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Mar 25 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. 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.

PETITION FOR REHEARING

COME NOW Appellants Rex A. Field and Tracy L. Field (“Appellants”), pro se, and respectfully petition this Honorable Court pursuant to SCACR Rule 221 for rehearing of its Order filed March 11, 2026. This petition states with particularity the points supposed to have

been overlooked or misapprehended by the Court, as required by Rule 221(a), SCACR. These points are material because they directly control the disposition of threshold jurisdictional, due process, and constitutional issues; overlooking or misapprehending them produces manifest injustice and irreparable constitutional harm.

All claims herein are raised under both the South Carolina Constitution and the Fourteenth Amendment to the United States Constitution. The due process violations alleged deprive Appellants of property and fundamental rights, including the right to a jury trial on legal claims or counterclaims, without notice, meaningful hearing, or meaningful appellate review on a reliable record, in violation of *Mullane*, *Griffin*, *Entsminger*, *Mathews v. Eldridge*, *Armstrong v. Manzo*, and *Caperton*.

The Order dismissed the interlocutory appeal without prejudice as premature pursuant to *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004), and *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986); denied Appellants' January 12, 2026 Motion to Stay Appeal and Remand for Settlement/Reconstruction of Record or New Hearings and Ruling on Pending Recusal Reconsideration; and denied Appellants' February 3, 2026 Motion for Limited Remand (incorporating the pending Rule 60(b)(4) motion alleging void orders), and overlooked the March 9, 2026 Amended Motion without a ruling or briefing process. The Order has the effect of dismissing or finally deciding Appellants' current appellate proceeding and is therefore subject to rehearing under Rule 221(c), SCACR.

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

This is an interlocutory appeal from the May 7, 2025 orders of the Beaufort County Circuit Court (Judge Marvin H. Dukes, III): (1) the Order striking Appellants' jury trial demand and re-

referring the case to the Master-in-Equity; and (2) the Form-4 Order denying recusal of Judge Dukes (no hearing, no transcript, no explanation). Appellants filed a timely Rule 59(e), SCRCP Motion for Reconsideration of the May 7, 2025 Form-4 Order on May 20, 2025, which remained pending when the Notice of Appeal was filed June 9, 2025. The hearing for the jury strike and reference order were recorded using the OWL (Online Wireless Link) digital system, despite Appellants' written request for a live court reporter. The OWL system produced defective transcripts (extensive "inaudibles," muffled and/or intermittent audio every few seconds, echoes, humidity issues, no microphones at counsel tables, ambient pickup failures). Three versions from the same OWL audio are unusable for review.

Appellants' January 12, 2026 Motion (served January 7, 2026) sought remand for settlement/reconstruction or new hearings due to OWL defects, plus remand ruling on recusal reconsideration. The February 3, 2026 Motion for Limited Remand and March 9, 2026 Amended Motion incorporated the August 8, 2025 Rule 60(b)(4) motion alleging void orders: premature October 17, 2019 ex parte Order of Reference (pre-service on October 22, 2019, violating SCRCP Rule 3(a) commencement requirements and due process *under Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950)); violation of South Carolina Supreme Court Administrative Order 2011-05-02-01 stay until foreclosure intervention completion and certification; improper 2025 re-reference beyond 6-month limit under Supreme Court Administrative Order 1985-06-21-01 (no Chief Judge written approval for exceptional circumstances); and cascading voids to 2025 jury strike/re-reference and deprivation of jury trial rights under SCRCP Rules 38 and 53(b) as in *First Palmetto State Bank & Trust Co. v. Boyles*, 302 S.C. 136, 394 S.E.2d 313 (1990). Respondents filed no Return to either the February 3, 2026 Motion or the March 9, 2026 Amended Motion. The Order ruled March 11, 2026, two days after

the March 9, 2026 Amended Motion was filed, denying broader relief, labeling the January 12, 2026 reconstruction motion “extraordinary” and denying the February 3, 2026 Motion, and not ruling on the March 9, 2026 Amended Motion while limiting remand solely to reconsideration of the recusal denial. However, the Order overlooked or misapprehended key arguments in the February 3, 2026 Motion, and overlooked the March 9, 2026 Amended Motion entirely, including the incorporation of the pending August 8, 2025 Rule 60(b)(4) motion alleging void orders, the request for joint consideration of threshold defects, and the alternative request for dismissal with prejudice, thereby denying Appellants meaningful appellate review and due process.

