

**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, pro se
and Hugh Parks Price, pro se
Appellants,

v.

LISA MOLSTAD,
Respondent.

APPELLANTS' RETURN TO RESPONDENT'S MOTION TO DISMISS APPEAL

Appellants Sandra Holmwood and Hugh Parks Price, both appearing *pro se*, respectfully submit this Return in opposition to Respondent's Motion to Dismiss Appeal, served on or about June 4, 2026, and refiled as a separate motion pursuant to the Court's letter of June 8, 2026. This Return is filed within ten (10) days of service of the refiled motion as required by Rule 240(e), SCACR. For the reasons set forth below, the Motion should be denied, Appellants' pending Motion for Permission to File Proof of Service of Record on Appeal Outside the Deadlines (filed May 26, 2026) should be granted, and the Court should set a date certain for service of the Record on Appeal.

I.

APPELLANTS' MAY 26 FILINGS WERE TIMELY UNDER THE COURT'S MAY 15, 2026 DIRECTIVE AND RULE 263(a), SCACR

The centerpiece of Respondent's Motion is the assertion that, after the Court's letter of May 15, 2026 directed Appellants to file a proof of service "within ten days, along with a motion

requesting permission to file outside the deadlines,” Appellants “did not do so.” That assertion is incorrect as a matter of arithmetic and of rule.

Under Rule 263(a), SCACR, in computing any period of time prescribed by the Rules or by order, the day of the act or event from which the period begins to run is not included, and the last day of the period is 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.” Ten days from the Court’s May 15, 2026 letter expired on Monday, May 25, 2026. May 25, 2026 was Memorial Day — a state and federal holiday. The period therefore ran to Tuesday, May 26, 2026. On that very day, Appellants filed all three responsive documents: (1) the Motion for Permission to File Proof of Service of Record on Appeal Outside the Deadlines Set by Rules 208 and 240, SCACR; (2) the Proof of Service of Record on Appeal; and (3) the Amended Motion to Supplement the Record on Appeal. Respondent’s own Motion concedes that all three documents were filed on May 26, 2026.

Appellants thus did precisely what the Court’s May 15 letter instructed, on precisely the day the Rules allowed. The premise that Appellants ignored the Court’s cure directive — the foundation on which the entire Motion to Dismiss rests — fails on the face of the calendar.

II.

THE MISSTATED DEADLINE WAS A GOOD-FAITH MISCALCULATION BY LAY LITIGANTS, NOT A MISREPRESENTATION

Respondent devotes much of the Motion to the accusation that Appellants “lied” by stating in their May 26 motion that the Record on Appeal was due May 12, 2026, when the correct deadline under Rule 210(a), SCACR was April 30, 2026 (thirty days after Respondent’s initial brief was served and filed on March 31, 2026). Appellants acknowledge the correct computation

and correct the record: the thirty-day period under Rule 210(a) expired April 30, 2026. The May 12 date stated in the motion was an erroneous lay computation, not a deception.

Two points demonstrate good faith. First, the error gained Appellants nothing. Whether the deadline was April 30 or May 12, it had passed before the May 26 filings, and the May 26 motion openly sought permission to comply outside the deadline — a request that presupposes, and candidly admits, noncompliance. A litigant attempting to deceive the Court about a deadline does not simultaneously file a motion confessing the deadline was missed and asking leave to cure. Second, the same motion correctly recited the governing standard — thirty days after service of the last brief — and simply miscounted from it. An arithmetic error visible on the face of one's own filing is the signature of a mistake, not a scheme. Honest error in computing time is an experience not unknown even to counsel; indeed, Respondent's own Motion to Dismiss refers to "the ten days allowed by the Court's letter of May 15, 2006" — a date twenty years off — an obvious typographical slip that Appellants do not characterize as a misrepresentation, because it plainly is not one. Appellants ask only the same measure of charity for their own miscount.

III.

APPELLANT PRICE'S MAY 4, 2026 INCARCERATION IS DIRECTLY RELEVANT TO THE CURE PERIOD THE COURT ITSELF OPENED

Respondent argues that Appellant Price's incarceration on May 4, 2026 cannot excuse a deadline that expired April 30, 2026. But this argument attacks a position Appellants need not take. The operative compliance window at issue in Respondent's Motion is not the original April 30 deadline; it is the ten-day cure period the Court opened by its May 15, 2026 letter — a period that ran from May 15 through May 26, 2026. Appellant Price was incarcerated throughout that entire period, and he remains in custody as of the filing of this Return, without access to the case file, documents, or copying facilities necessary to assemble a Record on Appeal. His incarceration

deprived the Appellants of his participation in assembling, copying, and serving the Record on Appeal — a substantial physical and logistical undertaking — during the exact window in which the Court directed that the default be cured. The incarceration is therefore squarely relevant to the relief sought in the May 26 motion: permission to complete service of the Record on Appeal outside the original deadline.

Respondent's rhetoric — “bogus,” “fabricated,” “premised upon a lie” — substitutes invective for analysis. Appellants' good-faith showing is straightforward: their counsel withdrew in December 2025; they assumed the appeal themselves; they litigated the substitution of their own initial brief (which this Court granted by order dated March 5, 2026); they miscalculated the Record on Appeal deadline; and when the Court issued its May 15 directive, the co-appellant principally responsible for document preparation was in custody. They nonetheless responded within the time the Rules allowed. That is the conduct of litigants attempting to comply, not litigants attempting to deceive.

