

FORM 13
BRIEF OF APPELLANT

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
court of Common Pleas

James E. Chellis, Master-in-Equity

Appeal Court No. 2026-00306

Case No. 2024-CP-18-00207

Reliance First Capital, LLC,
Respondent,

v.

Nikia Renee Noisette and Arbor Oaks Homeowners Association,
Defendants,
Of which Nikia Renee Noisette is the Appellant.

BRIEF OF APPELLANT

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TABLE OF AUTHORITIES

CASES

MCC Financial Services, Inc. v. Duffel, 265 S.C. 519 (1975)

Cannon v. Haverty Furniture Co., 179 S.C. 1 (1935)

Tri-County Ice & Fuel Co. v. Palmetto Ice Co., 303 S.C. 237 (1990)

United Student Aid Funds, Inc. v. Espinosa, 559 U.S. 260 (2010)

RULES AND STATUTES

Rule 4(d)(1), SCRCF

Rule 55, SCRCF

Rule 56(e), SCRCF

Rule 60(b)(4), SCRCF

Rule 210(j), SCACR

S.C. Code Ann. § 30-9-30(B)(1)

11 U.S.C. § 362

CONSTITUTIONAL PROVISIONS

U.S. Const. amend. XIV

S.C. Const. art. I, § 3

STATEMENT OF ISSUES ON APPEAL

1. Whether the Master-in-Equity erred in denying Appellant's Rule 60(b)(4) motion where Appellant asserted she was never served and the court lacked personal jurisdiction.
2. Whether the court improperly shifted the burden of proof to Appellant after Appellant challenged service and jurisdiction.
3. Whether the court erred by treating the materially defective Affidavit of Service naming 'Ronald Noisette' as harmless surplusage.
4. Whether the court improperly treated Appellant's Rule 60(b)(4) motion as a general Rule 60 motion rather than a jurisdictional challenge to a void judgment.
5. Whether Appellant was denied due process where she maintains she never received the Summons and Complaint and only learned of the foreclosure through the sale process.
6. Whether omissions and deficiencies in the transcript and record impaired meaningful appellate review.

STATEMENT OF THE CASE

This appeal arises from a foreclosure action filed by Respondent Reliance First Capital, LLC concerning real property located at 402 Arbor Oaks Drive, Summerville, South Carolina. The Summons and Complaint were filed on February 7, 2024. Respondent first attempted service at an address associated with Appellant's deceased father. An Affidavit of Non-Service was later filed. (Exhibits A, B,)

Respondent subsequently filed an Affidavit of Service alleging substitute service upon a person identified as 'Ronald Noisette,' allegedly Appellant's son. Appellant consistently asserted that she was never personally served, that no person named Ronald Noisette resided in her home, and that she does not have a son named Ronald Noisette. (Exhibit C, D, and E)

A foreclosure hearing proceeded on May 23, 2024, following the substitute service allegations, and the Order of Foreclosure and Sale was entered the same day. Appellant contends she did not receive constitutionally adequate notice of the proceedings and only later learned of the foreclosure through the foreclosure sale process. (Exhibit F)

After learning of the foreclosure proceedings and impending sale, Appellant pursued bankruptcy protections, filed notices and objections, and filed an initial Rule 60(b)(4) Motion to Void Judgment on November 7, 2024, challenging the judgment as void for lack of personal jurisdiction and defective service. The Rule 60(b)(4) filing bears a document date of October 30, 2024. Appellant contends the Master-in-Equity later treated that Rule 60(b)(4) jurisdictional challenge as a general Rule 60 motion, rather than as a non-discretionary challenge to a void judgment. (Exhibit G, H pages 1-9)

On January 8, 2026, the Master-in-Equity conducted a hearing concerning Appellant's Rule 60(b)(4) jurisdictional challenge. Appellant appeared specially for the limited purpose of contesting personal jurisdiction and defective service. By order filed January 14, 2026, the court denied relief after treating the Rule 60(b)(4) motion as a general Rule 60 motion rather than as a jurisdictional challenge to a void judgment. (Exhibit I pages 1-7)

Notice of Appeal (Exhibit J).

STANDARD OF REVIEW

Whether a judgment is void under Rule 60(b)(4), SCRPC, is a question of law reviewed de novo. A judgment entered without personal jurisdiction is void ab initio. Questions concerning personal jurisdiction and constitutionally adequate notice are not subject to discretionary balancing once jurisdictional defects are established. The Due Process Clause of the Fourteenth Amendment to the United States Constitution and Article I, Section 3 of the South Carolina Constitution require notice reasonably calculated to apprise interested parties of proceedings affecting substantial property rights and an opportunity to be heard.

Equity will not suffer a wrong without a remedy, particularly where substantial property rights are affected by a judgment alleged to be void for lack of personal jurisdiction and constitutionally sufficient notice.

FACTS

Appellant maintains she was never personally served with the Summons and Complaint.

The Affidavit of Service relied upon by Respondent identified 'Ronald Noisette' as the recipient of substitute service and identified that person as Appellant's son. Appellant repeatedly denied under oath and on the record that any person named Ronald Noisette resided at her home or was related to her.

On January 8, 2026, the court conducted a hearing concerning Appellant's Rule 60(b)(4) filing challenging the judgment as void for lack of personal jurisdiction and defective service. Appellant expressly stated she was appearing specially for jurisdictional challenge only and maintained the judgment was void because she was never served. Appellant further contends the court treated the filing as a general Rule 60 motion rather than a jurisdictional challenge to a void judgment under Rule 60(b)(4), SCRCF.

