

**STATE OF SOUTH CAROLINA IN THE COURT OF APPEALS**

Colonial Savings, F.A., (*now Selene Finance, LP by substitution*) Plaintiff/Respondent,

v.

Elizabeth Marie Dimler, Defendant/Appellant,

and

Oak Bluff Homeowners Association, Inc., Co-Defendant.

**Case No.: 2025-CP-10-03716**

**RECEIVED**  
MAY 07 2026  
SC Court of Appeals

**DEFENDANT/APPELLANT'S NOTICE OF APPEAL**

*(Perfecting Protective Notice of Appeal Filed April 9, 2026)*

**TO: THE SOUTH CAROLINA COURT OF APPEALS, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

PLEASE TAKE NOTICE that Defendant/Appellant Elizabeth Marie Dimler, appearing sui juris, hereby perfects her appeal to the South Carolina Court of Appeals from the following orders entered in the Court of Common Pleas, Charleston County, Ninth Judicial Circuit:

**I. ORDERS BEING APPEALED**

**Order No. 1:** The Order of the Honorable T.J. Rode entered January 30, 2026, denying Defendant's motions and imposing filing restrictions requiring Defendant to post a \$500 bond or obtain attorney review before filing any further motions in this matter.

**Order No. 2:** The Order of the Honorable Dale E. Van Slambrook entered March 27, 2026, granting Plaintiff Colonial Savings, F.A.'s Motion to Substitute Selene Finance, LP as party plaintiff pursuant to Rule 25(c), SCRCP.

**II. JURISDICTIONAL STATEMENT**

**A. Regarding the January 30, 2026, Order:**

The January 30, 2026, Order is a final appealable order as to the sanctions and filing restrictions imposed upon Defendant. Appellant appeared at the January 7, 2026, hearing and the order was entered January 30, 2026.

## **B. Regarding the March 27, 2026, Order:**

Appellant's Protective Notice of Appeal was filed April 9, 2026, and appears on the docket. Appellant asserts that the March 27, 2026, Order is not yet final and appealable because:

1. Appellant timely attempted to file a Rule 59(e) Motion to Alter or Amend on April 1, 2026 — nine days before the deadline — which was refused by the Charleston County Clerk of Court
2. That Rule 59(e) Motion has never been formally accepted, docketed, or ruled upon
3. A pending Rule 59(e) motion tolls the finality of the underlying order and therefore tolls the appellate deadline under SC Appellate Court Rule 203
4. The tolling failure is attributable solely to the Clerk's unconstitutional refusal to accept the filing — not to any failure of Appellant
5. A Petition for Writ of Mandamus is currently pending before the South Carolina Supreme Court seeking an order directing the Clerk to accept the Rule 59(e) Motion — filed and received April 10, 2026

This Notice of Appeal is filed out of an abundance of caution to preserve all appellate rights pending resolution of the Mandamus Petition. Appellant expressly does not waive any argument that the March 27, 2026, Order is not yet final and appealable, and does not waive any tolling arguments arising from the Rule 59(e) filing attempt.

## **III. ISSUES PRESENTED ON APPEAL**

### **A. Issues Arising from January 30, 2026, Order — Judge Rode:**

**Issue 1.** Whether the trial court committed reversible error by ruling on Defendant's Motion to Dismiss for Lack of Standing filed December 12, 2025, and Defendant's Motion to Strike Plaintiff's Exhibit A filed December 10, 2025, when neither motion was on the motions roster for the January 7, 2026 hearing, thereby denying Defendant adequate notice and opportunity to be heard in violation of due process.

**Issue 2.** Whether the trial court committed reversible error by imposing a permanent filing restriction requiring a \$500 bond or attorney review as a condition of filing any further motions, where such restriction was not the relief requested by Plaintiff, exceeded the scope of sanctions permissible under Rule 11, SCRPC, and constitutes an unconstitutional prior restraint on Defendant's right of access to the courts.

**Issue 3.** Whether the trial court committed reversible error by imposing sanctions without making adequate findings on the record regarding Defendant's good faith, where Defendant appeared at the hearing and affirmatively stated that all filings were made in good faith.

**Issue 4.** Whether the filing restriction, as applied to bar Defendant's Rule 59(e) Motion to Alter or Amend responding to a subsequent order entered by a different judge on a different issue 56 days after the sanctions order, constitutes an unconstitutional expansion of the sanctions order beyond its intended scope and an unconstitutional denial of Defendant's post-judgment and appellate rights.

**Issue 5.** Whether the trial court's application of Rule 11 sanctions was proper where Defendant's motions raised legitimate legal issues regarding standing at inception, holder status, and the validity of the assignment — issues which the Court of Common Pleas itself has not yet expressly resolved on the merits.

**B. Issues Arising from March 27, 2026, Order — Judge Van Slambrook:**

**Issue 6.** Whether the trial court committed reversible error by granting substitution of Selene Finance, LP as party plaintiff under Rule 25(c), SCRCP, without first addressing and expressly ruling upon whether Colonial Savings, F.A. established standing at inception as of July 1, 2025 — the date the foreclosure action was filed — where the presiding judge expressly stated at the March 25, 2026 hearing that standing would be "addressed later."

**Issue 7.** Whether the trial court committed reversible error by granting substitution where the record did not establish that Colonial Savings, F.A. held a legally enforceable interest in the Note and Mortgage as of July 1, 2025, consistent with *Bank of America, National Association v. Draper*, 405 S.C. 214, 746 S.E.2d 478 (Ct. App. 2013).