I. POINTS OVERLOOKED OR MISAPPREHENDED

A. The Court Overlooked Appellants’ Explicit Citation to SCACR Rule 240(e) “Deemed Consent” Due to Respondents’ Failure to File Any Return, and Misapprehended the Procedural Unfairness Caused by Ruling Before the Return Deadline

The Amended Motion expressly invoked Rule 240(e), SCACR: “Failure of a party to timely file a return may be deemed a consent by that party to the relief sought in the motion or petition.” Respondents filed no Return whatsoever by the February 12, 2026 deadline (or at any time thereafter). This failure may, and should, be deemed consent to the relief sought, including limited remand for threshold jurisdictional review.

The Order denies relief without mentioning Rule 240(e), the complete absence of any Return, or the deemed-consent consequence. The expedited ruling on March 11, 2026 (only two days after the March 9 amendment) bypassed the ordinary briefing sequence Rule 240 contemplates, especially for an Amended Motion raising new incorporated grounds (Rule 60(b)(4) voids). This prevented the deemed-consent provision from being triggered or Appellants from filing a Reply under Rule 240(f).

This procedural unfairness and denial of remand violates Appellants' federal due process rights under the Fourteenth Amendment to the United States Constitution.

Such procedural shortcut results in prejudice on non-waivable jurisdictional issues warranting limited remand or alternative dismissal. This violates fundamental fairness and due process implicit in appellate practice (*State v. Jones*, 344 S.C. 189, 543 S.E.2d 551 (2001), meaningful review requires adequate opportunity; *Gilmore v. Ivey*, 290 S.C. 53, 348 S.E.2d 180 (Ct. App. 1986) prejudice from unfairness affects reviewability)), as well as the open-courts guarantee of S.C. Const. Art. I, § 9 and procedural due process under S.C. Const. Art. I, § 3 and U.S. Const. Amend. XIV.

B. The Court Misapprehended the Propriety of Limited Remand for the Pending Rule 60(b)(4) Motion Despite Prematurity/Tolling

The Order misapprehended the procedural consequences of its own dismissal of the appeal as premature without prejudice under *Elam and Hudson*. While the dismissal correctly returned jurisdiction to the circuit court, the Order simultaneously denied broader limited remand for the pending Rule 60(b)(4) motion on the sole ground that it was filed without appellate leave, a requirement that became moot once the appeal was no longer pending.

The Court overlooked this logical consequence and misapprehended that the leave requirement under SCRCP Rule 60(b) only applies while an appeal is actively pending; upon dismissal without prejudice, it becomes moot. This material misapprehension created an irreconcilable contradiction: the Court denied remand on the sole ground of no leave, while its own dismissal ended any "pendency of an appeal" under Rule 60(b) and returned jurisdiction below.

The Rule 60(b)(4) motion alleges foundational voids that render subsequent proceedings null ab initio (*Wachovia Bank v. Player*, 341 S.C. 424, 533 S.E.2d 918 (2000); *First Palmetto State Bank*

& Trust Co. v. Boyles, 302 S.C. 136, 394 S.E.2d 313 (1990)). While analogous federal precedent clarifies that Rule 60(b)(4) motions must be filed within a “reasonable time,” Appellants’ August 8, 2025 motion is timely: filed promptly after the 2025 re-reference revived the defects, well within any reasonable period given the cascading nature of the voids.

