

RECEIVED

JUL 02 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM OCONEE COUNTY
Court of Common Pleas
Vernon F. Dunbar, Circuit Court Judge

Case No. 2026-001-328

Synchrony Bank, Respondent,
v.
Julie Dalen, Appellant.

MEMORANDUM REGARDING APPEALABILITY

Julie Dalen, Pro Per
108 Jessie Road
Westminster, SC 29693
(864) 647-4705
Appellant

Lloyd & McDaniel PLC
Joseph E. Brown
Adam S. Tesh
233 N. Main Street, Suite 7
Greenville, SC 29601
(864) 291 - 5144
Attorney for Respondent

MEMORANDUM OF APPEALABILITY

Appellate Julie Dalen respectfully submits this memorandum in response to the Clerk's letter dated June 23, 2026, requesting briefing on whether the appealed orders are immediately appealable.

I. THE ORDERS AFFECT A SUBSTANTIAL RIGHT BECAUSE THEY DETERMINE THE TRIAL COURT'S EXERCISE OF PERSONAL JURISDICTION.

The orders challenged on appeal determine that the trial court acquired personal jurisdiction over Appellate through allegedly proper service of process and denied Appellate's motion challenging that jurisdiction.

South Carolina law recognizes that valid service of process is the means by which a court acquires personal jurisdiction over a defendant. Rule 4, SCRPC, serves not only to provide notice but also to confer personal jurisdiction. Because the challenged orders determine that jurisdiction exists notwithstanding Appellate's objections, they affect a substantial right.

Appellant's motion asserted that the affidavit of service did not accurately describe the person served and that the court lacked personal jurisdiction. Rather than dismissing the action or resolving the factual dispute regarding the original service, the court concluded that service was "proper and effective" while simultaneously directing respondent to serve Appellant again in open court.

The order therefore resolves the jurisdictional issue against Appellant.

II. POSTPONING REVIEW UNTIL FINAL JUDGMENT WOULD DEFEAT THE PURPOSE OF THE JURISDICTIONAL CHALLENGE.

The right to challenge personal jurisdiction is intended to prevent a party from being required to litigate in a court that has not lawfully acquired jurisdiction.

If review is postponed until after final judgment, Appellant will have been compelled to litigate the entire action despite maintaining that the court never acquired jurisdiction through proper service.

Accordingly, review after final judgment would not adequately protect Appellant's claimed jurisdictional right.

III. THE ORDER CONTAINS FINDINGS THAT ARE CENTRAL TO THE JURISDICTIONAL QUESTION.

The order expressly states:

1. That service of process on Appellant was "proper and effective";
2. That respondent was directed to re-serve the pleadings in open court; and
3. That Appellant voluntarily accepted service in open court.

These findings determine the court's authority to proceed and are not collateral matters.

Because the court has conclusively rejected Appellant's jurisdictional objections, immediate review is appropriate.

IV. THE COURT SHOULD EXERCISE APPELLATE REVIEW.

Appellate respectfully submits that the challenged orders determine an issue separate from the merits of the underlying debt action. The appeal concerns only whether the trial court acquired personal jurisdiction through valid service of process.

If the Court concludes the trial court lacked jurisdiction, further proceedings would be unnecessary until proper service is accomplished. Conversely, delaying review until after final judgment would require the parties and the court to expend substantial resources litigating a case whose jurisdiction remains disputed.

For these reasons, Appellant respectfully requests that this court determine that the challenged orders are appealable and allow the appeal to proceed.

Appellant recognizes the general rule that the denial of a motion to dismiss is ordinarily interlocutory and not immediately appealable. See S.C. Code Ann. § 14-3-330; Rule 201, SCACR. The South Carolina Supreme Court has also held that the denial of a Rule 12(b)(2), SCRCR, motion challenging personal jurisdiction is generally interlocutory because the jurisdictional defense may be preserved and reviewed after final judgment.

Appellant respectfully submits, however, that this appeal presents unusual circumstances.

