IN THE SOUTH CAROLINA COURT OF APPEALS

In The Court Of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

The Honorable James Wegmann/Special Referee/Circuit Court Judge

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Case No:2018-CP-07-00793

Appellate Case No: 2026-000660

Geraldine White, Appellant

v.

John R.C. Bowen and Adam Sinclair Ruffin, Esquire, Respondents

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APPELLANT'S INITIAL BRIEF

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3. Did the lower court err by allowing judgment enforcement or lien consequences without proof that the judgment was properly entered, abstracted and duly indexed as required by S.C. Code Ann. § 15-35-810?

4. Did the lower court err by not vacating or reversing judgment, where it rests on misrepresentation, lack of proof and/or fraud upon the court?

STATEMENT OF THE CASE

This appeal arises from an order filed March 6, 2026, in Beaufort County Court of Common Pleas Case No. 2018-CP-07-00793. The order denied Appellant Geraldine White's Motion to Set Aside or Vacate Default Judgment for Fraud Upon the Court and her amended motion. The order identifies the appealed judgment as the August 22, 2018 Order of Judgment entered by the Honorable Marvin H. Dukes, III, and states that Appellant sought to have that judgment set aside, declared void and unenforceable, and to obtain restitution of $15,665.73 plus treble damage. [R. p. __].

The lower court described this case as the first of two related actions arising from Hurricane Matthew and vessels tied to Benny Hudson Seafood Corp.'s dock. The order states that a second action, Case No. 2018-CP-07-00804, was brought against Martin Govan, and that Govan later filed a third-party complaint against Craig White and Geraldine White. The order further states that a separate 2025 action, Case No. 2025-CP-07-00718, sought to prevent disbursement of real-estate closing proceeds to Benny Hudson Seafood Corp. in alleged partial satisfaction of the 2018 Order. [R. p. __].

According to the order, Plaintiff's counsel filed an affidavit of default and motion for default judgment on May 30, 2018; a default damages hearing was held on August 21, 2018; and the 2018 Order was filed on August 22, 2018. Appellant later filed motions to set aside the default judgment in October 2018, appealed after denial, and the appeal was dismissed in 2019 for failure to provide a transcript status update. [R. p. __].

On December 3 and December 8, 2025, Appellant filed motions seeking relief from the 2018 Order based on void judgment, fraud upon the court, misrepresentation, lack of proof, lack of lien/indexing, vessel ownership defects, corporate-status defects, and the alleged unlawful transfer of $15,665.73. The lower court denied relief, reasoning in part that the filing was not an independent action and was untimely under Rule 60(b)(3), SCRCP; alternatively, it concluded that Appellant had not shown extrinsic fraud by clear and convincing evidence. [R. p. __].

Appellant appeals because the order treats Appellant's challenge as merely ordinary fraud under Rule 60(b)(3), fails to give controlling effect to the void-judgment and due-process allegations, and accepts disputed enforcement and lien facts without requiring the record proof necessary before a judgment may be used to deprive Appellant of property or funds.

STATEMENT OF FACTS

Benny Hudson Seafood Corp. sued Geraldine White and Craig White in 2018. The action allegedly arose from storm damage associated with Hurricane Matthew and a vessel alleged to have been tied at or near the Plaintiff's dock. The complaint resulted in a default damages judgment in the amount stated by the lower court as $201,173.27, with an additional appellate cost order later described by the court as part of the judgment roll. [R. p. __].

Appellant's position below was that the damages were not a sum certain. The amounts allegedly included vessel-related removal or repair costs, alleged lost seafood revenue, and other fact-dependent damages requiring competent proof. Appellant contended that these categories could not be entered as a ministerial default judgment and required adequate notice, a meaningful damages hearing, competent evidence, and judicial findings.

