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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Circuit Court Judge
Supreme Court Case No. 2026-001169
Appellate Case No. 2025-001142
Circuit Court Case No. 2019-CP-07-02279

Wilmington Savings Fund Society, FSB, not in its individual capacity, but solely as owner trustee
for CSMC 2018-RPL6 Trust, and CSMC 2018-RPL6 Trust.....Respondents,

v.

Rex A. Field and Tracy L. Field, Petitioners

v.

Federal National Mortgage Association (Fannie Mae), Wilmington Savings Fund Society, FSB
(in its individual capacity), Christiana Trust Company of Delaware, DLJ Mortgage Capital, Inc.,
and Unknown Defendants 1-10,Third Party Defendants,

of which Federal National Mortgage Association (Fannie Mae), Wilmington Savings Fund
Society, FSB (in its individual capacity), Christiana Trust Company of Delaware, and DLJ
Mortgage Capital, Inc.are Respondents.

**PETITIONERS' REPLY TO RESPONDENTS' RETURN
TO PETITION FOR WRIT OF CERTIORARI**

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INTRODUCTION

Petitioners, Rex A. Field and Tracy L. Field, pro se, respectfully submit this Reply to Respondents' Return filed June 19, 2026. The Return mischaracterizes the record, ignores this Court's controlling unanimous decision in *Swing v. Swing*, 445 S.C. 340, 914 S.E.2d 158 (2025), and fails to rebut the independently sufficient grounds for certiorari under SCACR Rule 242(b). This Reply presents a single, independently sufficient question of first impression of paramount statewide importance: whether the Court of Appeals retains any residual, ancillary, or inherent authority to issue substantive, binding post-dismissal directives after it has correctly dismissed a premature appeal and disclaimed jurisdiction under *Hudson v. Hudson* and *Elam v. S.C. Dep't of Transp.* Because *Swing v. Swing* makes the automatic tolling effect of a timely Rule 59(e) motion unmistakable, the Court of Appeals' March 11 and April 22, 2026 Orders are ultra vires acts and legal nullities.

The May 7, 2025 Order and the May 7, 2025 Form-4 Order are ***not*** final orders, subject to the pending timely Rule 59(e) motions filed May 19, 2025, and May 20, 2025, respectively, the pending recusal reconsideration motions, and the pending Rule 60(b)(4) Motion filed August 8, 2025 challenging cascading jurisdictional voids from the void October 17, 2019 Order of Reference. The Court of Appeals' restrictive "solely" limitation on remand purports to cabin the circuit court's retained jurisdiction under Rule 59(f) and Article V, § 11 even as to these other pending motions. This creates an irreconcilable conflict with *Swing v. Swing*.

No South Carolina appellate decision has analyzed the precise scope of an appellate court's power after correctly disclaiming jurisdiction over a premature appeal and then issuing substantive post-dismissal directives that purport to bind the lower court. Recent 2026 authority confirms that South Carolina courts strictly enforce constitutional allocations of judicial power.

See Butts v. Mace (consolidated with *Brown v. Young*), Op. No. 28331 (S.C. May 13, 2026) (Verdin, J.). This issue carries enormous practical consequences for every civil litigant, particularly pro se parties.

RESPONSE TO RESPONDENTS' COUNTERSTATEMENT OF QUESTIONS PRESENTED

Respondents' reframing attempts to convert a novel jurisdictional and separation-of-powers question into a routine premature-appeal dismissal. The orders under review consist of the March 11, 2026 Order, which imposed a mandatory "solely" limitation, prohibited record reconstruction, and labeled such relief "extraordinary", together with the April 22, 2026 three-judge panel order denying rehearing and adding a contradictory footnote regarding Rule 60(b)(4) motion. Petitioners challenge the Court of Appeals' creation of an irreconcilable procedural trap.