The order under review does more than merely deny a motion to dismiss. It contains express factual findings that:

- 1) Service of process upon Appellant “was proper and effective”;

- 2) The common pleas court nevertheless directed respondent to serve Appellant a second time in open court “simply to appease defendant”; and
- 3) Appellant voluntarily accepted service in open court.

These findings effectively determine the disputed jurisdictional facts and will govern the remainder of the litigation.

Moreover, the hearing transcript attached to this Memorandum does not reflect an express acceptance of service by Appellant. Instead, the transcript reflects only that the court permitted respondent to hand Appellant a copy of the pleadings and stated that Appellant would have thirty days to respond. Appellant contends the written findings therefore are not fully supported by the existing record.

Unlike an ordinary denial of a Rule 12(b)(2) motion, Appellant asserts that the court resolved disputed jurisdictional facts in a manner that cannot be meaningfully separated from the remainder of the proceedings.

Personal jurisdiction in this case is founded on a false affidavit filed by the plaintiff. This is not a mere technicality. I had filed two affidavits stating what actually happened. It is a maxim of law that unrebutted affidavits stand as truth. Furthermore, the transcript shows that the Appellant/Defendant, without using the word “objection” did in fact object to the service by an attorney in court. The transcript recorded that I stated “Is there any point of my explaining what actually happened that day?” I did not accept service by the attorney. South Carolina case law holds that when a judge finds jurisdiction lacking the case must be dismissed.

Should this court conclude that the orders are not immediately appealable, Appellant

respectfully requests that the appeal be dismissed without prejudice to Appellant's ability to obtain review of the jurisdictional issues following entry of a final judgment. Appellant further requests that the Court preserve Appellant's right to seek review of all jurisdictional and due process issues at that time.

Respectfully submitted,

A handwritten signature in blue ink that reads "Julie Dalen". The signature is written in a cursive, flowing style.

Julie Dalen

Defendant-Appellant Pro Per

1 In the Court of Common Pleas of the
2 State of South Carolina, County of Oconee

3

4 Case No.: 2025CP3701075

5 Synchrony Bank,

6 Plaintiff(s),

7 vs.

Transcript of Record

8 Julie Dalen,

9 Defendant(s).

10

11

12

13

14

15 April 2, 2026

16 Walhalla, South Carolina

17

18

19

20

21 BEFORE:

22 The Honorable Vernon Dunbar

23

24

25

1 APPEARANCES

2
3 **REPRESENTING THE PLAINTIFF:**

4 Laura C. Tesh, Esquire

5 323N. Main Street, Suite 7
6 Greenville, South Carolina 29601

7
8
9 **REPRESENTING THE DEFENDANT:**

10 Julie Dalen, Pro Se

PROCEEDINGS

THE CLERK: The next case is
2025CP3701075, Synchrony Bank versus Julie
Dalen. It is Defendant's Motion to Dismiss.
And attorneys and parties, please state your
name for the record.

MS. TESH: Good morning, Your Honor. I am
Laura Tesh versus Synchrony Bank. I am with
Lloyd McDaniel. And I would note as a
preliminary matter for the case that Mr. Dalen
is neither a party to the suit, nor is he the
owner so he's not allowed to speak on his
wife's behalf.

THE COURT: All right, I understand.
Good morning, Ms. Dalen. You may be
seated.

MS. DALEN: Good morning.

THE COURT: May be seated. Let me just
explain a couple of items to you. First, I see
that you are appearing without the benefit of
counsel. You have the right to represent.

MS. TESH: Yourself in this matter, but
you also have the right to have an attorney
represent you. My question to you is, do you
wish for the Court to postpone this proceeding

*error
Tesh not
speaking*

1 so you can go and obtain an attorney, or do you
2 wish to proceed and represent yourself?

3 MS. DALEN: Wish to proceed.

4 THE COURT: All right.

5 MR. DALEN: But, Your Honor, she has a
6 right to counsel. The Sixth Amendment *my error*
7 guarantees her that right. And it doesn't have
8 to be an attorney.

9 THE COURT: Yes, it does, sir. In this
10 courtroom it has to be an attorney and you are
11 not a licensed attorney. Just like you can't
12 cut hair, because you are not a licensed
13 barber. And you have to have a license to
14 practice law and this would constitute
15 practicing law.

