

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SALUDA COUNTY
Court of Common Pleas
Martha M. Rivers, Circuit Court Judge

Appellate Case No. 2025-001596
Case No. 2023-CP-41-00232

RECEIVED

JUN 18 2026

SC Court of Appeals

Sandra Holmwood and Hugh Price,
Appellants,

v.

Lisa Molstad,
Respondent.

**APPELLANT SANDRA HOLMWOOD'S RETURN IN OPPOSITION TO
RESPONDENT'S MOTION TO STRIKE AND MOTION TO DISMISS APPEAL**

Appellant Sandra Holmwood, proceeding *pro se*, respectfully submits this Return, on her own behalf, in opposition to two motions filed by Respondent Lisa Molstad: (1) Respondent's Motion to Strike the document titled "Proof of Service of Record on Appeal," contained in Respondent's filing served June 4, 2026; and (2) Respondent's Motion to Dismiss Appeal, served June 9, 2026. By letter dated June 8, 2026, the Court accepted Respondent's June 4 filing as a Return to Appellants' May 26, 2026 motions and directed that any motion to dismiss be filed as a separate motion; Respondent's June 9 Motion to Dismiss restates and incorporates the grounds set out in the June 4 filing. Because both motions rest on the same grounds, Appellant addresses both in this single Return. Appellant asks the Court to deny both motions and to grant the pending Motion for Permission to File Proof of Service of Record on Appeal Outside the Deadlines Set by Rules 208 and 240, SCACR. Co-Appellant Price submits a separate Return on his own behalf.

To the extent any portion of this Return is deemed filed outside the ten-day period of Rule 240(e), SCACR, Appellant respectfully requests that the Court exercise its discretion under that Rule to enlarge the time and consider this Return. Respondent advanced her requests for relief across two filings served five days apart and resting on identical grounds; a single, consolidated response promotes orderly resolution and works no prejudice to Respondent.

At the outset, Appellant acknowledges candidly that the time for serving the Record on Appeal under Rule 210(a), SCACR, expired April 30, 2026—thirty days after Respondent served her brief on March 31, 2026—and not May 12, 2026 as stated in the May 26 motion for permission. That misstatement was an error of computation, not an attempt to mislead the Court, and Appellant corrects it here. The dispositive questions are therefore not whether a deadline was missed, but whether good cause supports permitting a cure, whether the Court’s directive of May 15, 2026 was timely answered, and whether Respondent has shown any prejudice warranting the extraordinary sanction of dismissal. On each question, the answer favors permitting this appeal to proceed to the merits.

I. The Appeal Should Not Be Dismissed.

A. South Carolina law strongly favors deciding appeals on the merits, and the very authority on which Respondent relies declined to dismiss for non-compliance.

Respondent opens with *Henning v. Kaye*, 307 S.C. 436, 415 S.E.2d 794 (1992), for the proposition that the Appellate Court Rules “are not mere technicalities.” Appellant does not dispute that statement. But *Henning*, on its facts, is authority against dismissal. There, the appellant committed “numerous violations of the Rules,” including a non-compliant initial brief and an insufficient designation of matter. The Supreme Court observed that it “would be completely justified in dismissing this appeal,” yet expressly “decline[d] to do so,” and instead afforded the

appellant fifteen days to serve and file a conforming brief. *Id.* If numerous, substantive briefing violations did not warrant dismissal in *Henning*, a single, curable delay in serving the Record on Appeal—promptly addressed once the Court raised it—does not warrant dismissal here. The settled preference of our appellate courts is to reach the merits where a default is curable and no prejudice has resulted.

