

STATE OF SOUTH CAROLINA  
IN THE COURT OF COMMON PLEAS  
COUNTY OF SALUDA  
11<sup>TH</sup> JUDICIAL CIRCUIT

RECEIVED

APR 27 2026

SC Court of Appeals

2026 APR 21 PM 4:09:35  
Filed: Clerk of Court, Saluda, SC.

HUGH PARKS PRICE, pro se  
Plaintiff/Appellant

v.

Case No. 2025-CP-41-00150

REBECCA BARTLEY, in  
her individual capacity  
Defendant/Respondent.

**NOTICE OF APPEAL**

TO: The Honorable Clerk of Court, Saluda County Court of Common Pleas; and to Defendant-Respondent Rebecca Bartley and her counsel of record, William H. Davidson, II, Davidson & Wren, P.A., P.O. Box 8568, Columbia, South Carolina 29202:

**PLEASE TAKE NOTICE** that Plaintiff-Appellant Hugh Parks Price hereby appeals to the South Carolina Court of Appeals from the Order and Judgment entered in the above-captioned action by the Honorable Walton J. McLeod, Circuit Court Judge, on April 1, 2026, which granted Defendant's Motion to Dismiss Without Prejudice on the ground of alleged insufficiency of service of process.

**THE ORDER APPEALED FROM**

The order from which this appeal is taken is the Order/Electronic Form 4, signed by the Honorable Walton J. McLeod on April 1, 2026, and entered electronically that date at 10:11 AM in the Saluda County Common Pleas records. The order granted Defendant's Motion to Dismiss Without Prejudice. The case number is 2025-CP-41-00150. The order ends the case in the trial court.

## STATEMENT OF GROUNDS FOR APPEAL

1. The trial court erred as a matter of law in holding that Defendant Rebecca Bartley, a civilian Victim's Advocate employed by the Saluda County Sheriff's Department in a non-sworn, non-commissioned support role, is a "state officer" for purposes of Rule 4(d)(5), SCRCP, requiring service upon the South Carolina Attorney General. Bartley holds no law enforcement commission, no arrest authority, and exercises no sovereign governmental power. The sole authority relied upon by the defense — *Cone v. Nettles*, 308 S.C. 109, 417 S.E.2d 523 (1992) — is expressly limited to sworn sheriffs and deputies exercising constitutional law enforcement functions. No South Carolina appellate court has extended Rule 4(d)(5) to civilian support employees, and the trial court's extension of *Cone* to Bartley's position was legal error.
2. The trial court erred in failing to find that Defendant waived any service objection by filing a six-page, ten-defense substantive Answer on January 15, 2026, responding on the merits to every count of the Complaint — including failure to state a claim, sovereign immunity, discretionary immunity, SCTCA immunity, prosecutorial immunity, truth, failure to mitigate, testimonial privilege, and improper service. Filing a full merits Answer is the paradigmatic act of a general appearance and is wholly inconsistent with a purported special appearance for service purposes only. A defendant who simultaneously contests jurisdiction and defends the full merits of every claim submits to the Court's jurisdiction and waives service objections as a matter of law. *Hafer v. Melo*, 502 U.S. 21, 25 (1991); *Kentucky v. Graham*, 473 U.S. 159, 165–66 (1985).
3. The trial court erred in dismissing the action as a remedy when, at most, the appropriate relief for a technical service defect would have been to quash service and permit re-

service. Defendant received actual personal notice of this lawsuit on September 16, 2025 — the date process server Kathrine Thomas personally served the Summons and Amended Complaint upon Defendant at her place of employment. Defendant retained experienced litigation counsel from Davidson & Wren, P.A. within 91 days. No conceivable prejudice flowed from the method of service. Dismissal — a remedy that permanently forecloses a plaintiff's claims on a procedural technicality — was disproportionate and contrary to the remedial purposes of the South Carolina Rules of Civil Procedure where actual notice is undisputed and prejudice is absent.