16 MR. DALEN: I'm just being her counsel, I
17 am not practicing law. I respectfully
18 disagree. I think that is an appealable issue.

19 THE COURT: You can appeal it. You are
20 not a party. But Ms. Dalen can appeal it.

21 MR. DALEN: I do have documentation where
22 I can show you how the Court's have ruled.

23 THE COURT: I don't need to see that
24 documentation, sir. Thank you.

25 MR. DALEN: Are we in common law court?

1 THE COURT: You are in court in common
2 pleas, yes, but you are not a party to this,
3 but Ms. Dalen is.

4 MR. DALEN: Okay.

5 THE COURT: She is the party, not you.
6 You understand that?

7 MR. DALEN: I'll not argue with you, we
8 will appeal it.

9 THE COURT: Ms. Dalen, are you prepared to
10 represent yourself?

11 MS. DALEN: Yes.

12 THE COURT: All right. Thank you very
13 much. Ms. Dalen, before we continue let me ask
14 you this question: Are you under the influence
15 of any drugs, alcohol, medications, or anything
16 that would impair your ability to understand
17 these proceedings and represent yourself?

18 MS. DALEN: No, sir.

19 THE COURT: All right. So we are here on
20 the Plaintiff's Motion to Dismiss; correct?

21 MS. TESH: Defendant's motion.

22 THE COURT: Defendant's motion, I'm sorry.
23 Defendant's Motion to Dismiss; am I correct,
24 Ms. Dalen?

25 MS. DALEN: Yes.

1 THE COURT: All right. You have the
2 floor. You may tell me your argument. I'll
3 ask that you pull that microphone to you so we
4 can hear you, and more importantly so that the
5 court reporter can hear you. If you need water
6 some right there right in front. Please
7 partake if you need to.

8 MS. DALEN: Yes, so long as my voice holds
9 out we will do well.

10 THE COURT: Yes, just take your time.

11 MS. DALEN: I do have written copies just
12 in case. I do have a problem with my voice.

13 THE COURT: All right. Have you provided
14 those written copies to Ms. Tesh?

15 MR. DALEN: We can do that.

16 THE COURT: All right.

17 MR. DALEN: Would you like me to do that?

18 THE COURT: Yes, why don't you just hand
19 those to Ms. Tesh?

20 MS. DALEN: It is kind of like an allergy
21 thing, it comes and goes.

22 THE COURT: I understand. I have the same
23 problem, so you are not alone.

24 MS. DALEN: Okay.

25 MS. TESH: I can get a copy afterward if

1 that is easier.

2 MS. DALEN: Well, there is more than one
3 copy here.

4 MR. DALEN: I thought that I had two
5 copies for the attorney.

6 MS. DALEN: Well, there's actually one for
7 the Judge and there's actually four copies.
8 There you go.

9 THE COURT: You can bring one up here.
10 I'll listen to you, but in case your voice
11 gives out, I'll have it to read.

12 MS. DALEN: Okay. If it gets painful to
13 listen to, let me know.

14 THE COURT: It is not painful. All right.
15 You may proceed.

16 MS. DALEN: So far, so good.

17 All right, on the record, for the record,
18 I'm here in court by special appearance to
19 challenge this Court's legal presumption of
20 personal jurisdiction over me in this matter.
21 I have filed a written challenge motion to
22 dismiss moving the Court for a signed written
23 order moving solely on the issue of personal
24 jurisdiction. Therefore, until this challenge
25 has been answered and a ruling or finding has

1 been signed by a Court, I can't answer any
2 questions or provide any documents that could
3 possibly be used against me or potentially
4 incriminate me in some way that I'm not
5 currently aware of.

6 Therefore, I do not knowingly and
7 willingly waive any of my fundamental or
8 protected rights whatsoever and I demand my
9 right to assistance of counsel, counsel serving
10 in an adviser capacity, as well as to
11 articulate my arguments before this Court. The
12 aforementioned right are God-granted rights,
13 not granted by the government or statute and
14 they include the right to justice according to
15 the common law. Anything else is a violation
16 of my right to due process. So far so good?

