re: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

From Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>

To Browne, Jared <jbrowne@bcgov.net>, cyberport@protonmail.com

CC Grey, Jacqueline <jgrey@bcgov.net>

Date Thursday, March 12th, 2020 at 3:53 PM

Could we have the motions heard at a date prior to March 26 hearing?

Thanks,

Martin

J. Martin Page, Esq.

Bell | Carrington

RE: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

From Browne, Jared <jbrowne@bcgov.net>

To Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>, cyberport@protonmail.com

CC Grey, Jacqueline <jgrey@bcgov.net>

Date Thursday, March 12th, 2020 at 4:02 PM

Thank you both for your emails. How are parties on Tuesday, March 24th at 2:00? This hearing Mr. Field, is to address the affidavit and motions you filed with the Clerk.

Jared Browne

Administrative Technician for

Hon. Marvin H. Dukes, III

Beaufort County Master In Equity

And Special Circuit Court Judge

P. (843) 255-5714

F. (843) 255-9505

jbrowne@bcgov.net

Beaufort County Courthouse

102 Ribaut Rd., 2nd Floor, Room 212

Beaufort, SC 29902

Post Office Drawer 1228

Beaufort, SC 29901

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Re: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

From Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>

To Browne, Jared <jbrowne@bcgov.net>, cyberport@protonmail.com

CC Grey, Jacqueline <jgrey@bcgov.net>

Date Thursday, March 12th, 2020 at 4:10 PM

That works for me.

Thanks!

J. Martin Page, Esq.

Bell | Carrington

RE: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

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

To Browne, Jared <jbrowne@bcgov.net>

CC Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>, Grey, Jacqueline <jgrey@bcgov.net>

Date Thursday, March 12th, 2020 at 4:47 PM

Jared,

Pursuant to the Order, there is a stay on the case. No proceedings shall be heard, that includes hearings and motions. No motions or hearings should be scheduled at this time. Please cancel the hearing scheduled for March 26th.

Best regards,

Rex and Tracy Field

Sent with [ProtonMail Secure Email](#).

----- Original Message -----

RE: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

From Browne, Jared <jbrowne@bcgov.net>

To cyberport@protonmail.com

CC Martin Page (mpage@bellcarrington.com)<mpage@bellcarrington.com>, Grey, Jacqueline<jgrey@bcgov.net>

Date Friday, March 13th, 2020 at 11:14 AM

Mr. Field:

I can't cancel the hearing for March 26th. There is no Order on file from a superior court authority staying your case. The purpose of the March 24th hearing is to determine whether or not the hearing for March 26th should go forward. Thanks.

Jared Browne

Administrative Technician for

Hon. Marvin H. Dukes, III

Beaufort County Master In Equity

And Special Circuit Court Judge

P. (843) 255-5714

F. (843) 255-9505

jbrowne@bcgov.net

Beaufort County Courthouse

102 Ribaut Rd., 2nd Floor, Room 212

Beaufort, SC 29902

Post Office Drawer 1228

Beaufort, SC 29901

RE: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

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

To Browne, Jared <jbrowne@bcgov.net>

CC Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>, Grey, Jacqueline <jgrey@bcgov.net>

Date Friday, March 13th, 2020 at 1:34 PM

Jared,

The Stay on the case is an automatic Stay and the **Stay has not been lifted**. As previously noted, **the Order stays ALL proceedings**. Pursuant to South Carolina Supreme Court Administrative Order No. 2009-05-22-01

... "(2) Actions filed after May 9, 2011."

In all mortgage foreclosure actions filed after May 9, 2011, the Mortgagee's attorney shall serve on the Mortgagor, along with the summons and complaint, a notice of the Mortgagor's right to foreclosure intervention.

No foreclosure hearing may be held in the foreclosure action until the Mortgagee's attorney certifies that the Mortgagee has complied with the requirements of paragraphs B (1) (a) through (e)...

If within thirty days after having been served with notice of the Mortgagor's rights, the Mortgagor has failed, refused, or voluntarily elected not to participate in any foreclosure intervention process, the Mortgagee, through its attorney, shall certify that fact to the Court, and the foreclosure action may proceed.

No foreclosure hearing or foreclosure sale may be held in the foreclosure action until the Mortgagee's attorney certifies the following:

(a) that the Mortgagor has been served with a notice of the Mortgagor's right to foreclosure intervention for the purpose of seeking a resolution of the foreclosure action by loan modification or other means of loss mitigation;

(b) that the Mortgagee, or its designated agent, has received and examined all documents and records required to be submitted by the Mortgagor to evaluate eligibility for foreclosure intervention;

(c) that the Mortgagor has been afforded a full and fair opportunity to submit any other information or data pertaining to the Mortgagor's loan or personal circumstances for consideration by the Mortgagee;

(d) that after completion of the foreclosure intervention process, the Mortgagor does not qualify for loan modification or other means of loss mitigation, in accordance with any standards, rules or guidelines applicable to the mortgage loan, and the parties have been unable to reach any other agreement concerning the foreclosure process; and,