Appellant also contended that the damages evidence was materially unreliable because the record did not establish title or registration ownership of the vessel by Geraldine White, did not prove that the claimed removal charge was actually incurred or paid, and did not prove that Benny Hudson Seafood Corp. was legally operating or capable of earning the claimed seafood revenue during the relevant period. Appellant further asserted that material facts concerning corporate dissolution and reinstatement were withheld or mischaracterized.

The lower court rejected the lien issue by stating that judgments are not recorded in the Register of Deeds but are electronically indexed in the Clerk of Court's office. Appellant does not contend that the Register of Deeds is the only possible place for a judgment to be found. Appellant's point is that before property-sale proceeds may be diverted under a judgment-lien theory, the party relying on the judgment must prove the statutory elements: entry on the book of abstracts of judgments and due indexing in the county where the property is located.

The lower court also treated Appellant's challenge as untimely because the 2018 Order was more than seven years old. But Appellant alleged that the judgment was void, that the alleged enforcement against property proceeds occurred later, and that the misappropriation of $15,665.73 was a later deprivation arising from use of the challenged judgment. Appellant therefore sought relief not only from ordinary intrinsic fraud, but from a void judgment and from conduct alleged to subvert the integrity of the judicial process.

STANDARD OF REVIEW

Whether a judgment is void, whether a court applied the correct legal standard under Rule 60(b), SCRCP, and whether statutory lien requirements were satisfied are legal questions reviewed for errors of law. A court abuses its discretion when its ruling is controlled by an error of law, rests on unsupported factual assumptions, or fails to consider the controlling legal issue. To the extent the appeal involves equitable relief from judgment or fraud upon the court, the appellate court may review whether the lower court correctly applied the governing legal principles and whether the record supports the denial of relief.

ARGUMENT

I. THE LOWER COURT ERRED BY RELYING ON A JUDGMENT AND CLAIMS THAT WERE NOT SUPPORTED BY LAWFUL CORPORATE CAPACITY DURING THE RELEVANT PERIOD.

South Carolina law provides that a dissolved corporation continues its corporate existence, but it may not carry on any business except business appropriate to wind up and liquidate its affairs. S.C. Code Ann. § 33-14-105(a). Therefore, if Benny Hudson Seafood Corp. was dissolved during the time it claimed continuing business losses, revenues, or commercial operations, the record must support whether those alleged activities were lawful corporate business or only winding-up activity.

Although S.C. Code Ann. § 33-14-220(c) provides that reinstatement after administrative dissolution relates back to the date of dissolution, that statute does not erase the need for competent evidence proving the claimed damages, ownership, and lawful basis for relief. Reinstatement may restore corporate status, but it does not prove the amount of damages, prove vessel ownership, or cure a judgment entered without evidentiary support.

The South Carolina Supreme Court has recognized that corporate existence, statutory compliance, and the legal effect of corporate actions depend on the governing corporate statutes. See, e.g., C.J. Coakley Co. v. S.C. Tax Comm'n, 286 S.C. 406, 334 S.E.2d 509 (1985) (recognizing that corporate rights and obligations are determined by statute and governing law). Thus, the lower court was required to examine the corporate-status evidence and determine whether the corporation proved a lawful basis for the claimed relief.

Accordingly, the court should not have accepted unsupported business-loss claims merely because the corporation later claimed corporate status. The court was required to examine whether the evidence supported the judgment and whether the claimed losses were legally recoverable under South Carolina law.

II. THE LOWER COURT ERRED BY ACCEPTING A BILL OF SALE AS SUFFICIENT PROOF OF VESSEL OWNERSHIP WHERE SOUTH CAROLINA LAW REQUIRES CERTIFICATE-OF-TITLE PROOF.

South Carolina law treats the certificate of title as controlling ownership evidence for titled watercraft. Section 50-23-55(A) provides that a certificate of title to a watercraft or outboard motor is prima facie evidence of ownership. S.C. Code Ann. § 50-23-55(A). The statute further provides that watercraft and outboard motors subject to the chapter must be titled. Id.

