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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

James O. Spence, Master-in-Equity Court Judge

Appellate Case No. 2026-001149

U.S. Bank National Association, Respondent,

v.

Tracie L. Green, Palmetto Citizens Federal Credit Union, Defendants,

of which Tracie L. Green is the Appellant.

RESPONDENT'S MOTION
TO DISMISS APPEAL

John S. Kay Bar # 7914
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Attorney for Respondent

Tracie L. Green
608 SE Defender Drive
Lake City, Florida 32025
Appellant

This simple foreclosure case has a long and tortured history that includes two attempts to remove the state court action to U.S. District Court, two appeals to the United States Court of Appeals for the Fourth Circuit, and two petitions for Writ of Certiorari to the United States Supreme Court – all filed by the Appellant in an attempt to delay the Respondent’s foreclosure action.

On November 14, 2024, U.S. Bank National Association (“Respondent”) was granted a foreclosure judgment against Tracie L. Green (“Appellant”), by the Lexington County Master-in-Equity. On January 29, 2025, the Master in Equity issued an Order denying the Appellant’s motion to vacate the foreclosure order. On January 31, 2025, Appellant filed an appeal of the foreclosure judgment with this Court designated as Appellate Case No. 2025-000179. After this Court notified the Appellant of multiple deficiencies and granted extra time to address those deficiencies, the Appellant failed to correct the deficiencies and the appeal was dismissed on March 18, 2025. Appellant filed a motion to reinstate the appeal on March 21, 2025. On April 11, 2025, the Court sent Appellant a deficiency letter, informing Appellant of three additional deficiencies and once again granted the Appellant additional time to correct the errors. On April 21, 2025, in a letter to the court, Appellant informed the Court that she did not intend to file for reinstatement. The Court accordingly dismissed the appeal and remitted the matter to the Master-in-Equity on April 25, 2025. Accordingly, the Appellant abandoned her appeal of the foreclosure judgment issued by the Master in Equity in favor of the Respondent and cannot seek an appeal of that Order in this appeal.

On May 1, 2025, the Master-in-Equity, pursuant to the previously issued foreclosure judgment, issued a Notice of Sale for the real property that was the subject of the foreclosure action to be sold at public auction on June 2, 2025. The property was sold to a third-party

purchaser at public auction and the Master in Equity issued his Master's Order of Sale and Disbursement and the Rule 71, SCRCF Notice of Surplus Funds on July 16, 2025. The Master in Equity issued his Order to Disburse Surplus funds on September 15, 2025. A copy of this Order is attached hereto as Exhibit A. The Appellant did not appeal this Order. On April 30, 2026, the Master-in-Equity issued another Order to disburse surplus funds. The two Orders are identical in terms of the amounts to be disbursed and the persons or entities to whom the disbursements were being made.

On May 17, 2026, Appellant filed a second appeal, this time with the Supreme Court of South Carolina, in which she appealed the April 30, 2026 Final Order to Disburse Surplus Funds. Appellant subsequently filed a variety of motions from May 18, 2026 through May 21, 2026. On May 21, 2026, the Supreme Court of South Carolina transferred the matter to the South Carolina Court of Appeals. Finally, on May 22, 2026, the Appellant filed a Motion to Include Additional Defendants, and a Motion for Relief from Judgment pursuant to Rule 60, South Carolina Rules of Civil Procedure.

Appellant has tried, for years now, to delay, relitigate, and undo a valid foreclosure judgment decided in favor of the Respondent. On June 4, 2026, the Appellant filed hundreds of pages of frivolous, incorrect and misleading documents with this Court, including a "Motion for Determination of Domestic Terrorism" regarding a water bill the Appellant apparently received from her water & sewer provider at the subject property which she no longer owns or resides in.

The appeal of the foreclosure final order was dismissed and the foreclosure judgment in favor of the Respondent is now the law of the case as is the Order for Disbursement or Surplus Funds from September 15, 2025. There is nothing left to appeal. The Appellant has caused undue delay, as well as excessive costs to Respondent, in both time and money, in defending this matter.

Additionally, Appellant has demonstrated an unwillingness to follow the rules of the court, including the South Carolina Rules of Civil Procedure and the South Carolina Rules of Appellate Court procedure, in her refusal to file documents properly and timely, both in this Court and the lower court. The Court has been generous in offering plenty of opportunities to fix her mistakes. The Appellant refuses to do so and will continue to do so even after this appeal is dismissed.

The Appellant herself requested that the 2025 her appeal be dismissed, as she “[did] not intend to file for reinstatement.” Thus, this matter has is res judicata in terms of the foreclosure, judgment, foreclosure sale, and disbursement of surplus funds.

