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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

Appellate Case No. 2026-000306

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.

REPLY BRIEF OF APPELLANT

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INTRODUCTION

Respondent's Brief repeatedly characterizes Appellant's claim as one of "improper service." That characterization misstates Appellant's position. Appellant has consistently maintained from the inception of these proceedings that she was never served with the Summons and Complaint. The jurisdictional issue before this Court is therefore not whether service technically complied with Rule 4(d)(1), SCRCP, but whether the circuit court ever acquired personal jurisdiction over Appellant.

Respondent also attempts to divert the Court's attention to issues of alleged default, indebtedness, and the merits of the foreclosure. Those issues cannot confer jurisdiction where none existed. A judgment entered without personal jurisdiction is void and must be vacated regardless of the underlying merits. See McDaniel v. U.S. Fid. & Guar. Co., 324 S.C. 639, 644, 478 S.E.2d 868, 871 (Ct. App. 1996) (a judgment is void where the rendering court lacked personal jurisdiction, lacked subject matter jurisdiction, or failed to provide due process).

As a preliminary matter, Appellant must correct the procedural history recited in Respondent's Brief. Respondent asserts that Appellant did not challenge the judgment as void until June 5, 2025. That characterization is incomplete and misleading. Appellant's original Rule 60(b)(4) Motion to Void Judgment was filed on November 7, 2024 — before the foreclosure sale of the subject property and while Appellant's bankruptcy case was pending. The filings dated June 5, 2025, to which Respondent refers, consisted of: (1) a Motion to Set Aside Judgment, filed after the sale had already occurred; (2) a civil action for unjust enrichment, based upon the equity Appellant contends was taken from her at the sale; and (3) a corrected copy of the original November 7, 2024

Rule 60(b)(4) motion, refiled that same day solely to remove an inadvertent "Exhibit" notation placed on the original filing. By omitting the November 7, 2024 filing, Respondent's Brief obscures the fact that Appellant challenged the underlying judgment as void well before the sale of her home, not for the first time afterward.

ARGUMENT

I.

RESPONDENT FAILS TO ESTABLISH PERSONAL JURISDICTION BECAUSE APPELLANT WAS NEVER SERVED.

Respondent repeatedly argues that service complied with Rule 4(d)(1), SCRCP. That argument assumes the very fact in dispute.

Appellant has never conceded that service occurred. Rather, Appellant has consistently maintained throughout these proceedings that she was never served with the Summons and Complaint.

Respondent relied exclusively upon an Affidavit of Service identifying "Ronald Noisette" as Appellant's son and the person allegedly receiving substitute service.

Appellant has consistently denied under oath that:

•Ronald Noisette exists;

•Ronald Noisette is her son;

•Ronald Noisette resided at 402 Arbor Oaks Drive; or

•anyone fitting that description accepted service.

Accordingly, the Affidavit of Service presents a disputed jurisdictional fact rather than proof of jurisdiction.

Because valid service is the mechanism by which a court acquires personal jurisdiction, Respondent bore the burden of proving service once jurisdiction was challenged. Instead, Respondent relies upon the same disputed affidavit while failing to explain how substitute service upon a person whom Appellant maintains is fictitious can satisfy Rule 4(d)(1).

A judgment entered without personal jurisdiction is void ab initio and cannot stand. See Universal Benefits, Inc. v. McKinney, 349 S.C. 179, 183, 561 S.E.2d 659, 661 (Ct. App. 2002)

(citing Thomas & Howard Co. v. T.W. Graham & Co., 318 S.C. 286, 291, 457 S.E.2d 340, 343

(1995)) ("A void judgment is one that, from its inception, is a complete nullity and is without legal

effect.").

II.

RESPONDENT MISSTATES THE APPLICABLE STANDARD UNDER RULE 60(b)(4).

Respondent argues the Master-in-Equity did not abuse his discretion in denying relief.