Question 1 - Petitioners agree the Court of Appeals correctly dismissed the appeal as premature. The novel question is whether, after correctly determining it lacked jurisdiction and expressly disclaiming that jurisdiction, the Court of Appeals retained any residual authority to issue substantive, binding limitations on the circuit court's retained jurisdiction under Rule 59(f) and *Swing v. Swing*, particularly when those limitations prohibit record reconstruction, cabin remand "solely" to one motion, and are followed by a contradictory footnote. No cited authority authorizes this unprecedented combination. The post-dismissal directives are ultra vires under *Steel Co. v. Citizens for a Better Environment*, *Kokkonen v. Guardian Life Ins. Co. of America*, *Limehouse v. Hulsey*, and Rule 260(a).

Questions 2 and 3 - The "special and important reasons" arise from the novel jurisdictional question itself and the internal inconsistency within the Court of Appeals. The March 11 single-judge order and April 22 three-judge panel order are irreconcilable. This lack of uniformity

makes this Court's supervisory guidance essential. The foundational jurisdictional defect and defective OWL record are properly before this Court precisely because the Court of Appeals addressed, and restricted, them in the orders under review.

**RESPONDENTS' COUNTERSTATEMENT OF THE CASE (SECTIONS A–G) IS
IRRELEVANT, IMPROPER, AND SHOULD BE DISREGARDED**

Respondents decision to devote the overwhelming majority of their Return to a lengthy, selective, and misleading narrative concerning events from 2005 through 2021, rather than addressing the actual legal questions speaks volumes about the weakness of their position. These matters are irrelevant to the narrow jurisdictional and procedural questions properly before this Court. This Court's review is limited to whether the Court of Appeals' March 11 and April 22, 2026 Orders are legal nullities and whether they created an irreconcilable procedural trap. Historical details regarding the alleged 2005 promissory note, the purported 2012 foreclosure action, the 2021 jury-demand ruling, and Petitioners' alleged prior litigation conduct have *no* bearing on those questions. Petitioners expressly reject as false, speculative, and improper any characterization that they acted "seemingly strategically" or "manufactured" delay tactics. The prematurity of the appeal was created by operation of law under this Court's unanimous decision in *Swing v. Swing* and Rule 59(f) when Petitioners timely filed their Rule 59(e) Motion on May 19, 2025. Accusing pro se litigants of bad faith for complying with this Court's precedent is not advocacy. More fundamentally, Respondents' narrative is affirmatively contradicted by the record. On August 26, 2021, the Honorable Robert Bonds Order *denied* Respondents' May 5, 2021 Motion for Summary Judgment as to their foreclosure cause of action. Also, Judge Bonds *denied in its entirety* Respondents' April 9, 2021 Motion to Dismiss Petitioners' Second Amended Answer, Counterclaims, and Third-Party Claims (which argued res judicata, collateral

estoppel, Rule 8(a) deficiencies, lack of merit in note theories), ***granted*** Petitioners' Motion to Amend (Second Amended Pleading), and ordered ongoing discovery. This directly refutes any suggestion that the claims were already litigated and that Respondents' attempts to end this case summarily were rejected or that they lacked merit.

Petitioners preserve all claims, counterclaims, third-party claims, and defenses. They do not waive any rights by this Reply or by the filing of the Notice of Appeal. The foundational 2019 jurisdictional defect and the defective OWL record are ***properly before this Court*** because the Court of Appeals specifically addressed, and restricted, record reconstruction and Rule 60(b)(4) relief in the orders under review.

Respondents' speculative, conclusory, and disparaging statements in Sections A–G are irrelevant to the questions presented and should be disregarded in their entirety.

ARGUMENT

I. RESPONDENTS ARE WRONG: THE PETITION PRESENTS A NOVEL QUESTION OF FIRST IMPRESSION – THE COURT OF APPEALS LACKED AUTHORITY TO ISSUE SUBSTANTIVE POST-DISMISSAL DIRECTIVES AFTER DISCLAIMING JURISDICTION

Respondents argue there is "no novel question" because appellate courts routinely dismiss premature appeals and issue limiting remand instructions. This fundamentally misapprehends the actual question presented.

