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Jun 22 2026

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, Cardinal Pines Homeowners' Association, Inc., Palmetto Citizens Federal Credit Union, Joint Municipal Water and Sewer Commission, Defendants,

of which Tracie L. Green is the Appellant.

RESPONSE OF RESPONDENT U.S. BANK NATIONAL ASSOCIATION
TO APPELLANT'S MOTION TO VACATE ORDER

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Tracie L. Green
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This is the second appeal filed by Tracie L. Green (“Appellant”) of a foreclosure judgment issued to U.S. Bank National Association (“Respondent”) in 2024. On May 17, 2026, Appellant initiated this appeal by filing a “Notice of Appellant Not Ordering Transcript” with the South Carolina Supreme Court. Appellant subsequently filed her Notice of Appeal on May 18, 2026, with the South Carolina Supreme Court. On May 21, 2026, The Supreme Court of South Carolina issued an Order in which it transferred this case to the South Carolina Court of Appeals. On May 29, 2026, this Court issued a letter informing Appellant that pursuant to Rule 207(a)(1) of the South Carolina Appellate Court Rules, Appellant was required to order the transcript and had ten (10) days from the date of the letter to do so. Appellant failed to order the transcript in a timely manner. On June 12, 2026, the Court issued an Order dismissing this case for Appellant’s failure to comply with Rule 207(a)(1). In response, the Appellant filed her Motion to Vacate Order and Grant Access to South Carolina E-Filing System. Respondent now objects to this motion based on Appellant’s failure to comply with Rule 207(a)(1).

Rule 207(a)(1) provides the following requirements for Ordering the Transcript:

Where a transcript of the proceeding must be prepared by the court reporter, appellant shall, within the time provided for ordering the transcript, make satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the court reporter for furnishing the transcript. *In appeals from the court of common pleas, masters-in-equity, special referees or the family court in domestic actions, the transcript must be ordered within ten (10) days after the date of service of the notice of appeal.* In appeals from the court of general sessions or the family court in juvenile actions, the transcript must be ordered within thirty (30) days of the date of service of the notice of appeal. Appellant shall contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter. The court reporter must acknowledge receipt of the request by responding to the appellant within five business days. Where required by paragraph (a)(7) and by Order of the Supreme Court, copies of all correspondence must also be provided by electronic means. Unless the parties otherwise agree in writing, appellant must order a transcript of the entire proceedings below. If a party to the appeal unjustifiably refuses to agree to ordering less than the entire transcript, appellant may move to be awarded costs for having unnecessary portions transcribed; this motion must be made no later than the time the final briefs are due under Rule 211.

Rule 207(a)(1), SCACR (emphasis added). A review of the record in this case reveals that the Appellant failed to comply with these requirements. Appellant had ten (10) days from the service of the notice of appeal to order the transcript; Appellant was aware of this rule and instead filed a notice in which she informed the Court that she would not order the transcript, as required. The Court issued a letter reminding the Appellant of this rule, granted her additional time to comply, and Appellant again failed to do so. In her Motion to Vacate Order and Grant Access to South Carolina E-Filing System, Appellant argues that “to order the transcript would be against Court Rules,” however, the opposite is true: Rule 207 requires the ordering of a transcript. Appellant does not cite any other relevant court rules or case law to support her position.

The Appellant’s motion to vacate states that the reason the Court should vacate the June 12, 2026 Order of Dismissal is because of “alleged document and/or docket tampering”. However, Appellant lists no reason or explanation as to why she failed to order the transcript as required by Rule 207 SCACR. The Appellant has already appealed the lower court order in her in the same foreclosure in appellate case 2025-000179 and voluntarily withdrew her Motion to Reinstate that case after it had been dismissed. As the current appeal regards the same foreclosure case, there is nothing new here for the Court to decide and the Appellant’s Motion to Vacate should be denied.

For these reasons, the Respondent requests that the Court deny the Appellant’s Motion to

Vacate Order and Grant Access to South Carolina E-Filing System, 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
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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 Response to Appellant's Motion to Vacate Dismissal 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

John S. Kay (S.C. Bar No. 7914)

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June 22, 2026
Columbia, South Carolina