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SC Court of Appeals

IN THE SOUTH CAROLINA COURT OF APPEALS

In The Court Of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

The Honorable James J. Wegmann Special Referee/Circuit Judge

Appellate Case No. 2025-002484

Lower Court Case No. 2018-CP-07-00804

Benny Hudson Seafood Corp., Respondent,

v.

Martin Govan, Respondent,

and

Martin Govan, Third Party Plaintiff,

v.

Craig White and Geraldine White, Third Party Defendants,

of whom Geraldine White is the Appellant.

APPELLANT'S INITIAL BRIEF

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STATEMENT OF ISSUES ON APPEAL

1. Whether the lower court erred by denying Appellant's motions where the December 3, 2025 order itself states the Master-in-Equity had no jurisdiction over case no. 2018-CP-07-00793 and no authority to grant relief from the August 22, 2018 Order of Judgment in that case.

2. Whether the August 22, 2018 default judgment is void, voidable, or must be vacated because the damages were unliquidated and disputed, and the record does not show compliance with Rules 55(b)(2) and 5(a), SCRCP, before entry of a $201,723.27 judgment including lost revenue, wreck removal, prejudgment interest, and punitive damages.

3. Whether the lower court erred by refusing to address Appellant's Rule 60(b) grounds, including due process, misrepresentation, fraud, lack of competent proof, and extraordinary circumstances affecting the integrity of the judgment.

4. Whether any real-property judgment lien existed where Appellant contends the 2018 judgment was not entered on the book of abstracts of judgments and duly indexed as required by S.C. Code Ann. § 15-35-810.

5. Whether the judgment amount rests on insufficient proof where the record relied on alleged vessel ownership, an estimate for removal, unsupported lost shrimp revenue, and punitive damages without adequate title, registration, business, or damages evidence.

STATEMENT OF THE CASE

This appeal concerns orders and proceedings arising from Beaufort County case nos. 2018-CP-07-00793 and 2018-CP-07-00804. In case no. 2018-CP-07-00793, Benny Hudson Seafood Corp. obtained on August 22, 2018 Order of Judgment against Geraldine White and Craig White. In the related case no. 2018-CP-07-00804, Martin Govan proceeded as third-party plaintiff against Craig White and Geraldine White. Appellant Geraldine White appears pro se and seeks review of the lower court's refusal to vacate, reopen, or otherwise grant relief from the 2018 judgment and its enforcement consequences.

The August 22, 2018 Order of Judgment states the matter came before the court on August 21, 2018 for a damages hearing and on the plaintiff's motion for default order. The order states John R.C. Bowen appeared for Benny Hudson Seafood Corp. and Mrs. Barbara Hudson appeared as president of the plaintiff corporation. It further states no appearance was made by Geraldine White or Craig White. Order of Judgment, p. 1.

The order describes the complaint as alleging gross negligence connected to a thirty-five foot boat allegedly sunk at plaintiff's commercial dock and states the complaint sought actual damages, punitive damages, and prejudgment interest. Order of Judgment, p. 1. The order further states the court scheduled a hearing for August 21, 2018 and held a hearing for the purpose of taking testimony on damages. Order of Judgment, pp. 2-3.

The damages awarded were not a fixed note, liquidated contract debt, or sum certain. The order states Mrs. Hudson introduced an estimate from ShoreShapers, Inc. and testified to damages totaling $146,880.00, itemized as $12,880.00 in lost dockage charges, $104,000.00 in lost shrimp-sales revenue, and $30,000.00 for cost of wreck removal. Order of Judgment, p. 3. The footnotes state the estimate was for removal of two boats but testimony was offered that removal of only the White boat would cost $30,000.00; another footnote states the lost shrimp figure was derived from an average catch of 1,000 pounds per week for 52 weeks. Id.

The court awarded $146,880.00 in actual damages, $4,843.27 in prejudgment interest on the cost of wreck removal, and $50,000.00 in punitive damages, for a total judgment of $201,723.27. Order of Judgment, p. 4. Appellant contends this award was entered without the procedures required for unliquidated damages and without competent proof sufficient to support the amount awarded.

Appellant filed consolidated motions seeking to reopen case no. 2018-CP-07-00793, vacate the August 22, 2018 judgment, reimburse $15,665.73 in funds collected in alleged partial satisfaction of that judgment, and dismiss claims against her in case no. 2018-CP-07-00804. The December 3, 2025 Order on Pending Motions identifies those requests and denies them. Order on Pending Motions, pp. 1-4.