*(e) that notice of the denial of loan modification or other means of loss mitigation has been served on the Mortgagor by mailing such notice to all known addresses of the Mortgagor; provided, that such notice shall also state that the **Mortgagor has 30 days from the date of mailing of notice of denial of relief to file and serve an answer or other response to the Mortgagee's summons and complaint.***

We, the Defendants have (3) three pending motions *In the Court of Common Pleas* (Circuit Court). This case is technically on the general docket in Circuit Court, not Master-in-Equity. 1). Motion to Vacate Order of Reference 2). Motion for Mediation/ADR for Foreclosure Intervention, and Motion for the Case to be heard by Jury. **All three motions must be heard in Circuit Court** before any consideration of any hearing in MIE. As such, the Final Hearing that was scheduled in MIE for March 26, 2020 should have never been scheduled given the Stay, the time for the Defendants to Answer or otherwise respond to the Complaint has not expired, and there are three of the Defendants motions pending in Circuit Court. Opposing counsel (Mr. Page) is fully aware of the procedural posture of this case and failed to correct the Court scheduling relating to the MIE Final Hearing on March 26th and is in violation of the Stay/Order. Accordingly, the three pending motions are Circuit Court motions and must be addressed by the Circuit Court at the proper time. A Master-in-Equity hearing on March 24th or 26th would be frivolous, in violation of the Order, and would only serve to harass, embarrass, and cause undue burden and harm to the Defendants, as well as cause unnecessary exposure to the coronavirus (COVID-19). We adamantly oppose scheduling any hearings or motions in MIE at this time, our position is that our pending motions are Circuit Court motions. The jurisdiction of this matter is with the Circuit Court and the Defendants are not voluntarily submitting to the jurisdiction of the MIE or voluntarily submitting to hearings in MIE before the Stay is lifted and/or before the pending motions are resolved by the Circuit Court.

We respectfully request that the Court cancel the hearing and/or that the Plaintiff withdraw their Notice of Hearing for March 26th and cancel the hearing. Please have Judge Dukes review this scheduling matter with emphasis on the fact that there is a Stay on the case, the time for the Defendants to Answer Complaint has not expired, and there are three pending motions in Circuit Court. We believe that the scheduling matter can be resolved via email and the MIE hearing (3/26) can be cancelled without having an actual hearing. Please advise.

Best regards,

Rex and Tracy Field

Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

On Friday, March 13, 2020 11:14 AM, Browne, Jared <jbrowne@bcgov.net> wrote:

Mr. Field:

RE: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

From Browne, Jared <jbrowne@bcgov.net>

To cyberport@protonmail.com

CC Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>, Grey, Jacqueline <jgrey@bcgov.net>

Date Friday, March 13th, 2020 at 4:00 PM

Thank you for your email Mr. Field. Judge Dukes has already reviewed the filings in this case. He would like a hearing before March 26th. Are you available Tuesday, March 24th at 2:00?

Jared Browne

Administrative Technician for

Hon. Marvin H. Dukes, III

Beaufort County Master In Equity

And Special Circuit Court Judge

P. (843) 255-5714

F. (843) 255-9505

jbrowne@bcgov.net

Beaufort County Courthouse

102 Ribaut Rd., 2nd Floor, Room 212

Beaufort, SC 29902

Post Office Drawer 1228

Beaufort, SC 29901

Disclaimer: Neither this office, nor its staff gives legal, financial or other advice. Any information obtained from this office or it's staff, regardless of form, should not be taken as legal or financial advice. Persons seeking to purchase properties from foreclosures or other sales should obtain independent advice as to value, sufficiency of title, tax consequences, other liens, and all other matters related to said purchase. Persons

RE: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

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

To Browne, Jared <jbrowne@bcgov.net>

CC Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>, Grey, Jacqueline <jgrey@bcgov.net>

Date Friday, March 13th, 2020 at 4:24 PM

Jared,

What is the purpose of a hearing for March 24th? And which Court would it be held in? Master-in-Equity or Circuit Court?

Thank you,

Rex and Tracy Field

Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

RE: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

From Browne, Jared <jbrowne@bcgov.net>

To cyberport@protonmail.com

CC Martin Page (mpage@bellcarrington.com)<mpage@bellcarrington.com>, Grey, Jacqueline<jgrey@bcgov.net>

Date Monday, March 16th, 2020 at 8:31 AM

The purpose of the hearing is address your motions and affidavit. Are you available on Tuesday, March 24th at 2:00? The hearing will take place before Judge Dukes. Thanks.

Jared Browne

Administrative Technician for

Hon. Marvin H. Dukes, III

Beaufort County Master In Equity

And Special Circuit Court Judge

P. (843) 255-5714

F. (843) 255-9505

jbrowne@bcgov.net

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RE: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

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

To Browne, Jared <jbrowne@bcgov.net>

CC Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>, Grey, Jacqueline <jgrey@bcgov.net>

Date Monday, March 16th, 2020 at 8:45 AM

Jared,

We will make ourselves available for a hearing on Tuesday, March 24th at 2:00, however, we strongly urge the Court (on its own initiative) to continue the hearings (March 24th & 26th) for 30 days due to COVID-19 spreading in Beaufort County. If the Court does not act on its own initiative, we reserve the right to request for a continuance all the way up to Tuesday 24th due to the fact that the entire country, state, and county are under emergency orders and the community is shutting down. All of our filings have to be hand-delivered to the clerk of court and requires several trips to make copies, obtain affidavits, mail and serve opposing counsel, etc.. The excessive health risk to us may be too high to prepare, make multiple trips and filings, and attend hearings.