It is common and proper for an appellate court to dismiss a premature appeal under *Hudson* and *Elam* and to remand for the pending Rule 59(e) motion. *Wicker v. Anderson County Council*, 289 S.C. 479, 347 S.E.2d 96 (1986), and the mandate-rule cases support that routine procedure. Those authorities are not in dispute.

The novel question, never addressed in any South Carolina decision, is this: When an appellate court has correctly determined it lacks jurisdiction over a premature appeal and has expressly disclaimed that jurisdiction under *Hudson* and *Elam*, does it retain any residual, ancillary, or inherent authority to issue substantive, binding limitations on what the circuit court may do with its retained jurisdiction under Rule 59(f) and *Swing v. Swing*, particularly when those limitations (1) prohibit record reconstruction, (2) purport to cabin the remand "solely" to one pending motion, and (3) are followed by a contradictory footnote suggesting a Rule 60(b)(4) motion on foundational jurisdictional voids remains available?

Respondents' Argument I rests on a false premise. It deliberately conflates routine limited remands with the unprecedented combination of substantive, binding post-dismissal directives issued after the Court of Appeals correctly determined it lacked jurisdiction and expressly disclaimed that jurisdiction. The Court of Appeals did not merely "explain the limited procedure of remand." It issued mandatory limitations on the circuit court's retained jurisdiction under Rule 59(f) and *Swing v. Swing* after correctly applying *Hudson* and *Elam* and disclaiming jurisdiction. That distinction is critical.

The principle that "when [jurisdiction] ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause" (*Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 94 (1998)) and *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375 (1994), confirm that ancillary jurisdiction does not authorize post-dismissal substantive directives on matters separate from the original jurisdictional determination. *Limehouse v. Hulsey*, 404 S.C. 93, 744 S.E.2d 566 (2013), and *Smith v. Ocean Lakes Family Campground*, 315 S.C. 379, 433 S.E.2d 909 (Ct. App. 1993), establish that when an order is entered without

authority, it is a nullity, and the appellate court's only function is dismissal; power returns to the circuit court. The Court of Appeals' post-dismissal directives violate these principles.

The March 11, 2026 single-judge order used mandatory language limiting remand "solely" to the Rule 59(e) motion and expressly prohibited record reconstruction. The April 22, 2026 three-judge panel order then added a footnote stating the Court "does not preclude" a Rule 60(b)(4) motion on remand. These irreconcilable directives left Petitioners and the circuit court with no clear path. This internal inconsistency, issued after the Court of Appeals correctly determined it lacked jurisdiction, is unprecedented in South Carolina law and violates due process.

Respondents' reliance on Rule 205 (exclusive jurisdiction over the appeal) misses the point.

Once the Court of Appeals correctly determined the appeal was premature and disclaimed jurisdiction under *Hudson* and *Elam*, its authority ended except for the ministerial act of dismissal and remittitur under Rule 260(a). It had no residual power to attach substantive limitations on the circuit court's retained jurisdiction under *Swing v. Swing* and Rule 59(f).

At bottom, Respondents' Argument I is a defense of routine limited remands. It does not address, and therefore does not defeat, the novel question of whether an appellate court that has correctly disclaimed jurisdiction may issue the specific combination of substantive, binding limitations present here.

II. RESPONDENTS' ARGUMENT II IS IRRELEVANT: ABSENCE OF A FORMAL DISSENT DOES NOT PRECLUDE CERTIORARI

Respondents argue that the absence of a dissent in the Court of Appeals weighs against granting certiorari. This argument misreads SCACR Rule 242(b).

