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Mar 10 2026

SC Court of Appeals

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March 9, 2026

VIA U.S. MAIL & E-MAIL TO: whitegeraldine91@gmail.com

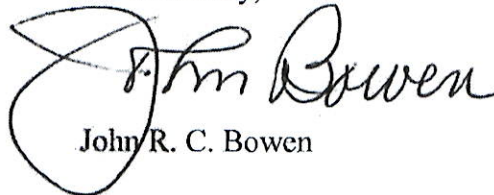
Geraldine White
141 Lamotte Drive, #A3
Hilton Head Island, SC 29926

RE: Benny Hudson Seafood Corp. v. Geraldine White and Craig White
Case # 2018-CP-07-00793

Dear Ms. White:

Enclosed for service upon you as defendant in the above referenced matter are Judge Wegmann's Order Denying Defendant's Motion and Amended Motion to Set Aside or Vacate Default Judgment for Fraud and a Certificate of Service. Please do not hesitate to contact me if you have any questions. In the meantime, and with kind regards, I am

Sincerely,


John R. C. Bowen

JRCB/sv
cc: Client

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

BENNY HUDSON SEAFOOD CORP.,

PLAINTIFF,

v.

GERALDINE WHITE and CRAIG WHITE,

DEFENDANTS.

) IN THE COURT OF COMMON PLEAS
) FOURTEENTH JUDICIAL CIRCUIT
) CASE NO.: 2018CP0700793

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ORDER **Mar 10 2026**

SC Court of Appeals

The Court heard Defendant Geraldine White’s (“Defendant G. White”) Motion to Set Aside or Vacate Default Judgment for Fraud Upon the Court filed December 3, 2025, and her Amended Motion to Set Aside or Vacate filed December 8, 2025, on January 20th, 2026. Present for the hearing were Defendant G. White, *pro se*, attorney John R.C. Bowen, Esquire, appearing on behalf of Plaintiff, Benny Hudson Seafood Corp. (“Benny Hudson”), and Mrs. Barbara Hudson, an officer of the Plaintiff corporation, Benny Hudson Seafood Corp. After careful consideration of the motion, memorandums and arguments of the parties, Defendant G. White’s Motion to Set Aside or Vacate the Default Judgment is respectfully DENIED.

RELIEF REQUESTED IN MOTION

In her motion, Defendant G. White seeks the following relief:

1. Set aside or vacate the default judgment entered by the Honorable Marvin H. Dukes, III, Special Circuit Court Judge, on August 22nd, 2018 (“2018 Order”).
2. Declare the 2018 Order void and unenforceable.
3. Order restitution of \$15,665.73, plus treble damages.
4. Dismiss this case with prejudice.

BACKGROUND HISTORY

This was the first of two (2) cases filed by the Plaintiff, Benny Hudson Seafood Corp., against various Defendants who owned vessels/boats tied to the Plaintiff's dock ahead of the approaching Hurricane Matthew. During the storm, the Defendants' vessel sank causing damage to the Plaintiff's dock and other vessels. The Plaintiff sued the Defendants¹ and brought a second action, Case No. 2018CP0700804, ("18-804 Case") against Defendant, Martin Govan, the owner of a vessel that also sank during the storm and was alleged to have caused damage to the Plaintiff's dock and buildings. In the 18-804 Case, Defendant Govan filed a third-party complaint² against Defendant White, alleging Defendant G. White's boat was tied to Govan's boat, without permission, and the sinking of the two vessels and damage to the dock were caused by Defendant White's vessel being tied up to the dock without permission. Defendant G. White filed Case No. 2025CP0700718, ("25-718 Case") seeking a temporary injunction to prevent disbursements from a real estate closing to be paid over to the Plaintiff, Benny Hudson Seafood, Corp., in partial satisfaction of the 2018 Order.³ In the 25-718 Case, Defendant G. White sought a stay of enforcement of the 2018 Order and an order directing the closing attorney to disburse Defendant G. White's proceeds without interference from the attorney representing Benny Hudson Seafood Corp.