B. The Court’s May 15, 2026 directive was timely answered; the ten-day period ran through May 26, 2026.

Respondent repeatedly asserts that the Court “gave them ten days to cure their default” and that “they failed to do so.” That assertion is incorrect. The Court’s letter issued Friday, May 15, 2026. Under Rule 263(a), SCACR, “the day of the act, event, or default after which the designated period of time begins to run is not to be included,” and “[t]he last day of the period so computed is to be included, unless it is a Saturday, Sunday or a State or Federal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor such holiday.” Excluding May 15 and counting ten days, the tenth day falls on Monday, May 25, 2026—Memorial Day, a state and federal holiday. The period therefore ran through the next business day, Tuesday, May 26, 2026. The filings made on May 26, 2026 were timely, submitted on the last day the Rules allowed. Respondent’s contention that Appellants “failed” to act within the time the Court permitted cannot be reconciled with Rule 263(a).

C. Respondent identifies no prejudice—and her own filing establishes there is none.

Dismissal is a sanction addressed to prejudice and to disregard of the appellate process, not to delay in the abstract. Respondent does not contend that any delay in serving the Record on Appeal has impaired her ability to defend the judgment, shortened her time to brief, or denied her access to any document. To the contrary, Respondent’s own motion represents that “[a]ll the items

to be included in the Record on Appeal under the Appellants' and the Respondent's designations are transcripts already in the Appellants' possession or are documents available to them through the trial court records portal of the Judicial Branch website or through the clerk of the Saluda County Court of Common Pleas." If those materials are equally available to all parties and to the Court—as Respondent represents—then the brief delay in formally serving the assembled Record has prejudiced no one. The absence of prejudice is itself good cause to permit the cure rather than to dismiss the appeal.

D. Dismissal under Rule 260(a) is reserved; permitting a prompt cure is the appropriate course.

Rule 260(a), SCACR, provides that an appeal dismissed for non-compliance "shall not be reinstated except by leave of the court, upon good cause shown." The good-cause standard that governs reinstatement equally informs whether dismissal should issue in the first instance, where—as here—the Court has not entered an order of dismissal but has instead afforded an opportunity to be heard. Good cause exists. Appellant is self-represented; prior counsel was relieved during the pendency of this appeal; and Appellant moved promptly, within the time the Court allowed, once the deficiency was identified. Appellant does not contend that co-Appellant Price's incarceration on May 4, 2026 excuses the April 30 deadline, which had already passed; it is noted only as part of the circumstances bearing on good cause and on the diligence of the response to the Court's May 15 directive. Appellant stands ready to serve the Record on Appeal and file a conforming proof of service immediately upon the Court's leave. Where the defect is curable and the cure is offered, dismissal is not warranted.

E. The pro se standard does not compel dismissal.

Respondent is correct that *pro se* litigants are held to the same procedural standards as licensed attorneys. See *State v. Burton*, 356 S.C. 259, 589 S.E.2d 6 (2003); *McCall v. A-T-O, Inc.*,

276 S.C. 143, 276 S.E.2d 529 (1981). Appellant accepts that standard and asks for nothing less and nothing more. But the same standard cuts both ways: a represented party who missed the Record deadline, sought leave within the Court's cure period, and offered to serve forthwith—with no resulting prejudice—would ordinarily be permitted to cure under the merits-preference principles of *Henning*. Appellant seeks only the treatment the Rules afford any litigant in that position.

II. The “Proof of Service of Record on Appeal” Should Not Be Stricken.

Respondent moves to strike the document titled “Proof of Service of Record on Appeal” on the ground that it recites a service date “to be entered” and therefore does not document completed service. Appellant acknowledges that the Record on Appeal had not yet been served when that document was filed, and that it was submitted as a statement of intent to serve—and a placeholder to be completed upon service—not as a representation that service had already occurred. To the extent the title is inapt, the remedy is correction, not striking. Appellant will serve the Record on Appeal and file a properly completed proof of service reflecting the actual date of service immediately upon the Court's leave. Striking the document accomplishes nothing where it is not relied upon as proof of completed service and where a conforming proof will follow.

As to the embedded “Statement Regarding the Record on Appeal,” Appellant clarifies that the Record may not include matter outside the parties' designations or matter not presented to the lower court. *See* Rule 210(c), SCACR. To the extent any language suggested otherwise, Appellant does not advance it. The Record on Appeal will comprise only the items properly designated by the parties under Rule 209, SCACR.