SCACR Rule 242(b) lists several non-exclusive factors the Court may consider when deciding whether "special and important reasons" exist for certiorari, including novel questions of law, a

dissent in the Court of Appeals, conflicts with precedent, substantial constitutional issues, and conflicts with United States Supreme Court authority on federal questions. These factors are guideposts, not strict requirements. The absence of a formal dissent does not preclude certiorari when other compelling factors are present, and they are overwhelmingly present here.

Moreover, while there is no formal written dissent, the record reveals a clear lack of uniformity within the Court of Appeals itself. The March 11, 2026 Order was issued by a single judge. The April 22, 2026 Order was issued by a three-judge panel. The internal conflict between these two orders, and the contradictory footnote within the three-judge panel order itself, demonstrates that the Court of Appeals is not speaking with one voice on these important jurisdictional and procedural issues. This lack of uniformity serves a similar function to a dissent: it signals that the intermediate appellate court is divided or uncertain on significant questions, making this Court's supervisory guidance necessary.

The novel jurisdictional question presented is independently sufficient under Rule 242(b)(1). The substantial constitutional issues independently satisfy Rule 242(b)(4). The conflict with this Court's precedent in *Swing v. Swing* and *Limehouse v. Hulsey* independently satisfies Rule 242(b)(3). The conflict with United States Supreme Court authority in *Steel Co.*, *Kokkonen*, *Mullane*, *Logan*, and *Griffin v. Illinois* independently satisfies Rule 242(b)(5). When these factors are viewed together with the internal inconsistency within the Court of Appeals itself, the case for certiorari is compelling.

III. RESPONDENTS' ARGUMENT III FAILS: THE COURT OF APPEALS' ORDERS CONFLICT WITH CONTROLLING PRECEDENT

While the Court of Appeals correctly applied *Hudson* and *Elam* to dismiss the premature appeal, its post-dismissal directives directly conflict with this Court's controlling precedent in *Swing v.*

Swing, Limehouse v. Hulsey, and *Smith v. Ocean Lakes Family Campground*. These authorities establish that once an appellate court correctly determines it lacks jurisdiction and disclaims that jurisdiction, its authority ends. Any attempt to issue substantive, binding limitations on the circuit court's retained jurisdiction after that point is ultra vires and a legal nullity.

In *Smith v. Ocean Lakes Family Campground*, the Court of Appeals held that when an order is entered without authority, it is a nullity, and the appellate court's only function is to dismiss the appeal; power returns to the circuit court. The March 11 single-judge order's mandatory "solely" limitation and express prohibition on record reconstruction, followed by the April 22 three-judge panel order's contradictory footnote, violate this fundamental principle.

This Court's unanimous decision in *Swing v. Swing* further confirms that a timely Rule 59(e) motion automatically tolls the appeal clock and preserves the circuit court's retained jurisdiction under Rule 59(f). The Court of Appeals' post-dismissal "solely" limitation directly encroaches on that retained jurisdiction and conflicts with *Swing*.

In *Limehouse v. Hulsey*, this Court held that an appellate court that lacks jurisdiction has no power to issue substantive orders affecting the rights of the parties. The Court of Appeals' attempt to limit the circuit court to a single issue on remand while simultaneously adding a contradictory footnote regarding Rule 60(b)(4) relief violates this rule.

Recent authority from this Court reinforces strict separation of powers. In *Butts v. Mace* (consolidated with *Brown v. Young*), this Court emphasized that judicial power is allocated by the Constitution and that one court may not encroach upon the jurisdiction properly retained by another. The Court of Appeals' post-dismissal directives encroach on the circuit court's retained jurisdiction under Rule 59(f) and Article V, § 11 of the South Carolina Constitution. This independently satisfies Rule 242(b)(3).