Section 50-23-60 requires a person who acquires a watercraft or outboard motor required to be titled to apply for a certificate of title within thirty days of acquisition. S.C. Code Ann. § 50-23-60. Section 50-23-90 further provides that a certificate of title issued by the Department is prima facie evidence of the facts appearing on it. S.C. Code Ann. § 50-23-90.

South Carolina courts generally give effect to statutory certificate-of-title schemes where the legislature has made title documents evidence of ownership and transfer. See, e.g., Bankers Trust of S.C. v. Bruce, 275 S.C. 35, 267 S.E.2d 424 (1980) (recognizing the legal effect of certificate-of-title statutes in determining ownership and security interests in titled property). The same reasoning supports requiring competent title evidence for watercraft when ownership is disputed under Chapter 23 of Title 50.

These statutes show that a bill of sale alone is not the equivalent of a South Carolina certificate of title. Where ownership of the vessel was central to the judgment, the court should have required title evidence or competent proof satisfying South Carolina's watercraft title statutes. Without such proof, the damages tied to alleged ownership, removal costs, lost use, or lost seafood revenue were not sufficiently supported.

A default admits well-pleaded liability allegations; it does not automatically establish unliquidated damages. When damages are unliquidated, disputed, or dependent on proof, the court must receive competent evidence and provide the process required by the civil rules and due process. Appellant argued below that the 2018 Order included unliquidated damages such as lost revenue, vessel removal or repair costs, and other storm-related damages that were not a sum certain.

The lower court did not decide whether the damages were liquidated or unliquidated, did not determine whether Rule 55 procedures were satisfied, and did not evaluate whether the notice and hearing record supported the amount of the judgment. Instead, it relied on the age of the judgment and Appellant's prior appeal history. But a void judgment may be challenged because the defect goes to the court's power to enter the judgment consistently with due process.

Appellant's challenge was not merely that the judgment was wrong; it was that the damages judgment was entered without the procedural safeguards required before a party's property rights may be taken. If Appellant did not receive adequate notice of the damages hearing, if the hearing proceeded on unreliable proof, or if the court entered unliquidated damages without the findings required by Rule 55, then the judgment cannot simply be insulated by the passage of time.

The appellate court should reverse or remand for the lower court to determine whether the 2018 Order rested on competent proof and complied with Rules 5(a), 55(b), and due process before being used as the basis for collection or property-related enforcement.

III. THE LOWER COURT ERRED BY ALLOWING JUDGMENT ENFORCEMENT OR LIEN CONSEQUENCES WITHOUT PROOF THAT THE JUDGMENT WAS PROPERLY ENTERED, ABSTRACTED, AND INDEXED.

Under S.C. Code Ann. § 15-35-810, a judgment becomes a lien on real estate only in the county where the judgment or transcript is entered upon the book of abstracts of judgments and duly indexed. The statute further provides that the lien begins from the time of such entry on the book of abstracts and indices.

South Carolina appellate authority recognizes that a judgment lien depends upon proper entry and indexing. In Commercial Credit Loans, Inc. v. Riddle, the Court of Appeals explained that a South Carolina judgment entered upon the book of abstracts and duly indexed constitutes a lien upon the debtor's real estate in that county. 334 S.C. 176, 512 S.E.2d 123 (Ct. App. 1999). Likewise, in Wells ex rel. A.C. Sutton & Sons, Inc. v. Sutton, the court recognized the importance of statutory compliance for judgment-lien effect. 299 S.C. 19, 382 S.E.2d 14 (Ct. App. 1989).

Therefore, if the record does not show that the judgment was entered on the book of abstracts and duly indexed, the judgment should not have been treated as a valid real-property lien. Any enforcement, collection, or payment based on an unperfected lien was improper and should be reversed or vacated.

