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**May 18 2026**

**SC Court of Appeals**

**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.

**Appellate Case No.: 2026-001122**

Lower Court Case No.: 2025-CP-10-03716

Court of Common Pleas, Charleston County, Ninth Judicial Circuit

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

**ORDER NO. 1 — JUDGE T.J. RODE, JANUARY 30, 2026**

Elizabeth Marie Dimler appeals the Order of the Honorable T.J. Rode, Court of Common Pleas, Charleston County, dated January 30, 2026, denying Defendant's motions and imposing filing restrictions. Attached hereto as **Exhibit A** is a true and correct copy of this Order.

Appellant received written notice of entry of this Order on **February 25, 2026**, via first-class mail from the Charleston County Clerk of Court pursuant to Rule 77(d), SCRCP. The Clerk's Rule 77 notice reflects the formal judgment was entered February 17, 2026, and mailed February 18, 2026.

**ORDER NO. 2 — JUDGE DALE E. VAN SLAMBROOK, MARCH 27, 2026**

Elizabeth Marie Dimler appeals the Order of the Honorable Dale E. Van Slambrook, Court of Common Pleas, Charleston County, dated 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. Attached hereto as **Exhibit B** is a true and correct copy of this Order.

Appellant received written notice of entry of this Order on or about **April 1, 2026**, via first-class mail from the Charleston County Clerk of Court pursuant to Rule 77(d), SCRCP. The Clerk's Rule 77 notice reflects the Order was entered March 27, 2026, and mailed March 30, 2026.

**ORDER NO. 3 — JUDGE T.J. RODE, MAY 6, 2026**

Appellant also appeals, to the extent necessary, the Order of the Honorable T.J. Rode dated May 6, 2026, directing the Charleston County Clerk of Court to file Appellant's Rule 59(e) Motion with a deemed effective date of April 11, 2026. Attached hereto as **Exhibit C** is a true and correct copy of this Order.

Appellant received written notice of entry of this Order on **May 7, 2026**, via the court's electronic filing notification system.

## **STATEMENT REGARDING RULE 59(e) AND FINALITY OF MARCH 27, 2026, ORDER**

Appellant expressly preserves all arguments that the March 27, 2026, Order is not yet final and appealable because 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. That Rule 59(e) Motion has now been docketed by order of Judge Rode with an effective filing date of April 11, 2026, and remains pending before Judge Van Slambrook without ruling. A pending Rule 59(e) motion tolls the finality of the underlying order and therefore tolls the appellate deadline under SCACR Rule 203. Accordingly, this Corrected Notice of Appeal is filed both to cure the deficiencies identified by this Court's letter of May 13, 2026, and protectively to preserve all appellate rights.

A Petition for Writ of Mandamus remains pending before the South Carolina Supreme Court, filed April 10, 2026, supplemented May 7, 2026. Appellant does not waive any tolling argument and does not concede that any appellate deadline has run.

### **ISSUES PRESENTED ON APPEAL**

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

1. Whether the trial court committed reversible error by ruling on Defendant's Motion to Dismiss for Lack of Standing and Motion to Strike Plaintiff's Exhibit A when neither motion was on the motions roster for the January 7, 2026, hearing, denying Defendant adequate notice and opportunity to be heard in violation of due process.
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, exceeded the scope of Rule 11, SCRPC, and constitutes an unconstitutional prior restraint on Defendant's right of access to the courts.
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 all filings were made in good faith.
4. Whether the filing restriction, as applied to bar Defendant's Rule 59(e) Motion responding to a subsequent order by a different judge on a different issue 56 days later, constitutes an unconstitutional expansion of the sanctions order and an unconstitutional denial of Defendant's post-judgment and appellate rights.
5. Whether Rule 11 sanctions were proper where Defendant's motions raised legitimate legal issues regarding standing at inception, holder status, and validity of the assignment — issues 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:**

6. Whether the trial court committed reversible error by granting substitution of Selene Finance, LP without first addressing 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 stated at the March 25, 2026, hearing that standing would be "addressed later."

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).
8. Whether the trial court committed reversible error by granting substitution based upon an assignment executed by "Colonial Savings ETC" — an entity not matching the named Plaintiff, not authenticated as legally existing, and not appearing in the South Carolina Secretary of State's records.
9. Whether the trial court committed reversible error by granting substitution where the assignment 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.
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.
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 established 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 and foreclose under Paragraph 22 of the Security Instrument.
12. Whether Rule 25(c), SCRPC, 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.

## RELATED PROCEEDINGS

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

**SC Supreme Court** — Petition for Writ of Mandamus, Elizabeth Marie Dimler v. Charleston County Clerk of Court, filed April 10, 2026, supplemented May 7, 2026, seeking order directing Clerk to accept Rule 59(e) Motion.

**Charleston County Court of Common Pleas** — Defendant's Rule 59(e) Motion to Alter or Amend the March 27, 2026, Order, timely attempted April 1, 2026, now docketed with effective date of April 11, 2026, per Judge Rode's May 6, 2026, Order, pending before Judge Van Slambrook without ruling.

## PARTIES AND COUNSEL OF RECORD

**Appellant:** Elizabeth Marie Dimler, Defendant below, appearing sui juris  
8129 Shadow Oak Drive, North Charleston, South Carolina 29406  
Telephone: (843) 813-6698 | Email: [elizabeth5397@att.net](mailto:elizabeth5397@att.net)

**Respondent/Counsel:** Selene Finance, LP (substituted Plaintiff below)  
M. McMullen Taylor, Esquire | Riley Pope & Laney, LLC  
2838 Devine Street, Columbia, SC 29205

**Respondent/Counsel:** Colonial Savings, F.A. (original Plaintiff below)  
Heidi B. Carey, Esquire | T. Lowndes Pope, Esquire | Riley Pope & Laney, LLC  
2838 Devine Street, Columbia, SC 29205

**Co-Defendant:** Oak Bluff Homeowners Association, Inc.  
Derek Dean Farrell, Esquire | 147 Wappoo Drive, Charleston, South Carolina 29412

Respectfully submitted,

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**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 17, 2026

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Corrected Notice of Appeal was served upon the following parties on May 18, 2026, by United States Certified Mail, return receipt requested:

**M. McMullen Taylor, Esquire** / Heidi B. Carey, Esquire / T. Lowndes Pope, Esquire  
Riley Pope & Laney, LLC | 2838 Devine Street, Columbia, SC 29205  
Certified Mail Tracking No.: **9589 0710 5270 3117 0177 53**

**Derek Dean Farrell, Esquire**  
147 Wappoo Drive, Charleston, South Carolina 29412  
Certified Mail Tracking No.: **9589 0710 5270 3117 0177 60**

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**Elizabeth Marie Dimler, Sui Juris**  
Date: May 17, 2026