IV. RESPONDENTS' ARGUMENT IV FAILS: SUBSTANTIAL CONSTITUTIONAL ISSUES ARE DIRECTLY INVOLVED

The Court of Appeals' post-dismissal directives created an irreconcilable procedural trap that directly violates due process and separation-of-powers principles. This trap is not theoretical — it has concrete, immediate consequences for Petitioners' ability to obtain meaningful appellate review and to litigate pending threshold motions challenging foundational jurisdictional voids. The constitutional violations are compounded by the fact that the trap was created by the very court that correctly determined it lacked jurisdiction over the premature appeal.

The procedural trap directly implicates due process under *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), and *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982). The contradictory directives, the March 11 single-judge order limiting remand "solely" to one motion while prohibiting record reconstruction, followed by the April 22 three-judge panel order adding a footnote suggesting Rule 60(b)(4) relief remains available, left Petitioners with no clear, meaningful path to adjudicate their pending motions or to obtain a usable record. This is the antithesis of the meaningful opportunity to be heard guaranteed by due process.

The trap also violates separation-of-powers principles under Article V of the South Carolina Constitution. In *Butts v. Mace* (consolidated with *Brown v. Young*), this Court reaffirmed that judicial power is strictly allocated by the Constitution and that one court may not encroach upon the jurisdiction properly retained by another. The Court of Appeals' post-dismissal "solely" limitation and prohibition on record reconstruction encroach on the circuit court's retained jurisdiction under Rule 59(f) and Article V, § 11.

Petitioners, as pro se litigants in a complex civil case involving homestead property interests, are entitled to heightened judicial solicitude and procedural protections. *Haines v. Kerner*, 404 U.S.

519 (1972); *Hughes v. Rowe*, 449 U.S. 5 (1980); *Simmons v. Simmons*. The procedural trap created by the Court of Appeals is particularly pernicious for pro se litigants who lack the resources and expertise to navigate contradictory appellate directives while simultaneously litigating pending Rule 60(b)(4) and Rule 59(e) motions in the circuit court.

The defective OWL digital record independently violates due process. Meaningful appellate review is impossible without a reliable record. *Griffin v. Illinois*, 351 U.S. 12 (1956). The South Carolina Supreme Court itself acknowledged systemic court reporting failures in its March 20, 2026 Administrative Order creating the Court Reporter Advisory Committee. Reconstruction of the record under SCRCP Rule 607 is a routine, well-established procedure, not an "extraordinary" remedy as the Court of Appeals suggested. Denying Petitioners the opportunity to reconstruct the defective OWL record while simultaneously prohibiting them from pursuing their pending Rule 60(b)(4) motion creates a perfect storm of constitutional violations that satisfies Rule 242(b)(4).

V. RESPONDENTS' ARGUMENT V FAILS: THERE IS DIRECT CONFLICT WITH DECISIONS OF THE UNITED STATES SUPREME COURT

The Court of Appeals' actions, particularly the creation of an irreconcilable procedural trap through contradictory post-dismissal directives while disclaiming jurisdiction, directly conflict with multiple controlling decisions of the United States Supreme Court. In *Steel Co. v. Citizens for a Better Environment*, the United States Supreme Court held that "when [jurisdiction] ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause." The Court of Appeals correctly determined it lacked jurisdiction over the premature appeal under *Hudson* and *Elam* and disclaimed that jurisdiction. Having done so, it had no remaining authority to issue substantive, binding limitations on the circuit court's retained

jurisdiction or to prohibit routine record reconstruction. The March 11 single-judge order and the April 22 three-judge panel order violate this fundamental jurisdictional principle.

In *Kokkonen v. Guardian Life Ins. Co. of America*, the United States Supreme Court held that ancillary jurisdiction does not authorize post-dismissal directives on matters separate from the original jurisdictional determination. Once the Court of Appeals correctly disclaimed jurisdiction, it had no ancillary or inherent authority to attach substantive limitations on the circuit court's retained jurisdiction under Rule 59(f) or to dictate whether record reconstruction could occur. The post-dismissal directives exceed any permissible ancillary jurisdiction and conflict with *Kokkonen*.