PROCEDURAL BACKGROUND
(2018CP0700793 Case)

- a. Defendant G. White was personally served on April 16th, 2018, with the Summons and Complaint in this matter as shown by the Affidavit of Service filed on April 18th, 2018.

¹ Defendant Craig White passed away on August 19th, 2021, after the Defendants' Appeal was dismissed.

² The Third-Party Complaint against Defendant G. White in the 18-804 case was filed on August 22nd, 2019, a year after the 2018 Order was filed in this matter, 18-793.

³ The 25-718 and 18-804 cases have both been appealed by Defendant G. White.

- b. On May 30th, 2018, Plaintiff's attorney filed an Affidavit of Default indicating that Defendant G. White had not filed an Answer, Reply or Notice of Appearance.
- c. On May 30th, 2018, the Plaintiff filed a Notice of Motion and Motion for Default Judgment.
- d. As shown by the Certificate of Service filed July 27th, 2018, Notice of Hearing on the Motion for Default Judgment was served on Defendant G. White at the address in which she was personally served with the Summons and Complaint.
- e. On August 21st, 2018, a Default Damages Hearing was held, Defendant G. White did not appear despite receiving notice. The Order of Judgment ("2018 Order") was filed on August 22nd, 2018.
- f. On August 23rd, 2018, Plaintiff's counsel served a copy of the 2018 Order on Defendant G. White by mailing the same to her address of record.
- g. On October 30th, 2018, Defendant G. White and Defendant Craig White both filed separate Notices of Motion and Motion to Set Aside Entry of Default Judgment Pursuant to Fed. R. Civ. P. 55(c).
- h. By order dated January 23, 2019, Judge Dukes denied Defendant G. White's and Defendant Craig White's Motions to Set Aside Entry of Default Judgment.⁴
- i. On March 1st, 2019, Defendant G. White and Defendant Craig White filed a Notice of Appeal with the Court of Appeals for South Carolina, Case No. 2019-000343.
- j. On July 10th, 2019, the South Carolina Court of Appeals dismissed the appeal for failure of the Appellants to give the Court a status update regarding the transcript. The Remittitur was filed on July 30th, 2019, in the Office of the Beaufort County Clerk of

⁴ Although the motions were styled as Motions to Set Aside Entry of Default. In the filings of October 30th, 2018, Defendant G. White sought to have the default judgment vacated.

Court.

- k. On October 30th, 2019, Defendant G. White filed a Notice of Motion to Reinstate Appeal.
- l. By letter dated November 21, 2019, the Court of Appeals for South Carolina stated the “appeal was timely remitted on July 26, 2019. Therefore, this Court no longer has jurisdiction over this appeal, and no further action will be taken on your filing, and we are returning it to you.”
- m. On December 3rd, 2025, and December 8th, 2025, over six (6) years after the Court of Appeals dismissed Defendant G. White’s appeal and over seven (7) years after the 2018 Order was entered, Defendant G. White filed Motions to Set Aside or Vacate the 2018 Order.

The 2018 Order was entered on August 22nd, 2018. The judgment was properly entered into the judgment rolls of the Beaufort County Clerk of Court on August 22nd, 2018, and August 30th, 2019, respectively.⁵ The setting aside of a judgment, order, or proceeding is governed by Rule 60, SCRPC. Rule 60(b), SCRPC states, “the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud, misrepresentation, or other misconduct of an adverse party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the

⁵ The total judgment reflected in the judgment rolls in Beaufort County, South Carolina consists of the original judgment entered on August 22nd, 2018, in the amount of \$201,173.27 and the SC Court of Appeals Order for Costs in the amount of \$450.00 entered on August 30th, 2019, for a total judgment of \$202,173.27.

judgment should have prospective application.”