Appellant challenged the use of the 2018 Order as a lien against real-property proceeds. S.C. Code Ann. § 15-35-810 requires a judgment to be entered on the book of abstracts of judgments and duly indexed before[1] it becomes a lien on real estate in the county. A party seeking
to divert sale proceeds under a judgment-lien theory must prove compliance with the statute.

The lower court rejected Appellant's argument by stating that judgments are electronically indexed in the Clerk of Court's office, not recorded in the Register of Deeds. That The answer did not resolve the statutory issue. The question was not simply whether recording in the Register of Deeds was required; the question was whether the judgment was entered in the judgment rolls/book of abstracts and duly indexed in a manner sufficient to create a real-property lien against Appellant's property.

The order states that the judgment was entered in the judgment rolls on August 22, 2018, and August 30, 2019, but it does not identify or attach the abstract entry, index, certificate, judgment-roll page, case-action entry, lien search, or other competent record showing statutory compliance. Appellant was entitled to require that proof before her private sale proceeds were treated as subject to the judgment.

Because the lower court resolved the lien issue without requiring the necessary statutory proof, the order should be reversed or remanded for findings on whether a valid lien existed and whether the $15,665.73 transfer was legally authorized[2].

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[1] SC Code Ann Section 15-35-810, a judgment becomes a lien ONLY when it is entered upon the book of abstracts of judgments and duly indexed (See Bowers v. Bank of Greeleyville, 306 S.C.310)

[2]See First Citizens Bank & Trust Co. v. Taylor, 431 S.C. 149, 847 S.E.2d 249 (Ct. App. 2020) Taylor confirms that a court may reach only “property of the judgment debtor” and that where third-party property rights are implicated, third parties must receive notice and a meaningful opportunity to be heard before ownership is determined. Funds that were held by the closing attorney cannot simply be taken without proper process.

IV. THE COURT ERRED BY NOT VACATING OR REVERSING THE JUDGMENT WHERE IT RESTS ON MISREPRESENTATION, LACK OF PROOF, OR FRAUD UPON THE COURT.

South Carolina recognizes relief from a void judgment under Rule 60(b)(4), SCRCP. A judgment is void where the court lacked jurisdiction or where the judgment was entered in a manner inconsistent with due process. BB&T v. Taylor, 369 S.C. 548, 633 S.E.2d 501 (2006).

South Carolina also recognizes an independent action for fraud upon the court. In Chewning v. Ford Motor Co., the South Carolina Supreme Court held that fraud upon the court requires conduct intended to deceive or defraud the court and may justify setting aside a judgment. 354 S.C. 72, 579 S.E.2d 605 (2003). The Court explained that fraud upon the court involves extraordinary circumstances affecting the judicial process itself, not merely ordinary disputed evidence.

The United States Supreme Court has similarly recognized that judgments obtained through fraud on the judicial process may be set aside in extraordinary circumstances. Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944); United States v. Beggerly, 524 U.S. 38 (1998). These cases support the principle that a court's judgment cannot stand when the integrity of the judicial process has been corrupted by material misrepresentation or concealment.

Here, the judgment was based on material issues that required competent proof, including corporate authority, vessel ownership, claimed damages, alleged removal costs, and alleged lost revenue. If the record shows that the court relied on unsupported or false representations concerning those matters, then the judgment was not merely erroneous; it was entered on a defective evidentiary and legal foundation.

The appellate court should reverse, vacate, or remand because a judgment cannot stand where the essential elements of ownership, damages, lien status, and lawful entitlement to relief were not proven by competent evidence.

The Appellant's initial brief connects each legal argument to supporting authority and the Record on Appeal because, Rule 208, SCACR, requires the initial brief to contain arguments with supporting authority. The appellant is entitled to present each issue with the statutes, cases, and record references that support reversal. Rule 209, SCACR, also requires the party serving the initial brief to serve a designation of matter to be included in the Record on Appeal.