The 2011 Administrative Order (2011-05-02-01) was rescinded in 2023, but violations occurring during its effective period remain cognizable as jurisdictional defects if they deprived due process or stayed proceedings improperly at the time, non-waivable under void judgment principles.

This denial of remand for threshold jurisdictional voids, which cascade to the improper striking of Appellants’ jury trial demand, violates Appellants’ federal due process rights under the Fourteenth Amendment to the United States Constitution.

Void judgments are nullities ab initio, deprive jurisdiction, and taint subsequent orders. Denying remand for these threshold jurisdictional defects while limiting relief to reconsideration violates procedural due process by allowing the case to proceed on potentially void foundations without notice, opportunity to be heard, or jurisdictional correction (U.S. Const. Amend. XIV; S.C. Const. Art. I, § 3; *Mullane*; *Armstrong v. Manzo*, 380 U.S. 545 (1965); *Mathews v. Eldridge*, 424 U.S. 319 (1976)). This also risks irreparable deprivation of property interests without due process, violating S.C. Const. Art. I, § 3 and the Fourteenth Amendment.

B.1. The Mandate Rule vs. Dismissal Without Prejudice Creates an Irreconcilable Procedural Trap Requiring Broader Remand

By dismissing the interlocutory appeal without prejudice as premature under *Elam and Hudson*, the Order returned full jurisdiction to the circuit court. Yet the same Order simultaneously denied broader limited remand for the pending Rule 60(b)(4) motion on the ground that it was filed without appellate leave, a requirement that became moot once the appeal was dismissed.

Under the mandate rule and law-of-the-case doctrine, the circuit court will remain bound by the Order's explicit limitation of remand "solely" to Rule 59(e) reconsideration of recusal.

Appellants would thus be left without any forum to litigate the non-waivable jurisdictional voids alleged in the Rule 60(b)(4) motion before the case proceeds on potentially null foundations.

The Rule 60(b)(4) motion alleges foundational voids that render subsequent proceedings null ab initio (*Wachovia Bank v. Player*, 341 S.C. 424, 533 S.E.2d 918 (2000); *First Palmetto State Bank & Trust Co. v. Boyles*, 302 S.C. 136, 394 S.E.2d 313 (1990)). Such a procedural trap is both an error of law (because the leave requirement became moot upon dismissal and Rule 60(b)(4) challenges must be addressed before proceeding on allegedly void foundations) and an abuse of discretion, as it is unreasonable, produces manifest injustice, and risks perpetuating void proceedings without any meaningful forum for relief. This violates due process under the Fourteenth Amendment and S.C. Const. Art. I, § 3 (*Mullane*; *Mathews v. Eldridge*; *Wachovia Bank v. Player*; *First Palmetto State Bank & Trust Co. v. Boyles*).

To avoid manifest injustice and irreparable constitutional harm, rehearing should vacate the limitation and direct broader remand with the constitutionally required sequencing: first adjudicate the Rule 60(b)(4) voids, then reconstruct the defective OWL record if any proceedings survive, and only thereafter reconsider recusal. This trap directly undermines the constitutionally required sequencing detailed in Point D below.

C. The Court Misapprehended That the Requested Relief (Remand for Record Settlement/Reconstruction or New Hearings) Was Not "Extraordinary Relief" Requiring an Unusually High Showing

The Order states reconstruction is "extraordinary relief" not justified by facts, citing judicial economy. This is legally incorrect; South Carolina precedent treats reconstruction as standard corrective relief when transcripts are defective and prejudice to review is shown.

1. *Dolive v. J.E.E. Devs., Inc.*, 308 S.C. 380, 418 S.E.2d 319 (Ct. App. 1992):
Reconstruction via affidavits/stipulations/settlement is preferred when portions unusable; not extraordinary.
2. *State v. Ladson*, 373 S.C. 220, 644 S.E.2d 271 (Ct. App. 2007): Inability to prepare a complete transcript does not automatically require reversal/remand, but when specific prejudice is shown, reconstruction is the standard remedy.
3. *State v. Jones*, 344 S.C. 189, 543 S.E.2d 551 (2001): Due process requires correction of defects impairing reviewability, constitutional baseline.