Best regards,

Rex and Tracy Field

Sent with [ProtonMail](#) Secure Email.

Original Message

RE: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

From Browne, Jared <jbrowne@bcgov.net>

To cyberport@protonmail.com

CC Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>, Grey, Jacqueline <jgrey@bcgov.net>

Date Monday, March 16th, 2020 at 9:14 AM

Thank you for your email. I'll schedule the hearing for Tuesday, March 24th at 2:00. See you all then.

Jared Browne

Administrative Technician for

Hon. Marvin H. Dukes, III

Beaufort County Master In Equity

And Special Circuit Court Judge

P. (843) 255-5714

F. (843) 255-9505

jbrowne@bcgov.net

Beaufort County Courthouse

102 Ribaut Rd., 2nd Floor, Room 212

Beaufort, SC 29902

Post Office Drawer 1228

Beaufort, SC 29901

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Re: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

From Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>

To Browne, Jared <jbrowne@bcgov.net>, cyberport@protonmail.com

CC Grey, Jacqueline <jgrey@bcgov.net>

Date Wednesday, March 18th, 2020 at 11:53 AM

Jared,

Is this hearing still going forward? I know the foreclosure hearing for the 26th has been cancelled.

Thanks!

J. Martin Page, Esq.

Bell | Carrington

RE: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

From Browne, Jared <jbrowne@bcgov.net>

To Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>, cyberport@protonmail.com

CC Grey, Jacqueline <jgrey@bcgov.net>

Date Wednesday, March 18th, 2020 at 11:57 AM

As of right now, yes. Parties can appear in person or we can have the hearing by conference call.

Jared Browne

Administrative Technician for

Hon. Marvin H. Dukes, III

Beaufort County Master In Equity

And Special Circuit Court Judge

P. (843) 255-5714

F. (843) 255-9505

jbrowne@bcgov.net

Beaufort County Courthouse

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Beaufort, SC 29902

Post Office Drawer 1228

Beaufort, SC 29901

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RE: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

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

To Browne, Jared <jbrowne@bcgov.net>

CC Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>, Grey, Jacqueline <jgrey@bcgov.net>

Date Wednesday, March 18th, 2020 at 2:06 PM

Jared,

Given that the March 26th hearing has been cancelled, the March 24th hearing should be cancelled as well because it was squeezed on the schedule at the last minute to address issues relating to the hearing on the 26th that is now cancelled.

There is no need to have a conference call or appear in person on Tuesday the 24th, as such, please cancel the hearing and take it off the schedule.

Best regards,

Rex Field

Sent with [ProtonMail](#) Secure Email.

Original Message

RE: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

From Browne, Jared <jbrowne@bcgov.net>

To cyberport@protonmail.com

CC Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>, Grey, Jacqueline <jgrey@bcgov.net>

Date Wednesday, March 18th, 2020 at 2:27 PM

Good Afternoon Mr. Field:

Your motions and your affidavit still need to be addressed. The Judge requests that we move forward with the hearing on the 24th. Parties are more than welcome to appear by phone. If you would like to appear by phone instead of in person, I can set up the conference call line. Thanks.

Jared Browne

Administrative Technician for

Hon. Marvin H. Dukes, III

Beaufort County Master In Equity

And Special Circuit Court Judge

P. (843) 255-5714

F. (843) 255-9505

jbrowne@bcgov.net

Beaufort County Courthouse

102 Ribaut Rd., 2nd Floor, Room 212

Beaufort, SC 29902

Post Office Drawer 1228

Beaufort, SC 29901

RE: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

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

To Browne, Jared <jbrowne@bcgov.net>

CC Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>, Grey, Jacqueline <jgrey@bcgov.net>

Date Wednesday, March 18th, 2020 at 3:51 PM

RE: Continuance on Hearing for Tuesday the 26th.

Jared,

Please use this email as our request for a Continuance for the hearing that we scheduled at the last minute for Tuesday the 24th, this hearing is not necessary at this time because it was a forced hearing by the Defendants (us) at the last minute to address the Final hearing scheduled for March 26th that has been cancelled by the Chief Justice. This hearing (24th) was not formally noticed by us or by the Court to the Plaintiff, nor have the various motions been properly noticed for a hearing. As it stands now, we will have a total of (5) motions plus an Affidavit, 2 motions are Priority motions that have not been properly and timely served yet and (1) has not yet been filed that have not been properly served and the (10) ten day notice period plus mail time has not lapsed. The Priority motions would have to be heard before some of the other motions.