Rule 60(b)(3), SCRCPP, discusses “**fraud**, misrepresentation, or other misconduct of an adverse party.” [Emphasis Added] Rule 60(b), SCRCPP, has a second fraud provision that states “the rule does not limit the power of a court to entertain an **independent action** to relieve a party from a judgment, order, or proceeding, or to set aside a judgment for **fraud upon the court.**” [Emphasis Added] The difference in the two (2) fraud provisions is a party can bring a motion under Rule 60(b)(3) for fraud, but this motion must be brought within one (1) year of the judgment being entered. Under the independent action provision of Rule 60(b), a party may bring a separate independent action, beyond the one (1) year limitation period, to relieve a party from a judgment or order for fraud upon the court, but it still must be filed within a reasonable time.⁶

Here, Defendant G. White did not file an “independent action,” but chose to file a motion within the same action, case number 2018CP0700793.⁷ The distinction between filing a motion under Rule 60(b)(3), SCRCPP, within the same action, and filing an independent action under Rule 60(b), SCRCPP, is important and respectfully, fatal to Defendant G. White’s motion. Defendant G. White’s motion to set aside the 2018 Order for fraud upon the court is not an “independent action,” and her motion is subject to Rule 60(b)(3)⁸ and the requirement that the motion be filed within one (1) year of the judgment. Defendant G. White’s motion is untimely as the 2018 Order was entered over seven (7) years ago well beyond the one (1) year requirement under Rule 60(b)(3), SCRCPP.

⁶ See, Sanders v. Smith, 431 S.C. 605, 607, 848 S.E.2d 604, 612 (Ct. App. 2020), “when the movant alleges the judgment is void or that the nonmoving party engaged in fraud upon the court, the motion must “be made *within a reasonable time* ... after the judgment, order or proceeding was entered or taken.”

⁷ See, Chewing v. Ford Motor Co., 354 S.C. 72, 579 S.E.2d 605 (2003). Chewing filed his original action against Ford Motor Co. in 1992. After a trial in 1993, a jury returned a verdict in Ford Motor Co.’s favor. *Id.* at 76, 579 S.E.2d at 607. Thereafter, Chewing filed a separate, independent action, in 1998 “asserting causes of action for fraud upon the court and an independent action in equity for fraud,” alleging Ford hired an expert to provide false testimony and Ford concealed documents from Chewing during discovery. *Id.*

⁸ In paragraph 4, page 3 of Defendant G. White’s Amended Motion filed December 8th, 2025, states the 2018 Judgment was “obtained through misrepresentation and fraud upon the court in violation of Rule 60(b)(3), SCRCPP.

Even if Defendant G. White's motion were considered an independent action, her motion would fail for several reasons to include, it was not filed within a reasonable period.

Defendant G. White did not explain why it has taken over seven (7) years from filing of the 2018 Order and over six (6) years from the dismissal of her appeal to file this motion.⁹ Additionally, Defendant G. White has not shown by clear and convincing evidence that extrinsic fraud has been committed such that it would require setting aside the 2018 Order.¹⁰

Defendant G. White argues that she has the right to relief under Rule 60(b), SCRCP based on fraud upon the court. White alleges the fraud perpetrated includes: (1) instructing Defendant not to go to the hearing¹¹; (2) use of an unrecorded, unindexed, unperfected Judgment; (3) false claims of boat ownership¹²; (4) withholding dissolution information; and (5) misappropriating \$15,665.73¹³.

A. **Instructing Defendant not to go to the Hearing**¹⁴ - The burden is on Defendant G. White to present, by clear and convincing evidence, essential facts that would entitle her to the requested relief. *See, Sanders v. Smith*, 431 S.C. 605, 608, 848 S.E.2d 604, 613 (Ct. App. 2020). "Fraud upon the court is a narrow and invidious species of fraud that "subvert[s] the integrity of the Court itself, or is fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication."

