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Apr 29 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable B. Alex Hyman, Circuit Court Judge

Case No. 2025-CP-26-09089

Claran Lundgren,
Plaintiff-Appellant,

v.

Ashton Glenn Homeowners Association, Inc.;
Waccamaw Management, LLC; and
Bob Sauthoff, individually and as agent of the HOA,
Defendants-Respondents.

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Plaintiff-Appellant, Claran Lundgren, appeals to the South Carolina Court of Appeals from:

FILED
HORRY COUNTY
2025 APR 29 PM 3:12
RENEE M. ELYS
CLERK OF COURT
HORRY COUNTY, SC

- (1) the Form 4 Order signed February 27, 2026 and filed March 2, 2026 granting Defendants' Motion to Dismiss and Summary Judgment and directing preparation of a written order;
- (2) the written Order of Dismissal entered March 10, 2026; and
- (3) the Form 4 Order denying Plaintiff's Rule 59(e) Motion to Alter or Amend Judgment entered April 20, 2026,

copies of which are attached hereto, together with all interlocutory rulings, prior orders, and issues preserved in the record that necessarily affect or are subsumed within those Orders.

This appeal is taken on the grounds that the circuit court committed reversible error, including but not limited to:

1. Exceeding the permissible scope of review under Rule 12(b)(6), SCRCF, by relying on matters outside the pleadings or disputed public-record materials without proper conversion to summary judgment and without affording Plaintiff the procedural protections required under Rule 56;
2. Improperly treating the dispositive motion as one for summary judgment while denying Plaintiff's Rule 56(f) request for a continuance and limited discovery necessary to test the materials and record-integrity issues relied upon;
3. Violating Rule 5(b), SCRCF, including Rule 5(b)(3), SCRCF, and due process by considering or adopting adversary-submitted materials, proposed orders, or late-served materials without affording Plaintiff a meaningful opportunity to object;
4. Disregarding controlling law governing independent actions for fraud on the court under Rule 60(b)'s savings clause and the circuit court's inherent equitable authority;
5. Failing to address and adjudicate Plaintiff's fraud-on-the-court gateway allegations before reaching preclusion doctrines;

6. Improperly applying res judicata and/or collateral estoppel based on prior proceedings alleged to be affected by extrinsic fraud, record irregularities, due-process violations, and issues not actually litigated or necessarily decided;
7. Improperly applying preclusion to later-accruing post-judgment conduct, including post-judgment collection activity, ledger entries, attorney-fee demands, and foreclosure or collection threats;
8. Treating Fair Housing Act retaliation and discrimination claims as precluded where Plaintiff alleged those claims were expressly excluded from or not adjudicated in the prior proceeding;
9. Erring by dismissing claims dependent on the failure of mandatory contractual conditions precedent, including certified-mail notice and hearing rights, where Plaintiff pleaded that the underlying fines, charges, or enforcement actions were void from inception;
10. Erring by dismissing the action without addressing Plaintiff's challenge to the ex parte \$1,020 attorney-fee submission and later ledger judgment entry;
11. Committing reversible error by denying Plaintiff's Ex Parte Motion for Emergency Preservation Order, thereby preventing preservation of potentially perishable electronic evidence central to Plaintiff's fraud-on-the-court and record-integrity allegations;
12. Entering or adopting an order inconsistent with the circuit court's own on-the-record limitations and the parties' representations at the February 23, 2026 hearing;
13. Improperly relying on or extending the federal Report and Recommendation and related federal ruling where collateral estoppel was not decided and Plaintiff alleged that the hearing transcript and fraud-on-the-court issues were not adjudicated on the merits;

14. Dismissing the complaint through a categorical preclusion ruling instead of analyzing the pleaded claims, capacities, parties, and later conduct claim-by-claim and defendant-by-defendant; and
15. Denying Plaintiff a full and fair opportunity to be heard on material issues preserved in the pleadings, hearing materials, and post-judgment motions.

Plaintiff designates for inclusion in the Record on Appeal all pleadings, motions, exhibits, transcripts, affidavits, notices, certificates of service, file-stamped submissions, and orders filed, attached, presented, referenced, or considered below, including but not limited to:

- The Verified Complaint and all exhibits attached to or filed with the Verified Complaint;
- Plaintiff's Memorandum of Law filed in support of the Verified Complaint, including all filed parts or continuations of that memorandum;
- Defendants' Motion to Dismiss / Motion for Summary Judgment, supporting memoranda, exhibits, certificates of service, reply papers, and proposed orders;
- Plaintiff's Opposition Memorandum / Hearing Memorandum opposing dismissal, summary judgment, res judicata, collateral estoppel, judicial notice, and conversion without Rule 56 procedure;
- Plaintiff's Rule 56(f) Motion for Continuance and Limited Discovery and all supporting affidavits, declarations, exhibits, or attachments;
- Plaintiff's Ex Parte Motion for Emergency Preservation Order and all supporting affidavits, declarations, exhibits, or attachments;
- Plaintiff's motions for ADR exemption, media access, proper service, and to hear pending motions together, with supporting materials;

- The February 23, 2026 hearing transcript and all other hearing transcripts relevant to the appealed Orders;
- The certified transcript of the May 16, 2024 Magistrate Court hearing, prior magistrate-court materials, prior circuit-appeal materials, and federal-court materials to the extent filed, attached to the pleadings, included in exhibit packets, handed up, quoted, referenced, or relied upon below;
- Plaintiff's Rule 59(e) Motion to Alter or Amend Judgment and all exhibits attached to or filed with that motion, including the certified February 23, 2026 transcript and the March 6, 2026 shipping, tracking, service, or delivery materials;
- All orders, judgments, Form 4 orders, dismissal orders, Rule 59(e) orders, and related rulings being appealed or affecting the appealed Orders;
- All Notices of Electronic Filing (NEFs), file-stamped submissions, certificates of service, and email transmittals reflecting the dates and methods of filing, submission, transmission, and service for dispositive motions, supporting memoranda, exhibits, reply papers, and proposed orders;
- Any materials physically handed to, reviewed by, retained by, referenced before, or considered by the circuit court at the February 23, 2026 hearing; and
- All other documents necessary for a full and fair review of the issues on appeal.

Plaintiff specifically designates any and all materials considered by the circuit court in ruling on Defendants' Motion to Dismiss / Motion for Summary Judgment, whether formally admitted, referenced, incorporated, attached, handed up, or relied upon, to ensure a complete record for appellate review.

Plaintiff further designates the full, certified transcript of all hearings relevant to the appealed Orders, including but not limited to the February 23, 2026 hearing.

Plaintiff-Appellant has not received written notice of entry of the April 20, 2026 Form 4 Order denying Plaintiff's Rule 59(e) Motion to Alter or Amend Judgment by mail or other written service as of the filing of this Notice. Plaintiff-Appellant independently became aware that a docket entry had appeared on the Horry County Public Index and files this Notice of Appeal out of an abundance of caution. Plaintiff-Appellant does not waive, and expressly preserves, any argument regarding the date of receipt of written notice, service, or timeliness under Rule 203, SCACR.

Respectfully submitted,



Claran Lundgren, Pro Se

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Date: 4/29/2026

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SC Court of Appeals

CERTIFICATE OF SERVICE

I certify that on April 29, 2026, I served a copy of the foregoing Notice of Appeal upon counsel for Defendants-Respondents by electronic mail, including by copying counsel on the email filing to the South Carolina Court of Appeals, and by U.S. Mail at the addresses listed below:

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Counsel for Defendants-Respondents

A handwritten signature in black ink, appearing to read "Claran Lundgren", written over a horizontal line.

Claran Lundgren