We are requesting a Continuance for several reasons, first, we were blind-sided by the Final Hearing on the 26th which is now cancelled. Due to short notice for the 24th hearing combined with COVID-19 issues we are unable to properly prepare and present motions on the 24th (whether it's on the phone or in person) some of which have not been served and/or filed, most importantly the Priority motions that have not yet been filed or served. We believe that a phone conference on the 24th would not resolve the pending issues and would create the need for additional hearings later because we have Priority matters that we want to be heard in person first, and those two motions have not been properly served/proper notice/filed. As it pertains to the coronavirus, we are at an age with underlying health conditions and having to prepare for an in person hearing or on the phone at this time to be an unacceptable risk to us. We would have to travel all around town for notaries, make copies, fax, go to the courthouse and go the post office, etc..

Please continue the hearing for the 24th, it is unnecessary at this time and would cause undue burden, hardship, and an unnecessary health risk because it would expose us out in the community, and a phone conference would be premature at this time would prejudice us.

Please postpone the hearing scheduled for Tuesday, March 24th. If I need to file a Motion for Continuance, please let me know.

Best regards,

Rex Field

Sent with [ProtonMail](#) Secure Email

Original Message -----

RE: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

From Browne, Jared <jbrowne@bcgov.net>

To cyberport@protonmail.com

CC Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>, Grey, Jacqueline <jgrey@bcgov.net>

Date Wednesday, March 18th, 2020 at 4:01 PM

Mr. Page:

Would you have a problem with continuing the hearing on the 24th?

Jared Browne

Administrative Technician for

Hon. Marvin H. Dukes, III

Beaufort County Master In Equity

And Special Circuit Court Judge

P. (843) 255-5714

F. (843) 255-9505

jbrowne@bcgov.net

Beaufort County Courthouse

102 Ribaut Rd., 2nd Floor, Room 212

Beaufort, SC 29902

Post Office Drawer 1228

Beaufort, SC 29901

Re: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

From Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>

To Browne, Jared <jbrowne@bcgov.net>, cyberport@protonmail.com

CC Grey, Jacqueline <jgrey@bcgov.net>

Date Wednesday, March 18th, 2020 at 4:10 PM

Jared,

I'll consent to the continuance.

Thanks,

Martin

J. Martin Page, Esq.

Bell | Carrington

RE: Wilmington Savings vs. Rex Field & Tracy Field 2019-2279

From Browne, Jared <jbrowne@bcgov.net>

To Martin Page (mpage@bellcarrington.com)<mpage@bellcarrington.com>, cyberport@protonmail.com

CC Grey, Jacqueline<jgrey@bcgov.net>

Date Thursday, March 19th, 2020 at 9:28 AM

Thank you both for the emails. We just received an Order from the chief justice halting all actions related to foreclosure cases. We can continue this 30 days out. How are parties on Tuesday, April 21st at 1:30?

Jared Browne

Administrative Technician for

Hon. Marvin H. Dukes, III

Beaufort County Master In Equity

And Special Circuit Court Judge

P. (843) 255-5714

F. (843) 255-9505

jbrowne@bcgov.net

Beaufort County Courthouse

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Post Office Drawer 1228

Beaufort, SC 29901

Disclaimer: Neither this office, nor its staff gives legal, financial or other advice. Any information obtained from this office or it's staff, regardless of form, should not be taken as legal or financial advice. Persons seeking to purchase properties from foreclosures or other sales should obtain independent advice as to value, sufficiency of title, tax consequences, other liens, and all other matters related to said purchase. Persons

EXHIBIT #4

March 17, 2020 Emails with Plaintiff, re: Final hearing scheduled for March 26, 2020

Motion for Continuance - Wilmington v. Field - 2019-CP-07-02279

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

To Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>

Date Tuesday, March 17th, 2020 at 11:26 AM

RE: Motion for Continuance

Mr. Page,

Pursuant to Rule 11, do you consent to a Continuance of the March 24th & 26th hearings. We are requesting a Continuance based on the unacceptable health risks associated with litigating this matter at this time due the COVID-19 pandemic, we are at high risk due to our age with underlying health conditions.

Please let me know as soon as possible if you consent to a Motion for Continuance.

Sincerely,

Rex and Tracy Field

Sent with [ProtonMail](#) Secure Email.

Re: Motion for Continuance - Wilmington v. Field - 2019-CP-07-02279

From Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>

To cyberport@protonmail.com

Date Tuesday, March 17th, 2020 at 11:32 AM

Mr. Field,

My client has instructed me to proceed with the hearings, so I cannot consent to your motion.

Thanks,

Martin

J. Martin Page, Esq.

Bell | Carrington

Re: Motion for Continuance - Wilmington v. Field - 2019-CP-07-02279

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

To Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>

Date Tuesday, March 17th, 2020 at 11:41 AM

Mr. Page,

Now that I have complied with Rule 11, I will be filing a Motion for Continuance.

Thank you for your understanding during the declaration of a National, State, and local state of emergency during a world-wide pandemic in a life or death situation.

Thanks again,

Rex and Tracy Field

Sent with [ProtonMail](#) Secure Email.