That is not the issue before this Court.

Appellant's Rule 60(b)(4) motion challenged a void judgment, not a merely erroneous one.

When a judgment is void because personal jurisdiction was never acquired, the question is one of law reviewed de novo. A void judgment is a legal nullity. See Thomas & Howard Co. v. T.W. Graham & Co., 318 S.C. 286, 291, 457 S.E.2d 340, 343 (1995); accord Brumfield v. La. State Bd. of Educ., 806 F.3d 289, 296 (5th Cir. 2015) ("Rule 60(b)(4) motions leave no margin for consideration of the district court's discretion … judgments are by definition either legal nullities

or not."); Stansell v. Revolutionary Armed Forces of Colombia, 771 F.3d 713, 736 (11th Cir. 2014)

(reviewing the denial of a Rule 60(b)(4) motion de novo); Callon Petroleum Co. v. Frontier Ins. Co., 351 F.3d 204, 208 (5th Cir. 2003) (same).

Respondent therefore analyzes the wrong legal standard by repeatedly invoking abuse-of-

discretion review instead of addressing whether the court possessed jurisdiction in the first instance.

III.

RESPONDENT FAILS TO ESTABLISH DUE PROCESS OR CONSTITUTIONALLY ADEQUATE NOTICE.

Respondent argues Appellant received adequate notice.

Notice, however, must be reasonably calculated to apprise an interested party of the action and afford an opportunity to present objections. See Mullane v. Cent. Hanover Bank & Trust Co.,

339 U.S. 306, 314 (1950); U.S. Const. amend. XIV; S.C. Const. art. I, § 3.

Appellant maintains she received no such notice because she was never served. Appellant was not present when judgment was entered against her, and she did not learn of these proceedings at the time of the foreclosure hearing or at the time judgment was entered. Rather, Appellant first learned that a judgment existed only after learning of first the foreclosure sale.

Without service, and without any opportunity to appear before judgment was entered or before the sale, Appellant was deprived of her constitutional right to:

•appear,

•contest Respondent's evidence,

•challenge standing,

•challenge the Affidavit of Indebtedness,

•challenge the alleged accounting,

•challenge the chain of title upon which Respondent's standing to foreclose depended,

•cross-examine witnesses,

•and defend her ownership interest before judgment was entered.

Because Appellant was never served and was not present when judgment was entered on May 23, 2024, she never had a meaningful opportunity to test the legitimacy of Respondent's claim, the accuracy of its accounting, or the chain of title before her property was taken and sold.

Due process guarantees not merely notice in theory but a meaningful opportunity to be heard before a person is deprived of significant property rights.

Respondent's reliance upon subsequent filings made after Appellant learned that her home had been sold at foreclosure cannot retroactively cure the constitutional deprivation that occurred before judgment.

IV.

RESPONDENT'S ASSERTIONS REGARDING THE LOAN DOCUMENTS, DEFAULT, ALLEGED INDEBTEDNESS, AND EQUITY DO NOT CURE THE JURISDICTIONAL DEFECT.

Respondent asserts that operative loan documents and evidence of default were produced.

Those assertions do not resolve the jurisdictional issue.

Moreover, Respondent did not produce a complete accounting demonstrating:

•how Appellant's $12,800 down payment was credited;

•how subsequent mortgage payments were applied;

•the complete balance history;

•credits, escrow adjustments, advances, or offsets;

•or an accounting reconciling the alleged indebtedness. Including Chain of Title

Appellant previously raised claims concerning unjust enrichment in the lower court. The record further reflects that the subject property had a substantially greater value than the $100,000 credit bid accepted at foreclosure that was sold back to Reliance First Capital, LLC. Appellant maintains that the foreclosure stripped her of substantial equity without first affording her notice or an opportunity to contest Respondent's claims.