⁹ Except for "misappropriating \$15,665.73 dollars, Defendant G. White has been aware of all the actions she alleges are fraud upon the court since the Fall of 2018 and has argued them in the various cases and previous motions.

¹⁰ *See, Chewning v. Ford Motor Co.*, 354 S.C. 72, 80, 579 S.E.2d 605, 610 (2003), stating fraud upon the court requires a showing of extrinsic fraud and not intrinsic fraud.

¹¹ The Court notes Defendant G. White claims that an attorney's office staff from whom she sought advice, and **not the Plaintiff or its attorney**, instructed or advised her not to attend the Default Damages hearing.

¹² The Court also takes notice of the Orders of The Honorable Carmen T. Mullen in the 25-718 (in which White makes the same claims as in this case) granting Summary Judgment in favor of Plaintiff's Counsel.

¹³ Again, the Court notes Defendant G. White claims **her own attorney, and not the Plaintiff or its attorney**, paid this amount in partial satisfaction of the 2018 Judgment against her.

¹⁴ At the January 23rd, 2019, motions to set aside the default judgment, Defendant G. White raised the allegation of being told not to attend the damages hearing. This is the first time that she has framed the same argument as "fraud upon the court."

Chewing v. Ford Motor Co., 354 S.C. 72, 78, 579 S.E. 2d 605, 608 (2003). “Fraud upon the court **requires showing that the perpetrator acted with the intent to defraud, for there is no such thing as accidental fraud.** *Id.* [Emphasis Added]

Defendant G. White argues that she was told by Attorney Carr¹⁵ not to attend the damages hearing on August 21st, 2018. Defendant G. White offered the letter of attorney Patrick Carr, dated October 17th, 2018, stating his law firm would not be able to represent Defendant G. White. The letter goes on to state that when the matter was initially discussed, “we mistakenly assumed that both of you were parties to the same lawsuit with identical procedural posture. However, we have now learned that there are two separate lawsuits filed by Benny Hudson Seafood Corp.¹⁶” The letter does not indicate Mr. Carr’s office instructed Defendant G. White not go to the August 21st, 2018 damages hearing, but it indicates that after talking to Defendant G. White, Mr. Carr learned that the 18-793 Case had resulted in a judgment being issued against Defendant G. White in the amount of \$201,723.27 and he urged her to hire counsel immediately to contest the judgment under Rule 60(b) and that typically relief is precluded under Rule 60(b) if not raised within one (1) year from the entry of judgment. Neither this letter nor Defendant G. White’s argument that she was told not to go to the hearing amount to clear and convincing evidence that extrinsic fraud has been perpetrated on the court. There is no proof, if true, that Mr. Carr’s office acted with fraudulent

¹⁵ In Defendant G. White’s Declaration in Support of Motion to Set Aside Entry of Default filed on October 30, 2018, Defendant G. White states that “I was under the impression that Patrick Carr was representing me.” This is contradicted by the affidavit of Susan Vogel filed on November 6th, 2018, in which she indicated Defendant G. White called Plaintiff’s attorney’s office prior to the August 21st, 2018, damages hearing indicating “she had been unable to get an attorney to represent her in the matter and asked me what she should do.” Ms. Vogel’s affidavit states she told Defendant G. White that she should appear at the hearing the next day and she reminded her that the hearing was before Judge Dukes at 9:00 a.m. at the Beaufort County Courthouse.

¹⁶ The original 2018CP0700793 case that resulted in the 2018 Order and the 2018CP0700804 case with Martin Govan are the two cases Mr. Carr’s letter indicates he thought Defendant G. White and Martin Govan were already both parties to the 18-804 Case and had identical procedural postures.

intent when it allegedly instructed Defendant G. White not to go to the August 21st, 2018, damages hearing.¹⁷

B. **Use of Unrecorded, Unindexed, Unperfected Judgment** - Defendant G. White argues the 2018 Order was never recorded or indexed in the Beaufort County Register of Deeds Office as required by S.C. Code § 15-35-810 and that the unrecorded or unindexed judgment cannot be the basis of the Plaintiff's efforts to collect on the judgment under the 2018 Order. Defendant G. White misunderstands S.C. Code §15-35-810. Judgments are not recorded or indexed in the Register of Deeds Office but are electronically indexed in the Beaufort County Clerk of Court's Office under the corresponding case number. The judgments are both indexed appropriately under S.C. Code §15-35-810 and Defendant G. White's argument that the judgments must be recorded in the Register of Deeds Office is without merit.