Original Message

EXHIBIT #5

March 18, 2020 - South Carolina Supreme Court Order – RE: Statewide Evictions and Foreclosures

The Supreme Court of South Carolina

RE: Statewide Evictions and Foreclosures

ORDER

In recognition of the difficulties the COVID-19 pandemic may have on institutions and individuals, and on the basis that increased housing insecurity and homelessness will worsen the threat posed by the illness,

I FIND it necessary to address statewide evictions and foreclosures.

Pursuant to provisions of Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that all evictions currently ordered and scheduled statewide shall be rescheduled for a date not earlier than May 1, 2020. Furthermore, the court shall not accept applications for ejectment, schedule hearings, issue writs or warrants of ejectment, or proceed in any other manner regarding evictions until directed by subsequent order by the Chief Justice. However, case-by-case exceptions for evictions may be made for matters that involve essential services and/or harm to person or property.

I FURTHER ORDER a moratorium in Master-in-Equity courts statewide on foreclosure hearings, foreclosure sales, writs of assistance and writs of ejectments, nor should Masters-in-Equity proceed in any other manner regarding foreclosures until directed by subsequent order by the Chief Justice.

This Order supersedes the Statewide Evictions Order dated
March 17, 2020.

s/Donald W.
Beatty
Donald W. Beatty
Chief Justice of South Carolina

Columbia, South Carolina
March 18, 2020

EXHIBIT #6

September 3, 2020 - Notice of Final Hearing - Foreclosure scheduled September 29, 2020
(*ex parte* communication between the Plaintiff and Judge Dukes)

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,

Defendant(s).

IN THE COURT OF COMMON PLEAS

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

**NOTICE OF HEARING &
CERTIFICATE OF MAILING**

BCP No.: 19-43531

YOU WILL PLEASE TAKE NOTICE THAT, by virtue of the Order of Reference issued in the above-entitled cause, Marvin H. Dukes, III, as Master in Equity for Beaufort County has appointed **September 29, 2020 at 9:00 AM, via Webex Teleconference, (see Attachment A)**, as the time and place for holding a Final Hearing in Foreclosure, at which time and place all interested parties will appear, and that the Plaintiff intends to prepare and submit a Record of Hearing containing written testimony and a final judgment and order to sell the subject property will be entered.

YOU WILL ALSO TAKE NOTICE that the Plaintiff's attorney will submit written testimony on behalf of Plaintiff pursuant to S.C. Code Ann. Section 14-11-110 (as amended). All issues raised in the pleadings will be decided at this hearing. You are requested to notify Plaintiff's attorneys at 803-509-5078 of your intention to appear.

I hereby certify that I am an employee of Bell Carrington Price & Gregg, LLC, that on August 31, 2020, I served a copy of this hearing notice by placing said copy in a postage paid envelope addressed to each of the following persons at the address stated below, which is the last known address, and by depositing said envelope and contents in the U.S. Mail:

Rex A. Field
1 Dulamo Bluff Road
Saint Helena Island, SC 29920

Tracy L. Field
1 Dulamo Bluff Road
Saint Helena Island, SC 29920

s/J. Martin Page
J. Martin Page (SC Bar No.: 100200)
Bell Carrington Price & Gregg, LLC
339 Heyward Street, 2nd Floor
Columbia, SC 29201
Attorney for the Plaintiff

Attachment A

ELECTRONICALLY FILED - 2020 Sep 03 2:04 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0702279

Subject: Webex meeting invitation: Bell Carrington Contested Foreclosure - WSFS vs. Rex Field, 2019-02279
Location: <https://beaufortcountysc.webex.com/beaufortcountysc/j.php?MTID=mdac940ceb60b1aad5ef9ba35d15c61c3>
Start: Tue 9/29/2020 9:00 AM
End: Tue 9/29/2020 5:00 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Marvin Dukes

-----Original Appointment-----

From: Marvin Dukes [REDACTED]
Sent: Thursday, August 6, 2020 9:18 AM
To: Marvin Dukes; Martin Page
Subject: Webex meeting invitation: Bell Carrington Contested Foreclosure - WSFS vs. Rex Field, 2019-02279
When: Tuesday, September 29, 2020 9:00 AM-5:00 PM America/New_York
Where: <https://beaufortcountysc.webex.com/beaufortcountysc/j.php?MTID=mdac940ceb60b1aad5ef9ba35d15c61c3>

Marvin Dukes invites you to join this Webex meeting.

Meeting number (access code): 129 916 6972

Meeting password: vVkpPV3qP26

Tuesday, September 29, 2020
9:00 am | (UTC-04:00) Eastern Time (US & Canada) | 8 hrs

Join meeting

EXHIBIT #7

September 14, 2020 – Emails between Defendants, Plaintiff, and the Court: re: Motion for Continuance of Trial; Objections; Affidavit

**re: Form and Coversheet; Motion for Continuance of Trial; Objections;
Affidavit, 2019-CP-07-02279**

From cyberport@protonmail.com <cyberport@protonmail.com>
To McLeod, Heather <hmcleod@bcgov.net>
CC Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>
Date Monday, September 14th, 2020 at 8:24 AM

Ms. Heather McLeod, Assistant for
The Honorable Marvin H. Dukes, III
Beaufort County Master-in-Equity
and Special Circuit Court Judge

RE: 2019-CP-07-02279 Wilmington v. Field

Motion for Continuance of Trial; Objections; Affidavit, Form and Coversheet:

Good morning Heather,

For your convenience, please find attached the above referenced motion that was mailed to the Clerk of Court on Tuesday, 9/8/20, the file date with the Court will be Friday, 9/11/20 and should show on the docket today, 9/14/20. Opposing counsel was served on 9/8/20 via US mail.