**Issue 8.** Whether the trial court committed reversible error by granting substitution based upon an assignment executed by "Colonial Savings ETC" — an entity that does not match the named Plaintiff Colonial Savings, F.A., has not been authenticated as a legally existing entity, and does not appear in the South Carolina Secretary of State's official business entity records.

**Issue 9.** Whether the trial court committed reversible error by granting substitution where the assignment relied upon was dated November 19, 2025 — six days after Colonial Savings, F.A.'s own records reflected the account as "paid off or transferred" on November 13, 2025 — raising an unresolved question of whether any legally enforceable interest remained to be assigned.

**Issue 10.** Whether the trial court committed reversible error by granting substitution without requiring compliance with South Carolina Rules of Evidence 901, 803(6), and 602 regarding authentication and admissibility of the documents relied upon to establish the purported transfer of interest.

**Issue 11.** Whether the trial court committed reversible error by granting substitution where Colonial Savings, F.A.'s own pre-filing correspondence — admitted into the record March 6, 2026 — establishes that Colonial Savings held only servicing rights and that Freddie Mac was the owner/assignee, thereby precluding Colonial Savings from qualifying as the "Lender" with authority to accelerate the debt and foreclose under Paragraph 22 of the Security Instrument.

**Issue 12.** Whether Rule 25(c), SCRCP, a purely procedural mechanism, can supply standing at inception that did not exist when the action was filed, or cure a jurisdictional defect in the original plaintiff's standing.

#### **IV. PRESERVATION OF ISSUES**

All issues raised herein were raised before the trial court as follows:

- Issues 1-5 regarding the Rode Order: Appellant appeared at the January 7, 2026, hearing, participated in argument, and stated on the record that her filings were made in good faith. Appellant filed a Memo in Opposition to Plaintiff's Motion for Sanctions on October 14, 2025.
- Issues 6-12 regarding the Van Slambrook Order: Appellant appeared at the March 25, 2026, hearing and expressly objected to substitution on the grounds of lack of standing at inception. Appellant filed a Notice of Newly Discovered Evidence on March 6, 2026, a Supplemental Objection on March 9, 2026, and a Defendant's Objection to Plaintiff's Proposed Order on December 8, 2025. Appellant's Rule 59(e) Motion to Alter or Amend raising all issues in detail was timely attempted on April 1, 2026, and is pending before the SC Supreme Court on Mandamus.

#### **V. STATEMENT REGARDING RULE 59(e) AND FINALITY**

Appellant expressly preserves all arguments that:

1. The March 27, 2026, Order is not yet final because the Rule 59(e) Motion was timely attempted but unconstitutionally blocked by the Clerk of Court
2. The appellate deadline has been tolled by the timely filing attempt of April 1, 2026
3. This Notice of Appeal is filed protectively and without prejudice to all tolling arguments
4. Appellant does not concede that the March 27, 2026, Order is final or that any appellate deadline has run
5. Appellant does not concede the validity of the substitution of Selene Finance, LP and expressly preserves all objections thereto including standing at inception, real party in interest, and all jurisdictional defects

#### **VI. RELATED PROCEEDINGS**

The following related proceedings are currently pending and directly relevant to this appeal:

1. **SC Supreme Court** — Petition for Writ of Mandamus, Elizabeth Marie Dimler v. Charleston County Clerk of Court, filed and received April 10, 2026, supplemented May 7, 2026 — seeking order directing Clerk to accept Rule 59(e) Motion
2. **Charleston County Court of Common Pleas** — Defendant's Emergency Motion for Clarification of Bond Order, filed April 3, 2026, pending without ruling
3. **Charleston County Court of Common Pleas** — Defendant's Rule 59(e) Motion to Alter or Amend March 27, 2026, Order, timely attempted April 1, 2026, pending without ruling due to Clerk's refusal to accept filing

## VII. DESIGNATION OF PARTIES

Appellant respectfully designates the parties as follows:

- **Appellant:** Elizabeth Marie Dimler, Defendant below
- **Respondent:** Selene Finance, LP, substituted as Plaintiff below
- **Respondent:** Colonial Savings, F.A., original Plaintiff below
- **Co-Defendant below:** Oak Bluff Homeowners Association, Inc.

Respectfully submitted,

  
**Elizabeth Marie Dimler, Sui Juris**

8129 Shadow Oak Drive

North Charleston, South Carolina 29406

Telephone: (843) 813-6698

Email: [elizabeth5397@att.net](mailto:elizabeth5397@att.net)

Date: May 6, 2026

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Defendant/Appellant's Notice of Appeal was served upon the following parties on May 7, 2026, by United States Certified Mail, return receipt and/or Hand Delivery requested:

**Charleston County Clerk of Court**

100 Broad Street

Charleston, SC 29401

Hand Delivery

**RECEIVED**

MAY 07 2026

SC Court of Appeals

**M. Mullen Taylor, Esquire**

Riley Pope & Laney, LLC

2838 Devine Street

Columbia, SC 29205

Via U.S. Certified Mail

Tracking No.: 9589-0710-5270-0041-7481-11

**Derek Dean Farrell, Esquire**

Oak Bluff Homeowners' Association

147 Wappoo Drive

Charleston, South Carolina 29412

Via U.S. Certified Mail

Tracking No.: 9589-0710-5270-0041-7481-73

**The Honorable Dale E. Van Slambrook**

Charleston County Courthouse

100 Broad Street, Charleston, SC 29401

Hand Delivery

**The Honorable T.J. Rode**

Charleston County Courthouse

100 Broad Street, Charleston, SC 29401

Hand Delivery

*Elizabeth Marie Dimler*

Elizabeth Marie Dimler, Sui Juris

Date: May 7, 2026