

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY

Court of Common Pleas

, Circuit Court /Special Referee: Samuel Price Jr

Case No. 2025-CP-36-238

ENID GARCIA,

Respondent

v.

REGGIE JONES,

Appellant

Case No: 2025-CP-36-238

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SC Court of Appeals

NOTICE OF APPEAL

Notice is hereby given that the APPELLANT, Reggie Jones appeals to the South Carolina Court of Appeals from the Order entered on March 17, 2026, by Special Referee Samuel

Price Jr, which denied APPELLANT's Motion to Vacate the foreclosure judgment and to set aside the foreclosure sale.

This appeal is based upon the following grounds:

1. The lower court erred in finding that service by publication alone was sufficient where Respondent failed to exercise due diligence in attempting personal service;
2. The APPELLANT resided at the subject property continuously for approximately eleven (11) years, and his whereabouts were readily ascertainable;
3. The service affidavit merely stated, without supporting facts, that no one resided at the property and failed to document any attempts at personal service, rendering it conclusory and insufficient;
4. No evidence was presented demonstrating reasonable diligence prior to resorting to service by publication;
5. The same Sheriff's Office and same Sheriff Deputy previously effected service upon APPELLANT at the same address multiple times between 2024, 2025 & 2026, demonstrating that personal service was readily achievable;
6. APPELLANT provided uncontroverted evidence of residency, including utility records from December 2024 through December 2025 to current 2026, as well as identification

documents, vehicle registration, and licensing records reflecting the subject address as 403 Floyd Street, Newberry SC 29108;

7. Despite this evidence, the Court disregarded proof of APPELLANT's residency and accepted unsupported assertions to the contrary;

8. APPELLANT specifically requested that Respondent produce evidence demonstrating that he did not reside at the property, and no such evidence was presented;

9. The sole use of service by publication under these circumstances violated APPELLANT's constitutional right to due process as articulated in *Mullane v. Central Hanover Bank & Trust Co.* and *Jones v. Flowers*;

10. As a direct result of improper service, APPELLANT was deprived of any meaningful opportunity to appear and defend the foreclosure action in order to protect his interest in his property,

11. APPELLANT had entered into a fifteen (15) year purchase agreement leaving only four (4) years remaining, thereby establishing substantial equitable interest;

12. APPELLANT was denied the opportunity to present meritorious defenses, including that Respondent breached the contract and that no sums were owed and that possibly sums may be owed to APPELLANT,

13. The only hearing afforded to APPELLANT was limited in scope and did not permit adjudication of the underlying contractual dispute;

14. The foreclosure sale resulted in the property being transferred back to the original seller, demonstrating an unfair and irregular outcome;

15. The Court's disregard of uncontroverted evidence and reliance on unsupported assertions resulted in a fundamentally unfair proceeding and the appearance of partiality;

16. Due to lack of proper service, the lower Court lacked personal jurisdiction, rendering the foreclosure judgment void.

WHEREFORE, APPELLANT respectfully requests that the appellate court reverse the Order, vacate the foreclosure judgment, set aside the foreclosure sale, and remand for proper proceedings.

Respectfully submitted,

Reggie Jones (Appellant)

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Dated: March 20th 2026

Reggie Jones
3/20/26