III. The Amended Motion to Supplement Is Limited Accordingly.

Appellant recognizes the constraints of Rule 210(c), SCACR, which excludes from the Record matter that was not presented to the lower court. Appellant therefore does not press for inclusion of materials in Groups B, C, D, and E to the extent those materials were not before the circuit court when it entered the order on appeal. As to Group A, Appellant accepts Respondent's representation that items A-1 through A-4 have already been designated in Respondent's Designation of Matter, which renders their separate inclusion unnecessary. Appellant does not, by this Return, relitigate the closing date reflected in the recorded deed. The Amended Motion to Supplement should be understood as limited accordingly, and the principal relief sought is the opportunity to serve the Record and proceed to the merits of the appeal.

IV. The Court Should Decline Respondent's Invitation to Adjudicate Unauthorized Practice of Law.

Respondent does not move for relief on the ground of unauthorized practice of law; she asks only that the Court "consider whether" Appellants are engaged in it. The Court should decline that invitation.

First, Appellant Holmwood appears in this matter solely on her own behalf. She is a named party to this action—a plaintiff below and an appellant here—with an individual, direct interest in the property dispute underlying the appeal, and she exercises the recognized right of a litigant to represent herself. This Return is submitted and signed by Appellant Holmwood personally. Co-Appellant Price submits a separate Return, signed by him. Neither Appellant represents the other, and neither purports to appear as attorney for the other.

Second, two parties to a single action who each proceed *pro se*, and who each submit and sign their own filings, are not—by reason of their shared interest in the appeal or their coordination as co-parties—engaged in the unauthorized practice of law.

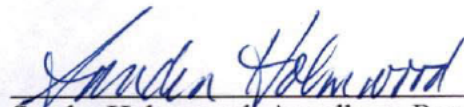
Third, the determination of what constitutes the unauthorized practice of law is reserved to the Supreme Court of South Carolina. By statute, the conduct that is the subject of any charge “must have been defined as the unauthorized practice of law by the Supreme Court of South Carolina prior to any charge being filed.” S.C. Code Ann. § 40-5-310. A passing request that this Court “consider” the question, made in a return to motions in a civil appeal, is not the vehicle through which such a determination is made, and Respondent identifies no conduct previously defined by the Supreme Court as unauthorized practice that would apply to co-parties prosecuting their own appeal.

Fourth, even if a concern existed, the remedy would not be dismissal of a properly-appearing party’s appeal. At most, the Court would require each Appellant to sign and adopt his or her own filings—which, by these separate Returns, each Appellant has now done.

Conclusion

For the foregoing reasons, Appellant respectfully requests that the Court: (1) deny Respondent’s Motion to Dismiss the Appeal; (2) deny Respondent’s Motion to Strike the “Proof of Service of Record on Appeal”; (3) grant the pending Motion for Permission to File the Proof of Service of the Record on Appeal outside the deadlines set by the Rules; (4) afford a date certain by which to serve the Record on Appeal and file a conforming proof of service; and (5) decline Respondent’s invitation to find that Appellant has engaged in the unauthorized practice of law.

Respectfully submitted,


Sandra Holmwood, Appellant, *Pro Se*
1721 Pinewood Drive
Columbia, South Carolina 29205

Dated: June 17, 2026
Saluda, South Carolina

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I served a true and correct copy of the foregoing *Appellant Sandra Holmwood's Return in Opposition to Respondent's Motion to Strike and Motion to Dismiss Appeal* upon counsel for Respondent by United States mail, first-class postage prepaid, and/or by electronic service as permitted by Rule 262, SCACR, addressed as follows:

Christian G. Spradley, Esquire
Moore Bradley Myers Law Firm, PA
110 South Main Street
Saluda, South Carolina 29138
Attorney for Respondent


Sandra Holmwood, pro se

Dated: June 17, 2026

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