Appellants provided detailed facts regarding the OWL defects, muffled and/or intermittent audio every few seconds, no microphones at counsel tables, twenty-two inaudibles in fifty-four pages, humidity/echo issues, along with affidavits from the reporter/Dehlinger confirming poor quality and prejudice to review of the jury trial, reference, and recusal issues. Denying this standard remedy for a defective state-created record, which prevents meaningful review of the jury trial strike and recusal issues, violates Appellants' federal due process rights to meaningful appellate review under the Fourteenth Amendment to the United States Constitution.

Denying reconstruction of the OWL transcripts, which contain the core evidence of predisposition, prior knowledge, and bias supporting recusal, deprives Appellants of meaningful appellate review of non-waivable constitutional claims (jury trial right, jurisdictional validity, judicial impartiality). This constitutes a denial of due process under the Fourteenth Amendment and S.C. Const. Art. I, § 3 (*Griffin v. Illinois*, 351 U.S. 12 (1956); *Entsminger v. Iowa*, 386 U.S. 748 (1967); *Draper v. Washington*, 372 U.S. 487 (1963); *State v. Jones*). The refusal to correct a State-created record defect that prevents effective review of fundamental rights also violates the open-courts guarantee of S.C. Const. Art. I, § 9.

D. Overlooked Interdependence and Required Sequencing of the Three Interlocking Threshold Issues

The Court overlooked the profound legal interdependence among (1) the defective OWL transcripts, (2) the pending Rule 60(b)(4) motion alleging cascading void orders and void proceedings, and (3) reconsideration of the recusal denial. These three issues are not separate or parallel; they are sequentially interdependent threshold prerequisites that must be resolved in a specific order to permit any fair adjudication.

First, the OWL transcripts constitute the objective evidentiary foundation of the recusal claim. They contain Judge Dukes' own on-the-record statements demonstrating predisposition, extrajudicial knowledge, and inconsistent rulings, the precise facts that trigger the objective impartiality test under Canon 3(E)(1) and *Davis v. Parkview Apartments*. Without an accurate, complete, and reviewable transcript of those statements, no court can meaningfully assess whether a reasonable person would question the judge's impartiality. Reconstruction (or referral to an impartial judge) is therefore not discretionary; rather, it is a constitutional prerequisite to due-process-compliant recusal review (*Griffin; Entsminger*; S.C. Const. Art. I, § 3).

Second, the Rule 60(b)(4) motion asserts foundational voids, premature pre-service issuance of the 2019 Order of Reference, violation of the mandatory foreclosure intervention stay under Administrative Order 2011-05-02-01, and reference beyond the 6-month limit without required approval under 1985 Administrative Order 1985-06-21-01, that render all subsequent proceedings, including the 2025 hearings whose transcripts are defective, legally null ab initio. A court cannot fairly reconstruct a record of, or adjudicate bias arising from, proceedings it lacked subject-matter jurisdiction to conduct in the first place. Voidness is a non-waivable jurisdictional defect that must be resolved before any other merits or procedural steps (*Wachovia Bank v. Player*; SCRCP 60(b)(4); *Boyles*).

The necessary and constitutionally required sequence is therefore inescapable:

- (a) First, adjudicate the Rule 60(b)(4) motion to determine whether foundational orders and proceedings are void (threshold jurisdictional gatekeeper);
- (b) If any proceedings survive the voidness challenge, reconstruct or settle the defective OWL transcripts (or refer to another judge) to ensure a reliable, reviewable record of the bias evidence;
- (c) Only then proceed to reconsideration of the recusal denial, using a non-void procedural foundation and a corrected record.