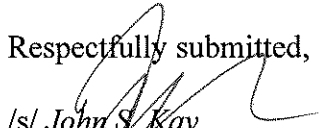
Additionally, the Motion for Relief from Judgment that Appellant filed on May 22, 2026, is based upon Rule 60 of the South Carolina Rules of Civil Procedure and is not applicable to appellate cases. Such a motion is properly filed in the trial court, not the Court of Appeals. “Relief under this section rests within the sound discretion of the trial court, whose conclusions will not be disturbed on appeal absent a showing of an abuse of discretion.” *Thompson v. Hammond*, 299 S.C. 116, 119, 382 S.E.2d 900, 902, 903 (1989). Further, “[a] party seeking to set aside a judgment pursuant to Rule 60(b) has the burden of presenting evidence entitling him to the requested relief.” *Perry v. Heirs at Law & Distributees of Gadsden*, 357 S.C. 42, 46, 590 S.E.2d 502, 504 (Ct. App. 2003). In this case, the Appellant presents no evidence entitling her to relief; she instead presents arguments that have previously been addressed and dismissed as lacking any merit.

“There is a limit beyond which the court should allow a litigant to consume the time of the court and to prolong unnecessarily time, effort, and costs to defending parties.” *Georgianne Apparel, Inc. v. Todd*, 303 S.C. 87, 92, 399 S.E.2d 16, 19 (Ct. App. 1990). The Appellant has had

ample time and opportunity to properly and timely file documents, comply with all relevant court rules, and make any merited legal arguments regarding this manner. Foreclosure actions are matters of equity, and it is the antithesis of equity to allow the Appellant to continue to willfully ignore the rules of the court, frivolously file motions, emails, and other documents, and to benefit from such behavior.

For these reasons, the Respondent requests that the Court grant the Respondent's Motion to Dismiss, with prejudice, and award Respondent all other just and equitable relief, including attorneys' fees and costs to which they are entitled.

Respectfully submitted,


/s/ John S. Kay

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*Attorney for Respondent U.S. Bank National
Association*

June 5, 2026

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
(U.S. Bank National Association,)
Plaintiff(s))
vs.)
/ Tracie L. Green; Palmetto Citizens)
Federal Credit Union,)
Defendant(s))

COURT OF COMMON PLEAS
2022CP3200784

ORDER TO
DISBURSE
SURPLUS FUNDS

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In accordance with Rule 71(c), South Carolina Rules of Civil Procedure, the Master-in-Equity Court shall disburse surplus funds in possession of the Court resulting from a judicial sale of real property in a foreclosure action before the Master-in-Equity Court. The Court finds the surplus funds should be disbursed as follows:

**\$13,042.41 to be disbursed to Richardson Plowden & Robinson, PA
(Attorney for Palmetto Citizens)**

\$5,845.86 to be disbursed to Hutchens Law Firm (Attorney for U.S. Bank N.A.)

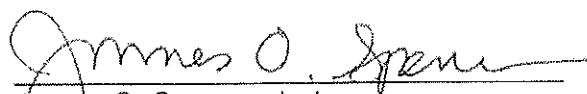
\$4,248.16 to be disbursed to Tracie L. Green (Defendant)

The Court reminds Creditor Defendants or parties who receive surplus fund payment(s) to file applicable Satisfaction or partial Satisfaction reflecting received surplus funds payment in appropriate underlying case or agency. Please copy applicable Defendant/Debtor.

The Court may hold these funds for a minimum of **35 days** to allow for the filing of motions based upon or appeal of this Order.

IT IS SO ORDERED.

Date: September 15, 2025
Lexington, S.C.


James O. Spence, Judge
Master-in-Equity Court

Court orders Surplus Funds checks to be cashed/ deposited by 120 day, or the check will be voided, and money will be issued to the Clerk of Court as unclaimed funds.

EXHIBIT A

juity
in Street
C 29072

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Lexington, SC 29073

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Lack City, FL 32025

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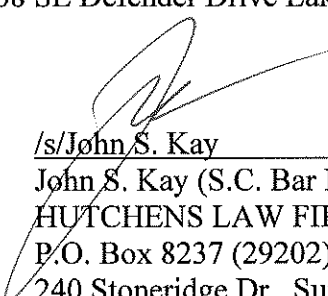
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Of which Tracie L. Green is the Appellant.,

PROOF OF SERVICE

I hereby certify that I have served the Respondent's Motion to Dismiss Appeal on Tracie L. Green by depositing a copy of it in the United States Mail, postage prepaid, on June 5, 2026, addressed to Tracie L. Green at 608 SE Defender Drive Lake City, Florida 32025.



/s/John S. Kay

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