Thank you in advance for your attention to this matter, please feel free to contact us should you have any questions.

Best regards,
Rex Field

cc: J. Martin Page
Bell Carrington Price & Gregg

Sent with [ProtonMail](#) Secure Email.

3.34 MB 1 file attached

MOTION FOR CONTINUANCE OF TRIAL - OBJECTIONS - AFFIDAVIT 9.08.2020.pdf 3.34 MB

**FW: Form and Coversheet; Motion for Continuance of Trial; Objections;
Affidavit, 2019-CP-07-02279**

From McLeod, Heather <hmcleod@bcgov.net>

To Grey, Jacqueline<jgrey@bcgov.net>

CC cyberport@protonmail.com, Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>

Date Monday, September 14th, 2020 at 9:17 AM

Citizens are encouraged to call or e-mail before driving to a Beaufort County Office. Visit us online at www.beaufortcountysc.gov.

Effective July 17, all Beaufort County buildings are closed to the public until further notice to minimize opportunities to spread COVID-19 in our community.

Jackie:

Please see the below email and the attached Motion to Continue the Foreclosure hearing set for Sept. 29th.

Please contact us immediately if you are:

1. **Waiting on a ruling and it has been more than 30 days.**
2. **Ready to schedule a Trial date.**
3. **Have a motion older than 30 days and need to schedule a hearing.**

Thanking You in Advance,

Heather R. H. McLeod,

Judicial Assistant to

Hon. Marvin H. Dukes, III

Beaufort County Master In Equity

And Special Circuit Court Judge

P. (843) 255-5710

F. (843) 255-9505

hmcleod@bcgov.net

**RE: Form and Coversheet; Motion for Continuance of Trial; Objections;
Affidavit, 2019-CP-07-02279**

From McLeod, Heather <hmcleod@bcgov.net>

To cyberport@protonmail.com, Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>

CC Grey, Jacqueline <jgrey@bcgov.net>, Browne, Jared <jbrowne@bcgov.net>

Date Monday, September 14th, 2020 at 10:42 AM

Citizens are encouraged to call or e-mail before driving to a Beaufort County Office. Visit us online at
www.beaufortcountysc.gov.

Effective July 17, all Beaufort County buildings are closed to the public until further notice to minimize opportunities to spread COVID-19 in our community.

Good Morning Mr. Field and Mr. Page:

In regards to scheduling the Motion to Continue, how are parties on Monday, Sept. 21st at 9:30 a.m.?

Please contact us immediately if you are:

1. **Waiting on a ruling and it has been more than 30 days.**
2. **Ready to schedule a Trial date.**
3. **Have a motion older than 30 days and need to schedule a hearing.**

Thanking You in Advance,

Heather R. H. McLeod,

Judicial Assistant to

Hon. Marvin H. Dukes, III

Beaufort County Master In Equity

And Special Circuit Court Judge

P. (843) 255-5710

F. (843) 255-9505

hmcleod@bcgov.net

**RE: Form and Coversheet; Motion for Continuance of Trial; Objections;
Affidavit, 2019-CP-07-02279**

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

To McLeod, Heather <hmcLeod@bcgov.net>

CC Martin Page (mpage@belcarrington.com) <mpage@belcarrington.com>, Grey, Jacqueline <jgrey@bcgov.net>
, Browne, Jared <jbrowne@bcgov.net>

Date Monday, September 14th, 2020 at 11:49 AM

Heather,

Is opposing counsel not consenting to the Motion for Continuance?

As per the Motion Form and Coversheet, we are not requesting a hearing on this matter.

Opposing counsel needs to weigh in on this as to whether or not they consent to the Motion for Continuance.

Please let us know, thank you.

Best regards,

Rex Field



**RE: Form and Coversheet; Motion for Continuance of Trial; Objections;
Affidavit, 2019-CP-07-02279**

From McLeod, Heather <hmcleod@bcgov.net>

To cyberport@protonmail.com

CC Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>, Grey, Jacqueline <jgrey@bcgov.net>
, Browne, Jared <jbrowne@bcgov.net>

Date Monday, September 14th, 2020 at 12:21 PM

Citizens are encouraged to call or e-mail before driving to a Beaufort County Office. Visit us online at
www.beaufortcountysc.gov.

Effective July 17, all Beaufort County buildings are closed to the public until further notice to minimize opportunities to spread COVID-19 in our community.

Certainly we can see if Plaintiffs will consent to your motion.