This failure to recognize the mandatory sequencing of these interlocking threshold issues, including deprivation of jury trial rights on a potentially void foundation, violates Appellants' due process rights under the Fourteenth Amendment and S.C. Const. Art. I, § 3. The Court overlooked or misapprehended that due process and jurisdictional principles require a specific order of adjudication: first, resolve the non-waivable Rule 60(b)(4) voidness claims (null ab initio under *Wachovia Bank v. Player and First Palmetto State Bank & Trust Co. v. Boyles*); second, if any proceedings survive, reconstruct the defective OWL record (or refer to an impartial judge); and only then, reconsider recusal. No court may reconstruct or review proceedings over which it lacked subject-matter jurisdiction. By limiting remand solely to Rule 59(e) reconsideration of recusal while simultaneously dismissing the appeal as premature, the Order creates an irreconcilable procedural trap and structural constitutional defect. This misapprehends *Mathews v. Eldridge* balancing, the right to meaningful appellate review (*Griffin v. Illinois*; *Entsminger v. Iowa*; *State v. Jones*), open courts (S.C. Const. Art. I, § 9), and judicial impartiality (*Caperton v. A.T. Massey Coal Co.*; *Christy v. Christy*). It forces adjudication of bias on a potentially void and admittedly defective record, risking irreparable harm and perpetuating

void proceedings without meaningful correction. This overlooked point of law directly controls the propriety of limited remand and requires correction to vindicate non-waivable rights.

E. The Court, After Correctly Dismissing the Premature Appeal and Returning Jurisdiction to the Circuit Court, Lacked Authority to Impose a Narrow Limitation on Remand While Overlooking the March 9, 2026 Amended Motion

Having correctly determined that Appellants' interlocutory appeal was premature under *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004), and *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986), the Court dismissed the appeal without prejudice. This dismissal returned full jurisdiction over the underlying action to the Beaufort County Circuit Court. Yet in the very same Order, the Court simultaneously (1) denied broader limited remand on the pending Rule 60(b)(4) motion and record-reconstruction issues, and (2) imposed a severely restrictive limitation that the circuit court's remand proceedings would be "solely" for reconsideration of the recusal denial. Once the appeal was dismissed as premature (i.e., the appellate proceeding was no longer "pending"), the Court of Appeals no longer possessed active appellate jurisdiction to reach those additional merits-based decisions or to bind the circuit court to such a restrictive scope, especially on non-waivable threshold jurisdictional defects (the alleged void orders) that had never been ripe for appellate review in the first place.

Once this Court dismissed the interlocutory appeal as premature under *Elam v. S.C. Dep't of Transp. and Hudson v. Hudson*, returning full jurisdiction over the underlying action to the Beaufort County Circuit Court, any further rulings on the merits of Appellants' pending motions or attempts to impose a restrictive scope on remand exceeded this Court's active appellate jurisdiction. A premature dismissal without prejudice does not establish law of the case or create a binding mandate on unripe issues that were never properly before the Court in the interlocutory appeal. The narrow limitation directing that remand proceedings be "solely" for Rule 59(e)

reconsideration of the recusal denial therefore cannot operate as binding law of the case or a valid mandate on the circuit court.

This creates the irreconcilable procedural trap detailed in Point B.1 above: the circuit court will likely feel constrained by this Court's language, yet this Court no longer possessed jurisdiction to bind the lower court, particularly on threshold, non-waivable jurisdictional voids alleged in the pending Rule 60(b)(4) motion that had never been ripe for review in this premature appeal. To prevent manifest injustice and continued due-process violations, rehearing should vacate the March 11, 2026 Order in its entirety and issue a corrected order directing a sequenced, broader limited remand, first addressing the Rule 60(b)(4) motion (as the non-waivable jurisdictional gatekeeper), then settlement/reconstruction of the defective OWL transcripts or new hearings if any proceedings survive, and thereafter reconsideration of the recusal denial, pursuant to this Court's authority under SCACR Rules 205, 221, and 240.