In *Mullane* and *Logan*, the United States Supreme Court established that due process requires notice and a meaningful opportunity to be heard. The Court of Appeals' contradictory directives left Petitioners with no clear, meaningful path to adjudicate their pending motions or to obtain a usable record. This procedural trap denies the meaningful opportunity to be heard guaranteed by *Mullane* and *Logan*.

In *Griffin v. Illinois*, the United States Supreme Court held that meaningful appellate review requires a reliable record. The defective OWL digital record denies meaningful appellate review. The South Carolina Supreme Court itself acknowledged systemic court reporting failures in its March 20, 2026 Administrative Order creating the Court Reporter Advisory Committee. Reconstruction under SCRCR Rule 607 is a routine, well-established procedure. The Court of Appeals' suggestion that such reconstruction is "extraordinary" and its prohibition on reconstruction conflict with *Griffin* and with fundamental due process principles.

VI. RESPONDENTS' ARGUMENT VI FAILS: THE DEFECTIVE OWL RECORD AND FOUNDATIONAL JURISDICTIONAL DEFECT ARE PROPERLY BEFORE THIS COURT

The orders under review created a procedural trap that blocks adjudication of the pending Rule 60(b)(4) motion and record reconstruction. This trap is not accidental, it is the direct result of the Court of Appeals issuing substantive post-dismissal directives after it had correctly determined it lacked jurisdiction. The foundational jurisdictional defect in the October 17, 2019 Order of Reference is therefore properly before this Court on certiorari review.

The October 17, 2019 Order of Reference was entered before commencement under the then-applicable version of SCRCP Rule 3(a), before service of process on October 22, 2019, without notice, and without consent. Under *McDaniel v. U.S. Fid. & Guar. Co.*, 324 S.C. 639, 478 S.E.2d 868 (Ct. App. 1996), an order entered before the action is commenced is void ab initio. *Smith v. Ocean Lakes Family Campground and Steel Co. v. Citizens for a Better Environment*, confirm that when an order is entered without authority, it is a legal nullity. Because the October 17, 2019 Order of Reference is void ab initio, every subsequent order in the case, including the May 7, 2025 orders under review, is infected by the same nullity and remains subject to collateral attack under Rule 60(b)(4) at any time.

The Court of Appeals' post-dismissal directives created a trap that prevents Petitioners from obtaining adjudication of this foundational jurisdictional defect. The March 11 single-judge order limited remand "solely" to the Rule 59(e) motion and prohibited record reconstruction. The April 22 three-judge panel order then added a contradictory footnote. This trap blocks the circuit court from addressing the pending August 8, 2025 Rule 60(b)(4) motion that challenges the cascading void orders flowing from the void October 17, 2019 Order of Reference. The defect is therefore

properly before this Court because the Court of Appeals specifically addressed, and restricted, Rule 60(b)(4) relief in the orders under review.

In *Tryon Federal Savings & Loan Ass'n v. Phelps*, 307 S.C. 361, 415 S.E.2d 397 (1992), this Court held that no judgment or order affecting a party's rights shall be made without notice. The October 17, 2019 Order of Reference was entered without notice and without service of process. It is therefore void. All subsequent orders, including the May 7, 2025 Form-4 order denying recusal, are likewise void and must be set aside. The May 7 Form-4 recusal denial is itself void and must be decided de novo under Canon 3E by a different judge.

The defective OWL record independently prevents meaningful appellate review of these jurisdictional issues. Denying reconstruction under SCRCP Rule 607 violates *Griffin v. Illinois*, and due process. The South Carolina Supreme Court itself acknowledged systemic court reporting failures in its March 20, 2026 Administrative Order creating the Court Reporter Advisory Committee. Reconstruction is routine, not "extraordinary." The Court of Appeals' prohibition on reconstruction, combined with its restriction on Rule 60(b)(4) relief, creates a perfect trap that prevents adjudication of the foundational jurisdictional defect.