Appellant further contends that the hearing included discussion concerning the process server's employment status and availability for examination, including representations that the process server was no longer employed. Appellant contends relevant portions of that discussion are absent or incompletely reflected in the transcript presently before the Court.

He who seeks equity must come with clean hands.

Appellant further contends that the foreclosure judgment and subsequent foreclosure sale proceeded despite the absence of service, personal jurisdiction, and constitutionally sufficient notice. After later learning of the foreclosure proceedings and sale activity, Appellant undertook efforts to preserve and protect her rights through bankruptcy proceedings, notices, objections, and Rule 60(b)(4) filings challenging the judgment as void.

ARGUMENTS

I. THE FORECLOSURE JUDGMENT IS VOID UNDER RULE 60(b)(4) BECAUSE THE COURT LACKED PERSONAL JURISDICTION OVER APPELLANT.

Appellant consistently maintained that she was never properly served with the Summons and Complaint. The Affidavit of Service relied upon by Respondent identified “Ronald Noisette” as the alleged recipient of substitute service and identified that person as Appellant’s son. Appellant repeatedly denied that any such person resided in her home or was related to her. Because valid service of process is a prerequisite to personal jurisdiction, a judgment entered without proper service is void ab initio and subject to relief under Rule 60(b)(4), SCRCP.

II. THE COURT IMPROPERLY SHIFTED THE BURDEN OF PROOF AFTER PERSONAL JURISDICTION WAS CHALLENGED.

Once Appellant challenged the validity of service and the existence of personal jurisdiction, Respondent bore the burden of establishing compliance with Rule 4(d)(1), SCRCP, and demonstrating valid substitute service. Appellant contends the proceedings improperly treated the matter as though Appellant bore the burden of disproving jurisdiction.

III. THE COURT MISAPPLIED RULE 60(b)(4) BY TREATING APPELLANT’S JURISDICTIONAL CHALLENGE AS A GENERAL DISCRETIONARY RULE 60 MOTION.

Appellant specifically sought relief under Rule 60(b)(4), SCRCP, arguing that the foreclosure judgment was void for lack of personal jurisdiction and constitutionally adequate service. Appellant contends the court improperly analyzed the matter under

general discretionary Rule 60 principles rather than addressing the threshold jurisdictional question concerning whether the judgment was void ab initio.

A Rule 60(b)(4) challenge is not governed by equitable balancing, harmless-error analysis, or discretionary considerations where the judgment itself is alleged to be void for lack of jurisdiction.

Equity follows the law and cannot sustain a void judgment entered without personal jurisdiction or proper notice.

IV. THE COURT ERRED BY TREATING THE IDENTIFICATION OF “RONALD NOISETTE” AS NON-MATERIAL OR HARMLESS.

The identity of the alleged substitute service recipient was central to the jurisdictional inquiry. Appellant consistently denied that any person named “Ronald Noisette” resided at her home or was related to her. Appellant contends the court improperly permitted materially disputed substitute service allegations to stand without competent evidentiary resolution concerning the identity and suitability of the alleged recipient.

V. APPELLANT WAS DENIED CONSTITUTIONALLY ADEQUATE NOTICE AND A MEANINGFUL OPPORTUNITY TO BE HEARD.

Appellant maintains she did not receive constitutionally sufficient notice of the foreclosure proceedings before entry of the foreclosure judgment and sale. Appellant further maintains she was not present at the May 23, 2024 foreclosure hearing because she lacked notice reasonably calculated to apprise her of the proceedings affecting substantial property rights.

VI. RECORD AND TRANSCRIPT DEFICIENCIES IMPAIRED MEANINGFUL APPELLATE REVIEW.

Appellant contends relevant portions of the proceedings concerning service, the process server's employment status, and the availability of the process server for examination are absent or incompletely reflected in the transcript. Appellant further contends omissions and deficiencies in the record impair meaningful appellate review of the jurisdictional issues presented.

Upon learning of the foreclosure proceedings and subsequent sale activity, Appellant undertook repeated efforts to preserve and protect her rights through bankruptcy filings, objections, notices, and Rule 60(b)(4) proceedings.

Equity aids the vigilant, not those who sleep upon their rights.

CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court reverse the January 14, 2026 order denying relief, hold that Appellant's filing properly presented a Rule 60(b)(4) jurisdictional challenge to a void judgment, and further hold that the lower court misapplied the governing legal standard by treating the filing as a general Rule 60 motion rather than a challenge to a void judgment for lack of personal jurisdiction and constitutionally adequate notice.

Appellant further requests that this Court vacate the foreclosure judgment and sale, remand the matter for proceedings consistent with due process and proper service requirements, and grant such other relief as this Court deems just and proper.

Respectfully submitted,



Nikia Renee Noisette

Appellant, In Propria Persona Sui Juris

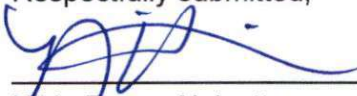
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Appellant's Brief was served upon counsel of record by United States Mail and/or electronic mail on this 18th day of May, 2026, addressed as follows:

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Respectfully submitted,



Nikia Renee Noisette
Appellant, in propria persona sui juris

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