17 THE COURT: All right. Thank you very
18 much. Let me hear from Ms. Tesh in response.

19 MS. TESH: Good morning, Your Honor. This
20 is a Synchrony Bank credit card. Synchrony is
21 the original creditor on this. It was
22 originated on December 6th, 2019. We sent the
23 verification of the debt by her request on
24 March 26, 2023 and again on May 22nd, 2024 and
25 again on September the 19th, 2024.

best not
verified

1 All of those were filed with the Court
 2 that is to prove the debt under the Fourth
 3 Circuit Court opinion the right was sent on
 4 August 6th, 2023 and this is on the Defendant's
 5 motion to dismiss for improper service. And as
 6 the Court is aware, under 4(d)(1) service can
 7 be made delivering personally or leaving copies
 8 with a person of a suitable age and discretion.

9 And the affidavit of service, which we
 10 have that on file with the Court as well,
 11 states that she said yes and was served by
 12 personal service. And I think that we and the
 13 Court are entitled to rely on that affidavit. *False*

14 And I would ask the Court to take judicial
 15 notice that the description on the affidavit of
 16 service matches that of the Defendant and the
 17 address on the affidavit of service matches her
 18 address on file with the Court and on her
 19 address on her motions. Even if the Court
 20 chooses not to accept the affidavit of service,
 21 her motion alleges that she and her
 22 sister-in-law were standing right behind her
 23 husband who was actually served and he has
 24 admitted that in open court.

25 She alleges that service was improper

*Attempting
to say
service was
substitute*

*affidavit
claims
personal
service*

*not
True*

not true

*maybe
true?*

1 because the process server did not confirm her
2 husband's name or that he was her husband, but
3 the point of service is to ensure that the
4 defendant has proper notice of the lawsuit.
5 She admits to proper substitute service in her
6 own motion. So even assuming what she says is
7 true, the fact that the lawsuit admits to
8 proper service and not substitute service does
9 not make that invalid.

10 She cites two cases in her motion. Roach
11 v. Young Brothers and Moore versus Simpson. I
12 can go into details of those if you need them,
13 but I would note that both of those were about
14 service after a judgment was in place and they
15 were challenging that judgment. And it was on
16 corporate entities and accepting service by a
17 corporate entity is very different than service
18 on an individual.

19 I would also point you to the BB&T versus
20 Taylor case, 369 SC 548. That was our Supreme
21 Court in 2006. They said that the process
22 server is not required to ram the documents
23 down the Defendant's throat and personal
24 service of process "should not become a game of
25 wiles and tricks." So, therefore, we would ask

Hamilton
Downey
wiles &
tricks

1 the Court to determine that service has already
2 been made.

3 If Your Honor does not find that service
4 was proper, we strongly argue that it was. And
5 then I would ask that you consider her served
6 at this time and give her thirty days to
7 respond. I do have a copy of the complaint if
8 we need it. *not proper*

9 As to her motion under 12(b)(6), the
10 complaint alleges sufficient facts to state a
11 cause of action. She cites to Bavarian. This
12 complaint is for breach of contract in the
13 account stated in the cause of action. These
14 are well-recognized causes of action in South
15 Carolina law and noted by the recent Kemp case.

16 We have shown the last payment and
17 charge-off statements. Those are both attached
18 to the complaint. And I did efile verification
19 of debt and notice of rights to her on Monday.
20 So that is in the Court's file as well. Thus
21 we would ask the Court to deny her motions
22 under 12(b)(6) and under Rule 4.

23 THE COURT: Ms. Dalen, anything in
24 response to what Ms. Tesh just argued to the
25 Court?

1 MS. DALEN: Yes, there were inaccuracies
2 and I felt compelled to point out the
3 inaccuracies in the affidavit. Okay. So, we
4 are not arguing the case here. Specifically
5 this is just about the affidavit accuracy.