Compounding the error, the Order was issued only two days after Appellants filed their March 9, 2026 Amended Motion, which incorporated additional grounds from the pending Rule 60(b)(4) motion, expressly invoked SCACR Rule 240(e) deemed consent, requested joint consideration of all interlocking threshold issues, and added the alternative prayer for dismissal with prejudice.

The Court made no mention of, and issued no ruling on, this Amended Motion, thereby denying Appellants the opportunity for full briefing and meaningful appellate review on these critical constitutional and jurisdictional questions. This combination of actions, premature dismissal coupled with a narrow remand limitation and complete disregard of the Amended Motion, constitutes both an error of law and a denial of due process under the Fourteenth Amendment and S.C. Const. Art. I, § 3. Rehearing is required to vacate the March 11, 2026 Order in its entirety and to direct a constitutionally required, sequenced remand (first addressing the Rule 60(b)(4)

voids, then record reconstruction if necessary, then recusal) or, in the alternative, dismissal with prejudice.

II. CONCLUSION AND PRAYER

These overlooked or misapprehended points, including the failure to substantively address the February 3, 2026 Motion, the complete disregard of the March 9, 2026 Amended Motion, the imposition of a narrow remand limitation after dismissing the appeal as premature, and the resulting procedural trap, constitute clear errors of law and produce manifest injustice. These errors include violations of due process, open courts, jury trial rights, and judicial impartiality under the South Carolina Constitution (Art. I, §§ 3, 9, 14, 22) and the Fourteenth Amendment to the United States Constitution. The due process violations, including the striking of Appellants' jury trial demand on allegedly void orders and without a reviewable record, deprive Appellants of property and fundamental rights without notice, meaningful hearing, or meaningful appellate review, in violation of *Mullane*, *Griffin*, *Entsminger*, *Mathews v. Eldridge*, *Armstrong v. Manzo*, and *Caperton*.

These errors involve substantial constitutional issues of exceptional importance, including irreparable due process violations from the perpetuation of void orders and the denial of meaningful review on a potentially defective and jurisdictionally tainted record. Rehearing is necessary to prevent irreparable constitutional harm and to preserve these issues for further review. All constitutional and statutory issues raised herein were presented in Appellants' appellate filings and are preserved for certiorari review if rehearing is denied.

Appellants respectfully request that this Court:

1. Grant rehearing and vacate the March 11, 2026 Order in its entirety;
2. Direct a broader limited remand under SCACR Rules 205 and 221 with the constitutionally required sequencing: (a) expedited resolution by the circuit court of the

pending August 8, 2025 Rule 60(b)(4) motion alleging void orders (non-waivable jurisdictional gatekeeper); (b) if any proceedings survive, settlement/reconstruction of the defective OWL transcripts or new hearings; and (c) thereafter, reconsideration of the recusal denial on a corrected, non-void foundation, to prevent perpetuation of void proceedings, ensure due process, and protect jury trial and impartiality rights;

3. Vacate the denial of the February 3, 2026 Motion and the March 9, 2026 Amended Motion and remand for full consideration under Rule 240 (including deemed consent or opportunity for Return/Reply);
4. Vacate the denial of remand for record settlement/reconstruction/new hearings, recognizing it as standard corrective relief necessary to vindicate due process and open-courts rights, and remand for the circuit court to address the OWL defects and resulting prejudice;
5. In the alternative, dismiss the underlying action with prejudice pursuant to SCRCP Rule 41(b), the Court's inherent authority to sanction abuse of process and constitutional violations, and S.C. Const. Art. I, §§ 3, 9, 22 (where Respondents have knowingly pursued and maintained fundamentally null proceedings for over six years despite repeated notice of jurisdictional voids, stay violations, and improper references), thereby preventing further mockery of justice and irreparable harm;
6. Grant such other and further relief as this Court deems just and proper.