Because the Court of Appeals created this trap through its post-dismissal directives, the foundational jurisdictional defect and the defective OWL record are properly before this Court on certiorari review. This satisfies Rule 242(b)(3) and (4).

VII. THE COURT OF APPEALS ABUSED ITS DISCRETION AND CREATED AN IRRECONCILABLE PROCEDURAL TRAP VIOLATING DUE PROCESS

The Court of Appeals abused its discretion in three independent respects. First, it ruled before the Rule 240(e) return deadline expired. Second, it denied Petitioners the right to reply under Rule 240(f). Third, and most fundamentally, it issued contradictory substantive directives after

correctly determining it lacked jurisdiction over the premature appeal. These actions created an irreconcilable procedural trap that violates due process.

Because the notice of appeal was premature under *Swing v. Swing* and Rule 59(f), the Court of Appeals never acquired jurisdiction. Once it correctly determined the appeal was premature and disclaimed jurisdiction under *Hudson v. Hudson* and *Elam v. S.C. Dep't of Transp.*, its authority ended. All post-dismissal actions, including the March 11 single-judge order and the April 22 three-judge panel order, are therefore void ab initio. *Limehouse v. Hulsey*.

The contradictory directives created a Hobson's choice. The March 11, 2026 single-judge order limited remand "solely" to the Rule 59(e) motion and prohibited record reconstruction. The April 22, 2026 three-judge panel order then added a footnote stating the Court "does not preclude" a Rule 60(b)(4) motion on remand. These irreconcilable directives left Petitioners and the circuit court with no clear path. Pursuing record reconstruction or the pending Rule 60(b)(4) motion risked violating the "solely" limitation; limiting themselves to the Rule 59(e) motion risked forfeiting their right to challenge foundational jurisdictional voids. This procedural trap violates due process under *Mullane v. Central Hanover Bank & Trust Co.*, and *Logan v. Zimmerman Brush Co.*

The Court of Appeals' contradictory directives were not merely confusing, they were affirmatively prejudicial. By limiting remand "solely" to the Rule 59(e) motion while prohibiting record reconstruction, and then adding a contradictory footnote suggesting Rule 60(b)(4) relief might still be available, the Court of Appeals placed Petitioners in an untenable position.

Pursuing their pending Rule 60(b)(4) motion and record reconstruction risked violating the mandatory "solely" limitation. Limiting themselves to the Rule 59(e) motions risked forfeiting their right to challenge foundational jurisdictional voids. This Hobson's choice impaired

Petitioners' ability to protect their homestead property interests and denied them the meaningful opportunity to be heard guaranteed by due process.

The Court of Appeals' actions also violated Petitioners' right to meaningful appellate review. The defective OWL record already impairs meaningful review. Prohibiting record reconstruction while restricting the scope of remand compounded the problem and violates *Griffin v. Illinois*, and fundamental due process principles.

The cumulative effect of these abuses, ruling before the return deadline, denying reply, issuing contradictory post-dismissal directives after disclaiming jurisdiction, prohibiting record reconstruction, and creating a Hobson's choice that affirmatively prejudiced Petitioners, demonstrates that the Court of Appeals abused its discretion and created an irreconcilable procedural trap violating due process.

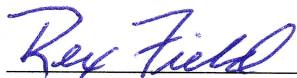
CONCLUSION AND PRAYER

This Court need not, and should not, reach the merits of the underlying foreclosure at this stage. Granting the requested relief will provide essential statewide guidance on the scope of appellate authority after jurisdictional disclaimer, reinforce constitutional boundaries between appellate and trial courts, protect the due process rights of all litigants (particularly pro se parties), and preserve the integrity of South Carolina's unified judicial system.

Petitioners incorporate by reference the full Prayer for Relief set forth in their Petition for Writ of Certiorari.

This day, July 6, 2026

Respectfully submitted,



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(same)