Please contact us immediately if you are:

1. **Waiting on a ruling and it has been more than 30 days.**
2. **Ready to schedule a Trial date.**
3. **Have a motion older than 30 days and need to schedule a hearing.**

Thanking You in Advance,

Heather R. H. McLeod,

Judicial Assistant to

Hon. Marvin H. Dukes, III

Beaufort County Master In Equity

And Special Circuit Court Judge

P. (843) 255-5710

F. (843) 255-9505

hmcleod@bcgov.net

**RE: Form and Coversheet; Motion for Continuance of Trial; Objections;
Affidavit, 2019-CP-07-02279**

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

To McLeod, Heather <hmcleod@bcgov.net>

CC Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>, Grey, Jacqueline <jgrey@bcgov.net>
, Browne, Jared <jbrowne@bcgov.net>

Date Monday, September 14th, 2020 at 1:06 PM

Heather,

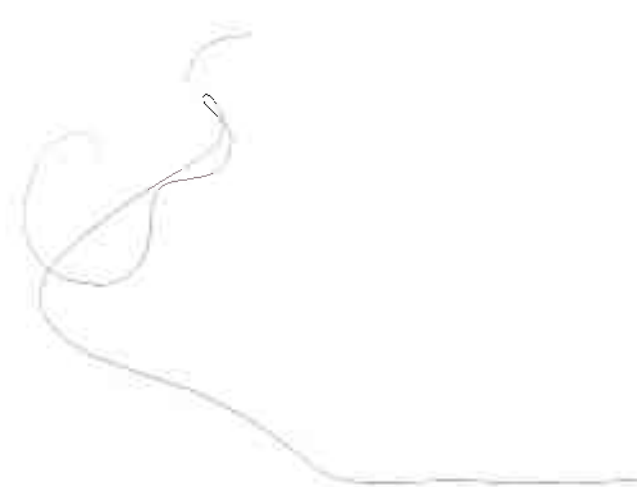
Yes, absolutely, Plaintiff's counsel needs to notify us and/or the Court if they oppose Defendants Motion to Continue Trial.

Thank you,

Rex Field

Sent with [ProtonMail](#) Secure Email.

Original Message

A large, stylized handwritten signature in blue ink, appearing to be 'Rex Field', is written in the bottom right corner of the page.

**RE: Form and Coversheet; Motion for Continuance of Trial; Objections;
Affidavit, 2019-CP-07-02279**

From Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>
To McLeod, Heather <hmcleod@bcgov.net>, cyberport@protonmail.com
CC Grey, Jacqueline <jgrey@bcgov.net>, Browne, Jared <jbrowne@bcgov.net>
Date Monday, September 14th, 2020 at 1:13 PM

Ms. McLeod,

The Plaintiff **opposes** the defendants' Motion to Continue. Monday September 21 at 9:30 works for my office for a hearing on that motion.

Thanks!

J. Martin Page, Esq.

339 Heyward Street, 2nd floor

Columbia, SC 29201

803.509.5078

Bell Carrington Price & Gregg LLC, is a debt collector. This is an attempt to collect a debt, and any information obtained will be used for that purpose.

****This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.**

**RE: Form and Coversheet; Motion for Continuance of Trial; Objections;
Affidavit, 2019-CP-07-02279**

From cyberport@protonmail.com <cyberport@protonmail.com>
To Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>
CC McLeod, Heather <hmcLeod@bcgov.net>, Grey, Jacqueline <jgrey@bcgov.net>,
Browne, Jared <jbrowne@bcgov.net>
Date Monday, September 14th, 2020 at 3:18 PM

Heather,

A outlined in the *Motion for Continuance*, Plaintiff's counsel has failed to comply with The South Carolina Supreme Court Order 2020-04-30-02, pursuant to the Order. states..." IT IS FURTHER ORDERED that the judge shall require the person or entity pursuing eviction or foreclosure to certify in writing that the real estate at issue is not subject to the limitations and requirements of the **federal Coronavirus Aid, Relief, and Economic Security Act**. If the real estate is subject to the restrictions of the Coronavirus Aid, Relief, and Economic Security Act, the eviction or foreclosure proceeding shall terminate without any action taken." The Court record shows that Plaintiff's counsel has failed to certify in writing that the real estate at issue is not subject to the restrictions of the Coronavirus Aid, Relief, and Economic Security Act, thus, foreclosure proceeding shall terminate without any action taken.

Please advise.

Best regards,
Rex Field

Sent with [ProtonMail](#) Secure Email.

**RE: Form and Coversheet; Motion for Continuance of Trial; Objections;
Affidavit, 2019-CP-07-02279**

From McLeod, Heather <hmcLeod@bcgov.net>

To cyberport@protonmail.com, Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>

CC Grey, Jacqueline <jgrey@bcgov.net>, Browne, Jared <jbrowne@bcgov.net>

Date Monday, September 14th, 2020 at 3:32 PM

Citizens are encouraged to call or e-mail before driving to a Beaufort County Office. Visit us online at
www.beaufortcountysc.gov.

Effective July 17, all Beaufort County buildings are closed to the public until further notice to minimize opportunities to spread COVID-19 in our community.

Mr. Field;

Since Plaintiffs do not consent I need to move forward with scheduling your Motion to Continue. Are you available on Sept. 21st at 9:30 a.m.?