4. The trial court erred in accepting defense counsel's unsworn representation regarding Defendant's employment classification as a factual finding without affidavit, record evidence, or any factual development. The Court's ruling that Bartley is a "state officer" subject to Rule 4(d)(5) was made without competent evidence establishing that characterization. The record before the Court contained only counsel's argument — not Defendant's employment contract, job description, commission status, or any document establishing her role.
5. The trial court erred procedurally by entertaining Defendant's Motion to Dismiss while Plaintiff's Motion for Entry of Default — filed October 23, 2025, eighty-four days before Defendant's counsel appeared — remained pending and unresolved. Under Rule 55, SCRCF, entry of default is a ministerial duty of the Clerk upon proper showing that a defendant has failed to plead or otherwise defend. Plaintiff made that showing on October 23, 2025. Defendant had not moved to set aside default under Rule 55(c) at the time the Motion to Dismiss was heard. The procedurally correct sequence required the Court to first address the pending default motion, compel the Clerk's ministerial act of entering

default, and require Defendant to move under Rule 55(c) before any merits-based filings were entertained. The trial court's failure to follow this sequence was an error of law.

**ORDER APPEALED FROM**

The order from which this appeal is taken is the Order/Electronic Form 4 signed by the Honorable Walton J. McLeod, Circuit Court Judge, on April 1, 2026, and entered electronically that same date at 10:11 AM in the Saluda County Common Pleas records for Case No. 2025-CP-41-00150.

**TIMELINESS**

This Notice of Appeal is timely filed within thirty (30) days of entry of the Order from which Plaintiff-Appellant appeals, as required by Rule 203(b)(1) of the South Carolina Appellate Court Rules.

**STATEMENT REGARDING TRANSCRIPT**

Plaintiff-Appellant will request a transcript of the March 26, 2026 hearing on Defendant's Motion to Dismiss pursuant to Rule 210(b), SCACR. Plaintiff-Appellant respectfully requests that the Clerk of Court for Saluda County compile and transmit the record on appeal in accordance with the Appellate Court Rules.

Respectfully submitted,

**s/ Hugh Parks Price**  
Hugh Parks Price, pro se  
Defendant/Appellant  
2465 Lot D, Pine Grove Rd  
Ward, SC 29166



Dated: April <sup>21</sup> 8, 2026

HP

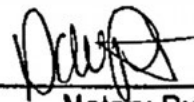
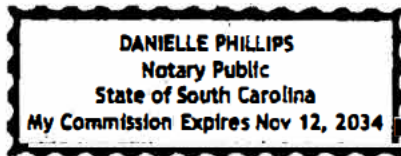
**SOUTH CAROLINA NOTARIAL CERTIFICATE  
(JURAT STATEMENT)**

State of South Carolina

County of Richland

Sworn and Subscribed before me

On this 21 day of April (Month), 2020 (Year)



Notary Public for South Carolina

Commission Expires: NOV 12, 2034

CERTIFICATE OF SERVICE

I, Hugh Parks Price, hereby certify that on the 21st day of April, 2026, I served a true and correct copy of the foregoing Notice of Appeal upon the following by first-class mail, postage prepaid:

William H. Davidson, II  
Davidson & Wren, P.A.  
P.O. Box 8568  
Columbia, South Carolina 29202  
Counsel for Defendant-Respondent Rebecca Bartley

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s/ Hugh Parks Price  
Hugh Parks Price, pro se  
Defendant/Appellant



Dated: April <sup>21</sup> 6, 2026

HP

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(JURAT STATEMENT)

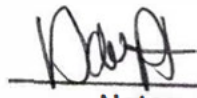
State of South Carolina

County of Richland

Sworn and Subscribed before me

On this 21 day of April (Month), 2026 (Year)

DANIELLE PHILLIPS  
Notary Public  
State of South Carolina  
My Commission Expires Nov 12, 2034

  
Notary Public for South Carolina

Commission Expires: NOV 12, 2034