South Carolina appellate courts have repeatedly held that issues must be supported by argument and legal authority to be preserved for appellate review. See, e.g., Glasscock, Inc. v. U.S. Fid. & Guar. Co., 348 S.C. 76, 557 S.E.2d 689 (Ct. App. 2001) (issues not supported by authority may be deemed abandoned). Therefore, the argument section should include the specific statutes and cases relied upon for each ground of appellate relief.

Accordingly, the Appellant designates the pleadings, orders, motions, corporate-status records, vessel-title documents or lack thereof, judgment-index records, hearing transcripts, exhibits, and any documents relied upon by the lower court as necessary for appellate review.

The order treats vessel ownership as conclusively admitted because the complaint alleged ownership and because Appellant allegedly produced or referenced a bill of sale. But South Carolina watercraft ownership and lien rights may depend on certificate-of-title and registration requirements, not merely a bill of sale or an untested complaint allegation. Appellant contended that the record lacked competent title and registration proof tying her to the vessel in the manner necessary to support the judgment.

The order also rejects Appellant's corporate-status challenge by relying on reinstatement statutes. Appellant's argument, however, was broader than whether a dissolved corporation may sue. Appellant challenged whether the corporation could lawfully claim lost operating revenue for the relevant period and whether the damages presentation accurately disclosed the corporation's status. Those questions go to proof and reliability of damages, not merely capacity to file a complaint.

The same is true of alleged removal costs and lost revenue. A default does not transform unsupported estimates, speculative lost profits, or disputed ownership allegations into competent damage proof. The lower court should have examined whether the 2018 damages record contained competent evidence for each category of damages and whether any material misrepresentation affected the judgment.

By treating these issues as foreclosed without examining the damages record, the lower court effectively insulated an allegedly unsupported default judgment from review while permitting that judgment to affect Appellant's property rights. That result is inconsistent with due process, Rule 55, and the equitable principles governing relief from void judgments and fraud upon the court.

In reviewing a Rule 60(b) issue, the appellate court determines whether the lower court abused its discretion. Raby Construction, L.L.P. v. Orr, 358 S.C. 10, 17, 594 S.E.2d 478, 482 (2004). An abuse of discretion[3] occurs when the court’s ruling is controlled by an error of law or is based on factual findings without evidentiary support. Id. South Carolina recognizes relief under Rule 60(b)(3) where extrinsic fraud deprived a party of a fair opportunity to present the case. Id. at 20, 594 S.E.2d at 483. Here, the challenged order should not have been enforced where the record shows Appellant was deprived of a meaningful opportunity to contest the alleged debt, ownership, lien status and collection of funds.

CONCLUSION

For the foregoing reasons, Appellant Geraldine White respectfully requests that the Court of Appeals reverse the March 6, 2026 order, vacate or remand for reconsideration of the August 22, 2018 Order of Judgment, require findings on whether the judgment is void or unenforceable, require proof of statutory judgment-lien compliance under S.C. Code Ann. § 15-35-810[4], require

[3] See Wham v. Shearson Lehman Bros., Inc., 298 S.C. 462, 381 S.E.2d 499 (Ct. App. 1989)

[4] See Bowers v. Bank of Greeleyville, 306 S.C. 310, 411 S.E.2d 671 (1991)(recognizing that judgment-lien effect depends upon compliance with South Carolina’s judgment-indexing requirements).

the Respondent to provide documented evidence to support claims, order that Judgment be dismissed with prejudice, or grant such other relief as the Court deems just and proper.

Respectfully submitted,

s/ Geraldine White July 8, 2026

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PROOF OF SERVICE FOR APPELLANT's INITIAL BRIEF AND DESIGNATION OF MATTER FOR RECORD ON APPEAL

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I certify that a true and correct copy of the foregoing documents was served on all parties of record by U.S. Mail, hand delivery, electronic mail, and/or other method permitted by the South Carolina Appellate Court Rules on July 8, 2026, addressed as follows:

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