After learning that the property was subject to foreclosure, Appellant acted diligently to preserve her rights by:

•filing her original Rule 60(b)(4) Motion to Void Judgment on November 7, 2024, before the sale of the property and while protected by the automatic stay in bankruptcy;

•filing objections;

•filing bankruptcy petitions to preserve the property;

•filing a Notice of Interest;

•filing a Motion to Set Aside Judgment and a civil action for unjust enrichment after the sale occurred;

•pursuing appellate review; and

•continuously challenging the court's jurisdiction.

Equity aids the vigilant, not those who sleep on their rights. See Hemingway v. Mention, 228 S.C. 211, 217, 89 S.E.2d 369, 371-72 (1955). The record demonstrates that Appellant has diligently pursued relief since 2024 and has consistently sought judicial review rather than acquiescing in the foreclosure proceedings.

Respondent's Brief attempts to shift the Court's attention from the threshold issue of jurisdiction to the merits of the foreclosure. The existence of an alleged debt, however, cannot confer personal jurisdiction where Appellant maintains she was never served with process. Before a court may adjudicate indebtedness, it must first acquire jurisdiction over the defendant.

Respondent further asserts that it "produced the operative loan documents and evidence of default." Respectfully, the record does not support such a broad characterization. The record does not contain a complete accounting showing the amounts allegedly advanced, the application of Appellant's down payment, the payment history, credits received, the amount allegedly remaining due, or a reconciliation of the debt claimed. Nor does the record reflect a complete accounting from loan origination through foreclosure sufficient to establish the balance asserted. Appellant further raised claims in the lower court, including unjust enrichment, challenging the financial accounting and disposition of funds. Those issues remain unresolved.

V.

RESPONDENT MISCHARACTERIZES APPELLANT'S NOTICE OF INTEREST AND BANKRUPTCY ESTATE.

Respondent attempts to diminish Appellant's Notice of Interest by suggesting that Appellant improperly asserted an interest on behalf of an estate. That characterization is incorrect

and misstates both the nature of Appellant's filing and federal bankruptcy law.

Appellant's Notice of Interest was filed while Appellant's bankruptcy case was pending and identified the Nikia R. Noisette Bankruptcy Estate. Under the United States Bankruptcy Code, the commencement of a bankruptcy case creates a bankruptcy estate consisting of the property owner's legal and equitable interests in property. See 11 U.S.C. § 541(a)(1). The existence of a bankruptcy estate is recognized under federal law and is not limited to the estate of a deceased person.

To the extent Respondent or the lower court suggested that an "estate" exists only upon the death of an individual or only concerns descendants of a decedent, that proposition is inconsistent with federal bankruptcy law. A bankruptcy estate is a legally recognized estate separate and distinct from a decedent's probate estate. IRS Publication 908 and the applicable provisions of the

Internal Revenue Code recognize the creation and administration of bankruptcy estates for federal tax purposes in qualifying bankruptcy cases. See I.R.S. Pub. 908, Bankruptcy Tax Guide.

This misunderstanding is not merely academic. On October 22, 2024, the Master-in-Equity entered an order stating that only a decedent's estate may have an executrix. Respectfully, that statement misapprehends the applicable law. Appellant did not purport to act as executrix of a decedent's estate; she identified herself in connection with the Nikia R. Noisette Bankruptcy Estate, a distinct legal entity created by operation of federal bankruptcy law upon the filing of her

bankruptcy petition. See 11 U.S.C. § 541(a)(1); I.R.S. Pub. 908, Bankruptcy Tax Guide. The Master's order, and Respondent's Brief, conflate two legally distinct concepts a decedent's

probate estate and an Executive's bankruptcy estate that are governed by entirely different bodies of law.

Accordingly, Respondent's criticism of Appellant's Notice of Interest does not undermine

Appellant's jurisdictional challenge or the legal existence of the bankruptcy estate.

VI.

APPELLANT DID NOT SLUMBER UPON HER RIGHTS.