Please contact us immediately if you are:

1. **Waiting on a ruling and it has been more than 30 days.**
2. **Ready to schedule a Trial date.**
3. **Have a motion older than 30 days and need to schedule a hearing.**

Thanking You in Advance,

Heather R. H. McLeod,

Judicial Assistant to

Hon. Marvin H. Dukes, III

Beaufort County Master In Equity

And Special Circuit Court Judge

P. (843) 255-5710

F. (843) 255-9505

**RE: Form and Coversheet; Motion for Continuance of Trial; Objections;
Affidavit, 2019-CP-07-02279**

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

To McLeod, Heather <hmcleod@bcgov.net>

CC Martin Page (mpage@bellcarrington.com) <mpage@bellcarrington.com>, Grey, Jacqueline <jgrey@bcgov.net>
, Browne, Jared <jbrowne@bcgov.net>

Date Monday, September 14th, 2020 at 3:37 PM

Heather,

Please advise on the following:

A outlined in the ***Motion for Continuance***, Plaintiff's counsel has failed to comply with The South Carolina Supreme Court Order 2020-04-30-02, pursuant to the Order, states:

" IT IS FURTHER ORDERED that **the judge shall require the person** or entity pursuing eviction or foreclosure to certify in writing that the real estate at issue is not subject to the limitations and requirements of the **federal Coronavirus Aid, Relief, and Economic Security Act**. If the real estate is subject to the restrictions of the Coronavirus Aid, Relief, and Economic Security Act, the eviction or foreclosure proceeding shall terminate without any action taken." The Court record shows that Plaintiff's counsel has failed to certify in writing that the real estate at issue is not subject to the restrictions of the Coronavirus Aid, Relief, and Economic Security Act, thus, **foreclosure proceeding shall terminate without any action taken.**

Best regards,

Rex Field

Sent with [ProtonMail Secure Email](#).

Original Message



THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Feb 25 2026

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Circuit Court Judge

Appellate Case No. 2025-001142

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

Respondents

v.

Rex A. Field and Tracy L. Field, Appellants

v.

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

.....are Respondents.

PROOF OF SERVICE

We certify that we have served “**APPELLANTS’ MEMORANDUM IN SUPPORT OF MOTIONS FOR LIMITED REMAND PURSUANT TO SCRPC RULE 60(b)(4), FOR RECORD SETTLEMENT, RECONSTRUCTION OR NEW HEARINGS, AND FOR RULING ON PENDING RECUSAL RECONSIDERATION, TO BE CONSIDERED JOINTLY, OR IN THE ALTERNATIVE, DISMISSAL OF THE ACTION WITH PREJUDICE; AFFIDAVIT**” on Respondents by Electronic Mail and US Mail depositing a copy of it in the United States Mail, postage pre-paid, on February 25, 2026 addressed to the following attorneys of record listed below:

This day, February 25, 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

mpage@bellcarrington.com

**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

jschulz@bradley.com

bmilam@bradley.com



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Mar 09 2026

SC Court of Appeals

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Court Orders

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Order 1985-06-21-01

The Supreme Court of South Carolina

ORDER

Effective Date: July 1, 1985

Pursuant to the provisions of Section 4, Article V, South Carolina Constitution,

IT IS ORDERED that no reference to a Master or Referee shall be made after a case has been filed for more than six (6) months, unless approved in writing by the Chief Judge for Administrative Purposes upon a showing of exceptional circumstances.

IT IS FURTHER ORDERED that within five (5) days from the date of the Order of Reference, said Order shall be filed by the attorney with the clerk of court.

IT IS FURTHER ORDERED that within five (5) days from the date of the filing of the Order of Reference, the clerk shall transfer the case to the Master or appointed Referee.

IT IS FURTHER ORDERED that within sixty (60) days from the date of filing of the Order of Reference, the Master or Referee shall hear the referred matter.

IT IS FURTHER ORDERED that within sixty (60) days from the date of the hearing, the Master or Referee shall make and file his report or order with the clerk of court, unless such time shall have been extended in writing by the Chief Judge for Administrative Purposes upon a showing of exceptional circumstances.

IT IS FURTHER ORDERED that all Masters shall submit a monthly activity report to South Carolina Court Administration and the Chief Judge for Administrative Purposes for the circuit affected in a form and manner prescribed by Court Administration.

s/Bruce Littlejohn
Bruce Littlejohn
Chief Justice

Columbia, South Carolina
June 21, 1985

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Mar 09 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Circuit Court Judge

Appellate Case No. 2025-001142

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

Respondents

v.

Rex A. Field and Tracy L. Field, Appellants

v.

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

.....are Respondents.

PROOF OF SERVICE

We certify that we have served “APPELLANTS’ AMENDED 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, OR IN THE ALTERNATIVE, DISMISSAL OF THE ACTION WITH PREJUDICE; AFFIDAVIT” on Respondents by Electronic Mail and US Mail depositing a copy of it in the United States Mail, postage pre-paid, on March 9, 2026, addressed to the following attorneys of record listed below:

This day, March 9, 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

mpage@bellcarrington.com

**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

jschulz@bradley.com

bmilam@bradley.com