C. **False Claims of Boat Ownership** – Defendant G. White's argues she is not the owner of the vessel/boat in question and the Plaintiff's arguments that she is the boat owner amount to fraud upon the court. Even if true, the boat ownership argument is not extrinsic fraud but is a factual argument on the factual allegations in the Summons and Complaint. Defendant G. White's argument is contradicted by the record here. Paragraph 4 of the Summons and Complaint alleges Defendant G. White is the owner of this boat. By failing to timely answer the Complaint, the allegations are considered admitted. Also, Defendant G. White's Memorandum and Points of Authority, filed on October 30th, 2018, admits on page 7 that "Defendants was [are] the owner[s] of the subject boat, named Poppas Grace, NCA42985C205. Defendant G. White further produced a Bill of Sale indicating that she was the "owner" of the boat. As the Honorable, Carmen T. Mullen stated in her order in the 25-718 case, "[i]ndeed, when the Plaintiff [Defendant G. White] moved

¹⁷ This letter was originally part of Defendant G. White's motion to set aside the default filed on October 30th, 2018, which was denied by the Honorable Marvin H. Dukes, III, by order dated January 23rd, 2019.

to set aside the entry of default in the 2018 Action, she did not dispute her ownership of the vessel involved.”

D. **Withholding Dissolution Information** - In paragraph 2, page 2 of Defendant White’s Amended Motion, Defendant G. White argues that Benny Hudson was a dissolved corporation as of May 23rd, 2015, and did not apply to reinstate the company with the Secretary of State until March 28th, 2017. Defendant G. White argues the reinstatement occurred after the Hurricane incident in 2016 which was the subject of the lawsuit. Defendant G. White states under S.C. Code §33-14-105, Benny Hudson, as a dissolved corporation, “may not carry on business or maintain a lawsuit other than winding up affairs. Therefore, it lacked standing to pursue damages for events in 2016 and could not lawfully obtain a judgment in 2018.” This argument is not an extrinsic fraud upon the court and Defendant G. White’s argument misstates S.C. Code §33-14-105 and the ability of a dissolved corporation to sue and be sued.

S.C. Code §33-14-105(c)(5) states that a dissolution of a corporation “**does not prevent commencement of a proceeding by** or against the corporation in its corporate name.” [Emphasis Added]. Even while administratively dissolved, Plaintiff, by statute, could have filed this action. Under S.C. Code §33-14-220(a), Defendant G. White, in her Amended Motion, concedes that Benny Hudson applied for Reinstatement of a Corporation Dissolved by Administrative Action on March 29th, 2017¹⁸. S.C. Code §33-14-220(c) states “[w]hen reinstatement is effective; it relates back to and takes effect as of the effective date of the administrative dissolution and the corporation **resumes carrying on its business as if the administrative dissolution had never occurred.**” [Emphasis Added]. Thus, even if S.C. Code §33-14-105(c)(5) did not exist, the Plaintiff’s ability

¹⁸ The Summons and Complaint in this matter was filed on April 16th, 2018 at a point when Benny Hudson Corp. had been reinstated by the Secretary of State for over one (1) year.

to sue for matters that occurred during dissolution was restored once reinstatement was granted.¹⁹ The Summons and Complaint was filed in this matter on April 16th, 2018, over a year after the reinstatement paperwork of the Plaintiff was filed with the South Carolina Secretary of State. Defendant G. White's arguments about the corporation's ability to file the 2018 lawsuit are without merit.

