

# The South Carolina Court of Appeals

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

v.

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

v.

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

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

Appellate Case No. 2025-001142

---

## ORDER

---

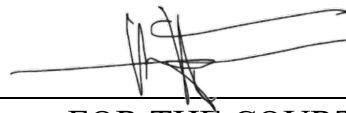
Prior to filing their June 9, 2025 notice of appeal, Appellants filed a motion for reconsideration of the appealed May 7, 2025 orders. Appellants did not receive a ruling on the motion prior to filing their notice of appeal.<sup>1</sup> On January 12, 2026, Appellants filed a motion seeking a stay of this appeal and a remand "for

---

<sup>1</sup> Based on the information provided to this court, Appellants appear to have timely filed the motion for reconsideration with the lower court.

settlement of the record, reconstruction of transcript or new hearings, and ruling on pending motion for reconsideration of denial of recusal." Respondents filed a return, opposing the motion, and Appellants filed a reply. After careful consideration, we deny Appellants' January 12, 2026 motion. We dismiss this case without prejudice as premature and remand for a ruling on Appellants' May 20, 2025 motion.<sup>2</sup> See *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 15, 602 S.E.2d 772, 775 (2004) ("A timely post-trial motion, including a motion to alter or amend the judgment pursuant to Rule 59(e), SCRCPP, stays the time for an appeal for all parties until receipt of written notice of entry of the order granting or denying such motion."); *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986) (holding that when a timely post-trial motion is pending before the lower court, any notice of appeal will be dismissed without prejudice as premature).

Additionally, on February 3, 2025, Appellants filed a "motion for limited remand to circuit court (additional grounds: pending Rule 60(b)(4), SCRCPP, motion for relief from void orders), to be considered jointly with pending motion to remand." Respondents did not file a return. Appellant filed a Rule 60(b)(4), SCRCPP, "motion for relief from void orders" on August 8, 2025, after filing the notice of appeal and without leave of this court. Therefore, we deny Appellants' February 3, 2025 motion. See Rule 60(b) ("During the pendency of an appeal, leave to make [a Rule 60, SCRCPP,] motion must be obtained from the appellate court.").

A handwritten signature in black ink, consisting of several overlapping, stylized lines, positioned above a horizontal line.

FOR THE COURT

Columbia, South Carolina

cc:

---

<sup>2</sup> Appellants' January 12, 2026 motion is denied in its entirety, and this remand is solely for a ruling on Appellants' May 20, 2025 motion for reconsideration. This remand is not for the purpose of settling the record, reconstructing the transcript, or new hearings related to Appellants' arguments regarding transcript errors. For the sake of judicial economy, we note, Appellants failed to provide this court with the factual circumstances necessary to justify the granting of such extraordinary relief.

Rex A. Field  
Tracy L. Field  
George Benjamin Milam, Esquire  
James Martin Page, Esquire  
Jonathan Edward Schulz, Esquire  
The Honorable Marvin H. Dukes, III

**FILED**  
**Mar 11 2026**