IV.

THE PROOF OF SERVICE DOCUMENT WAS A TRANSPARENT, GOOD-FAITH ATTEMPT TO COMPLY WITH THE COURT'S LETTER

Respondent brands the May 26 “Proof of Service of Record on Appeal” a “sham document.” The document's own face refutes the charge. As Respondent concedes, it left the date of service blank with a notation that the date “will be entered” — an open disclosure that service of the Record had not yet occurred and would follow upon the Court's ruling on the accompanying motion for permission. A sham conceals; this document disclosed. Appellants, reading the Court's May 15 letter literally — that “the proof of service must be filed within ten days, along with a motion requesting permission to file outside the deadlines” — filed both items the letter named, in the only form lay litigants could: the motion seeking leave, and the proof-of-service form prepared

for completion upon service. The proper response to an imperfect but candid filing by pro se litigants is to rule on the accompanying motion, not to dismiss the appeal.

V.

**DISMISSAL IS A DISPROPORTIONATE REMEDY WHERE APPELLANTS
INVOKED THE EXACT MECHANISM THE RULES AND THE COURT PROVIDED**

Appellants do not quarrel with the authorities Respondent cites holding that pro se litigants are bound by the same procedural rules as counsel. *See, e.g., Henning v. Kaye*, 307 S.C. 436, 415 S.E.2d 794 (1992); *State v. Burton*, 356 S.C. 259, 589 S.E.2d 6 (2003). But those authorities cut in Appellants' favor here, because the Rules themselves supply the remedy Appellants invoked. *Henning* teaches that the Appellate Court Rules "provide the parties and this Court with an orderly mechanism through which to guide appeals." Rule 240, SCACR — expressly cited in the Court's May 15 letter procedure — is part of that orderly mechanism: it exists precisely so that a party who has missed a deadline may seek leave. Appellants used it, timely. Holding the same procedural rules against pro se litigants must include honoring the relief those rules make available when the litigants properly invoke it.

Nor does Rule 260(a), SCACR compel dismissal. The reinstatement standard Respondent quotes — "upon good cause shown" — governs reinstatement after a clerk's order of dismissal has issued; no such order has issued here, because Appellants responded to the Court's directive within time. The question before the Court is the forward-looking one presented by Appellants' May 26 motion: whether to permit service of the Record on Appeal on a date certain. Granting that motion costs Respondent nothing she can articulate — the Motion identifies no prejudice whatsoever from the delay, and the designated record consists, by Respondent's own description, of transcripts already in the parties' possession and documents available through the trial court's public records portal. Dismissal, by contrast, would extinguish the appellate rights of two litigants

on procedural grounds in a case fully briefed on the merits by both sides. Where the choice is between a short, harmless extension and the forfeiture of an appeal, the orderly mechanism of the Rules favors the extension.

Finally, the merits of this appeal are genuinely and substantially contested — by Respondent herself. Respondent’s own June 4, 2026 filing advances affirmative factual assertions on disputed questions central to the underlying judgment, including the assertion that the closing at issue occurred on May 31, 2023, and characterizes Appellants’ contrary account as untrue. [June 4 Filing at ____.] Whatever the ultimate resolution of those disputes, their existence — pressed in Respondent’s own papers — confirms that this appeal presents real, contested questions deserving of decision on the merits. An appeal that even the respondent litigates as factually disputed should not be extinguished on a procedural default that Appellants timely moved to cure.

VI.
THE UNAUTHORIZED-PRACTICE INSINUATION IS MERITLESS, AND ANY
SIGNATURE DEFICIENCY IN THE MAY 26 FILINGS IS HEREBY CURED

Respondent asks the Court to “consider whether” the Appellants — a mother and son who are co-parties prosecuting their own joint appeal — are engaged in the unauthorized practice of law because their jointly filed motions describe mutual assistance. The suggestion answers itself. Neither Appellant represents the other; each is a named party to this appeal, each is a moving party on the May 26 motions, and each acts on his or her own behalf. Co-parties may confer, divide labor, and assist one another in preparing their joint filings without either “representing” the other, just as co-defendants represented by no one routinely do. The unauthorized practice of law concerns appearing for, or filing on behalf of, a person who is not oneself — not collaboration between two pro se parties on documents filed in both their names.

To the extent any of the three May 26 documents lacked the signature of Appellant Price, the omission is cured: Appellant Price hereby expressly adopts and ratifies each of the three documents filed May 26, 2026 as his own filing, and both Appellants have signed this Return below. Appellants further stand ready to refile conformed, dually signed copies of the May 26 documents within any period the Court directs.

CONCLUSION

For the foregoing reasons, Appellants respectfully request that the Court: (1) deny Respondent's Motion to Dismiss Appeal; (2) grant Appellants' Motion for Permission to File Proof of Service of Record on Appeal Outside the Deadlines, filed May 26, 2026; (3) order that the Record on Appeal be served, and a conforming proof of service filed, within fourteen (14) days of the Court's order, or such other date certain as the Court deems just; and (4) grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

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POA

Dated: June 12, 2026

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of June, 2026, I served a true and correct copy of the foregoing Appellants' Return to Respondent's Motion to Dismiss Appeal upon counsel for Respondent by United States mail, first-class postage prepaid, addressed as follows: Christian G. Spradley, Moore Bradley Myers Law Firm, P.A., 110 South Main Street, Saluda, South Carolina 29138.



Sandra Holmwood, pro se Appellant

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