TABLE OF AUTHORITIES

Rules

SCACR Rule 203(b)(1)
SCACR Rule 205
SCACR Rule 210(h)
SCACR Rule 221(a), (c)
SCACR Rule 240(e), (f)
SCRCP Rule 59(e)
SCRCP Rule 60(b)(4)
SCRCP Rule 41(b)

Cases

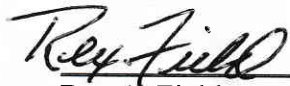
Armstrong v. Manzo, 380 U.S. 545 (1965)
Bonney v. Granger, 356 S.C. 419, 589 S.E.2d 764 (Ct. App. 2003)
Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009)
Christy v. Christy, 317 S.C. 145, 452 S.E.2d 1 (Ct. App. 1994)
Davis v. Parkview Apartments, 409 S.C. 266, 762 S.E.2d 535 (2014)
Dolive v. J.E.E. Devs., Inc., 308 S.C. 380, 418 S.E.2d 319 (Ct. App. 1992)
Draper v. Washington, 372 U.S. 487 (1963)

Elam v. S.C. Dep't of Transp., 361 S.C. 9, 602 S.E.2d 772 (2004)
Entsminger v. Iowa, 386 U.S. 748 (1967)
Ex parte Morris, 367 S.C. 56, 624 S.E.2d 667 (2006)
First Palmetto State Bank & Trust Co. v. Boyles, 302 S.C. 136, 394 S.E.2d 313 (1990)
Futch v. McAllister Towing, 335 S.C. 598, 518 S.E.2d 591 (1999)
Gilmore v. Ivey, 290 S.C. 53, 348 S.E.2d 180 (Ct. App. 1986)
Griffin v. Illinois, 351 U.S. 12 (1956)
Hudson v. Hudson, 290 S.C. 215, 349 S.E.2d 341 (1986)
Mathews v. Eldridge, 424 U.S. 319 (1976)
Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950)
State v. Jones, 344 S.C. 189, 543 S.E.2d 551 (2001)
State v. Ladson, 373 S.C. 220, 644 S.E.2d 271 (Ct. App. 2007)
Wachovia Bank of S.C., N.A. v. Player, 341 S.C. 424, 533 S.E.2d 918 (2000)

Constitutional Provisions

S.C. Const. Art. I, § 3 (due process)
S.C. Const. Art. I, § 9 (open courts)
S.C. Const. Art. I, § 14 (jury trial)
S.C. Const. Art. I, § 22 (due process in judicial proceedings)
U.S. Const. Amend. XIV

Respectfully submitted this 25th day of March, 2026.



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



Tracy L Field
(same)

EXHIBITS (Incorporated by Reference)

The entire record of the proceedings in the Beaufort County Circuit Court, as well as the full record of this appellate proceeding (including the Notice of Appeal, all motions, returns, replies, memoranda, affidavits, and other filings submitted to this Court), are hereby incorporated by reference as though fully set forth herein. Specific documents previously identified and relied upon by Appellants (including the January 12, 2026 Motion to Stay and Remand, the February 3, 2026 and March 9, 2026 Amended Motions for Limited Remand, the August 8, 2025 Rule 60(b)(4) Motion to Vacate Void Orders, and related affidavits and memoranda) are also incorporated by reference for the Court's convenience.

RECEIVED

Mar 25 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

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Rex A. Field and Tracy L. Field,Appellants

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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 "PETITION FOR REHEARING" on Respondents by Electronic Mail and US Mail depositing a copy of it in the United States Mail, postage pre-paid, on March 25, 2026, addressed to the following attorneys of record listed below:

This day, March 25, 2026


Rex A. Field

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FANNIE MAE; WILMINGTON SAVINGS FUND SOCIETY, FSB, IN ITS INDIVIDUAL
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