E. **Misappropriating \$15,665.73** – This allegation is the subject of the 25-718 Case, and it is under appeal. Defendant G. White's argument is essentially that the Plaintiff was a dissolved corporation and could not therefore legally pursue a judgment against her and judgment was never properly indexed in the Beaufort County Register of Deeds Office. Defendant G. White argued it was not appropriate for her attorney to pay the proceeds from the sale of real property to the Plaintiff in partial satisfaction of the judgment. For the reasons stated in B. and C. above, Defendant G. White's argument is without merit.

The Plaintiff asked for an award of attorney's fees and costs and an order requiring the Defendant G. White to file a "pre-filing motion" seeking the Court's permission to file any further motions, pleadings, actions, etc. Plaintiff makes this request under S.C. Code § 15-36-10, the Frivolous Civil Proceedings Sanctions Act. Under S.C. Code § 15-36-10(G), sanctions may include reasonable costs and attorney's fees of the prevailing party; or injunctive relief "designed to deter a future frivolous action or an action in bad faith." The Plaintiff's request is denied, without prejudice as being premature. S.C. Code § 15-36-10(C)(1) requires the prevailing party in an action to move to seek specific relief. Under the prevailing case law in South Carolina, said motion must

¹⁹ In paragraph 8 on page 3 of the Amended Motion, Defendant G. White argues that Plaintiff "withheld dissolution information concerning its corporate status." Again, by the time the Plaintiff filed the Summons and Complaint, Benny Hudson had been reinstated as a corporation. Defendant G. White's Lack of Corporate Capacity and Standing argument is without merit and Plaintiff's failure to inform Defendant G. White of the administrative dissolution is not extrinsic fraud upon the court such that it would require the setting aside of the 2018 Order.

be filed within ten (10) days after receiving written notice of the final order/judgment. *See, Russell V. Wachovia Bank, N.A.*, 370 S.C. 5, 21, 633 S.E.2d 722, 730 (2006).

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:

Defendant Geraldine White's Motion to Set Aside or Vacate Default Judgment for Fraud Upon the Court filed December 3, 2025, and her Amended Motion to Set Aside or Vacate filed December 8, 2025, are **Denied**. The Plaintiff's request for attorney's fees and costs and injunctive relief is **Denied**, without prejudice as being premature.

[SPECIAL CIRCUIT COURT JUDGE'S ELECTRONIC SIGNATURE TO FOLLOW]



Beaufort Common Pleas

Case Caption: Benny Hudson Seafood Corp VS Geraldine White , defendant, et al
Case Number: 2018CP0700793
Type: Order/Other

So Ordered

s/ James J. Wegmann, 3091

Electronically signed on 2026-03-06 12:00:15 page 12 of 12

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS
CASE NO. 2018-CP-07-00793

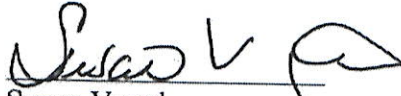
BENNY HUDSON SEAFOOD CORP)
)
Plaintiff,)
)
vs.)
)
GERALDINE WHITE AND CRAIG)
WHITE,)
)
Defendants.)
_____)

CERTIFICATE OF SERVICE

This is to certify that I, Susan Vogel, an employee of the law firm of Laughlin & Bowen, P.C. have this day served a true and correct copy of the within and foregoing Judge Wegmann's Order Denying Defendant's Motion and Amended Motion to Set Aside or Vacate Default Judgment upon Defendant, Geraldine White by U.S. Mail and e-mail thereon to assure delivery as follows, to-wit:

Geraldine White
141 Lamotte Drive, #A3
Hilton Head Island, SC 29926
whitegeraldine91@gmail.com

This 9th day of March, 2026.

By: 
Susan Vogel
Post Office Drawer 21119
Hilton Head Island, SC 29925
(843) 689-5700