6 THE COURT: Correct.

7 MS. DALEN: Right. Yes, it needs to be
8 true and accurate. The affidavit needs to be
9 true and accurate and it is not so I kind of
10 got stuck on this point.

11 THE COURT: So as I'm looking at your
12 motion you argue that service was not effected
13 upon you. You cite the case of Roach v. Young
14 Brothers. And you also said that false or
15 inaccurate proof of service and that in and of
16 itself. And you have Moore v. Simpson. And
17 you also indicated that the complaint doesn't
18 state a cause of action and you cited Doe
19 (phonetic) v. Maryland. Let me ask you this,
20 are you willing to accept service this morning?

21 Counsel, Ms. Tesh says that she has a
22 complaint to serve on you today. Are you
23 willing to accept it? And she's giving you 30
24 days to respond.

25 MR. DALEN: No punishment for lying? It

1 would make me feel better if I knew that there
2 were consequences to things that are carried
3 out improperly. We are going to follow the
4 rules, so the process server should have been
5 following rules.

6 THE COURT: I understand your concern.
7 But right now we really don't have a
8 justiciable issue, particularly if you are
9 willing to accept her service, to be quite
10 candid. Then you will be fully aware of what
11 you are expected to know by virtue of
12 proceeding within this complaint today.

13 MS. DALEN: Is there any point of my
14 explaining what actually happened that day?

15 THE COURT: No, I think that you explained
16 it in your motion. I understand. I'll permit
17 you to serve it on her now and you will have 30
18 days to respond.

19 All right. Let the record reflect that
20 Ms. Tesh has given Ms. Dalen a copy of the
21 complaint and she will have 30 days to respond.
22 Anything further?

23 MS. TESH: That is all that we have, Your
24 Honor.

25 THE COURT: All right. Thank y'all very

*No
acceptance
by Julie*

1 much.

2 MS. TESH: Do you need an order or are you
3 going to do a form four?

4 THE COURT: I'll just do a form four
5 order.

6 (Proceedings concluded.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2 CERTIFICATE

3

4 STATE OF SOUTH CAROLINA:

5 COUNTY OF OCONEE:

6 I, MONA L. MANLEY, Court Reporter, certify that I
7 was authorized to and did stenographically report the
8 foregoing proceedings and that the transcript is a true
9 and complete record of my stenographic notes.

8

 DATED this 9th day of June, 2026.

9

10

11

12

MONA L. MANLEY
Official South Carolina Court Reporter
14th Circuit
(850) 893-6662
mmanley@sccourts.org

13

14

15

16

17

18

19

20

21

22

23

24

25

Synchrony Bank

PLAINTIFF

Julie Dalen

DEFENDANT

IN THE SOUTH CAROLINA COURT
OF APPEALS
APPELLATE CASE NO. 2026-001328

**CERTIFICATE OF SERVICE
FOR MEMORANDUM OF
APPEALABILITY**

CERTIFICATE OF SERVICE FOR MEMORANDUM OF APPEALABILITY

I, Julie Dalen, hereby certify that a copy of the foregoing was sent to Plaintiff by First Class mail, addressed to: Lloyd & McDaniel, PLC at 233 N. Main Street, Suite 7, Greenville, SC 29601.

By:

Julie Dalen
108 Jessie Road
Westminster, SC 29693
(864) 647-4705

RECEIVED

JUL 02 2026

SC Court of Appeals

DATED this 27th day of June 2026

To:

Joseph E. Brown and Adam S. Tesh, Attorneys for Plaintiff

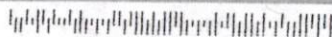
Lloyd & McDaniel, PLC at 233 N. Main Street, Suite 7, Greenville, SC 29601

(800) 291-5144

J. Daler
108 Jessie Road
Westminster, SC
29693

RECEIVED
JUL 02 2026
SC Court of Appeals

The South Carolina Court of Appeals
Clerk Jenny Abbott Kitchings
P.O. Box 11629
Columbia, SC 29211



Retail



RDC 99



29211

U.S. POSTAGE PAID
FCM LG ENV
SENECA, SC 29678
JUN 29, 2026

\$2.72

S2324W501672-50