Respondent's Brief attempts to portray Appellant as though she sought relief only after the foreclosure sale had concluded.

The record reflects precisely the opposite.

Upon learning that the property was subject to foreclosure sale, Appellant immediately undertook continuous legal action to preserve her property rights, including:

•filing bankruptcy to invoke the protection of the automatic stay under 11 U.S.C. § 362;

•notifying Respondent of the bankruptcy filing;

•filing her original Rule 60(b)(4) Motion to Void Judgment on November 7, 2024, before the sale of the property;

•requesting an exemplified copy of her own court filing on August 26, 2024, and filing a complaint against the Clerk of Court on September 16, 2024 after she was repeatedly told, incorrectly, that only attorneys may request exemplified copies;

•filing objections and notices;

•filing her Notice of Interest;

•filing a Motion to Set Aside Judgment and an unjust enrichment action in the lower court after the sale of the property;

•filing a corrected copy of her original Rule 60(b)(4) motion to remove an inadvertent

“Exhibit” notation;

•challenging the settlement of the record;

•and pursuing this appeal.

Appellant’s request for an exemplified copy was made on August 26, 2024, and her complaint against the Clerk of Court was filed on September 16, 2024. A subsequent complaint regarding the same conduct was not returned to Appellant until October 22, 2024 — more than a month after it was filed and nearly two months after Appellant’s original request. Any delay attributable to that period reflects institutional delay in responding to Appellant, not any lack of diligence on Appellant’s part.

These actions demonstrate continuous diligence rather than delay.

Equity aids the vigilant, not those who slumber on their rights. See Hemingway v. Mention, 228 S.C. 211, 217, 89 S.E.2d 369, 371-72 (1955).

CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court reverse the Master-in-Equity’s Order denying Appellant’s Rule 60(b)(4) motion, hold that the underlying judgment is void for lack of personal jurisdiction and constitutionally adequate notice, vacate the foreclosure judgment and sale, confirm the legal existence of the Nikia R. Noisette Bankruptcy Estate for purposes of Appellant’s Notice of

Interest, and remand this matter for further proceedings consistent with Rule 4(d)(1), SCRCP, and the Due Process Clause.

Respectfully submitted,

s/ Nikia Renee Noisette

Nikia Renee Noisette

Appellant,

Dated: July 6th, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of July, 2026, I served a true and correct copy

of the foregoing REPLY BRIEF OF APPELLANT upon:

J. Martin Page, Esq.

Bell Carrington, Price & Gregg, LLC

339 Heyward Street, 2nd Floor

Columbia, South Carolina 29201

Counsel for Respondent Reliance First Capital, LLC

by depositing a copy of same in the United States Mail, postage prepaid, addressed to the above and by electronic email.

address.

s/ Nikia Renee Noisette

Nikia Renee Noisette

Appellant, In Propria Persona, Sui Juris

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Clerk of the South Carolina Court of Appeals

Re: *Reliance First Capital, LLC v. Nikia Renee Noisette, et al.*
Appellate Case No. 2026-000306
Lower Court Case No. 2024-CP-18-00207

Dear Clerk:

Enclosed for filing is the **Reply Brief of Appellant** in the above-captioned matter. Appellant respectfully submits this filing prior to the applicable filing deadline.

Appellant resides in Dorchester County and, due to transportation limitations, is unable to travel to Columbia today to file both the Reply Brief and the bound Record on Appeal at the same time. Because the Reply Brief is complete and the filing deadline is imminent, Appellant did not want to delay its submission.

The **Record on Appeal**, together with the additional materials requested by the Court, is currently being prepared for binding and will be mailed tomorrow after the binding process is completed.

Appellant respectfully submits this letter to advise the Clerk of the separate mailing and to ensure the Court is aware that the Reply Brief is being timely filed while the remaining required materials will immediately follow.

Thank you for your time and consideration.

Respectfully submitted,

Nikia Renee Noisette
Appellant,