The December 3, 2025 order states that most of Appellant's requested relief related to the judgment in case no. 2018-CP-07-00793, but the order of reference referred only to case no. 2018-CP-07-00804 to the Master-in-Equity. The order expressly states: "This Court does not have jurisdiction over case no: 2018CP0700793 and has no authority to grant the relief requested by Third-Party Defendant G. White in that matter." Order on Pending Motions, p. 2. The order relied on First Citizens Bank & Trust Co., Inc. v. Taylor, 431 S.C. 149, 847 S.E.2d 249 (Ct. App. 2020), and Rule 53, SCRCP, concerning the limited authority of a master under an order of reference. Id. at 2-3.

Despite that jurisdictional limitation, the order denied Appellant's motions to vacate the 2018 judgment, reopen the 2018 case, reimburse $15,665.73, and dismiss the third-party complaint; it also struck Appellant's counterclaim filed November 7, 2025. Order on Pending Motions, pp. 4-6. Appellant seeks reversal or remand so that the 2018 judgment and related enforcement issues are addressed by a court with jurisdiction and under the correct legal standards.

STANDARD OF REVIEW

The denial of relief from a default judgment is generally reviewed for abuse of discretion. Roberson v. Southern Fin. of S.C., Inc., 365 S.C. 6, 615 S.E.2d 112 (2005). A court abuses its discretion when its ruling is controlled by an error of law or when factual conclusions lack evidentiary support.

Questions of subject matter jurisdiction, statutory interpretation, and the legal effect of procedural rules are reviewed for correction of errors of law. The question whether a master has authority to decide an issue outside the order of reference is a jurisdictional/legal question. First Citizens Bank & Trust Co., Inc. v. Taylor, 431 S.C. 149, 847 S.E.2d 249 (Ct. App. 2020).

Where a party asserts a judgment is void under Rule 60(b)(4), SCRCP, the court has no discretion to enforce a void judgment. The inquiry is legal and focuses on jurisdiction and due process. Relief based on fraud, misrepresentation, or other grounds under Rule 60(b) requires application of the correct legal standard to the record.

ARGUMENT

I. THE MASTER-IN-EQUITY ORDER CONFIRMS THE MASTER LACKED AUTHORITY OVER THE 2018 JUDGMENT AND THE REQUESTED 2018 RELIEF SHOULD HAVE BEEN HEARD BY A COURT WITH JURISDICTION.

The December 3, 2025 order makes a critical finding: the Master-in-Equity did not have jurisdiction over case no. 2018-CP-07-00793 and had no authority to grant relief from the 2018 judgment in that matter. Order on Pending Motions, p. 2. That finding is supported by Rule 53, SCRCP, and First Citizens Bank & Trust Co., Inc. v. Taylor, which explain that a master has only the authority given by the order of reference.

Because the order of reference addressed only case no. 2018-CP-07-00804, the Master could not adjudicate the merits of Appellant's request to vacate or reopen the separate 2018 judgment in case no. 2018-CP-07-00793. Once the court concluded it lacked authority over that judgment, the proper course was to decline to decide the merits and direct that relief be heard in the proper court, not to deny substantive relief in a way that may be treated as a merits adjudication.

This matters because the requested relief was not merely procedural. Appellant sought to vacate or reopen the judgment, recover $15,665.73 allegedly collected in partial satisfaction, and challenge use of the judgment as an enforceable lien or obligation. Order on Pending Motions, p. 2. Those requests turn on the validity and enforceability of the 2018 judgment itself. A court without authority over that judgment cannot conclusively determine those issues against Appellant.

The Court should reverse or vacate the portion of the December 3, 2025 order that denied relief concerning case no. 2018-CP-07-00793 and remand with instructions that Appellant's Rule 60(b), lien, reimbursement, and enforcement objections be heard by a court with jurisdiction over the judgment.

II. THE 2018 DEFAULT JUDGMENT RESTED ON DISPUTED, UNLIQUIDATED DAMAGES AND REQUIRED STRICT COMPLIANCE WITH RULES 55(b)(2) AND 5(a), SCRCP.

Rule 55(b), SCRCP, distinguishes between a sum certain and other default judgments requiring court action. Rule 5(a), SCRCP, further requires notice of any trial or hearing on unliquidated damages to parties in default. Those rules protect due process because default may admit well-pleaded liability allegations, but it does not automatically prove the amount of unliquidated damages.

In Beckmann Concrete Contractors, Inc. v. United Fire & Casualty Co., the Court of Appeals held that a stated dollar demand does not transform disputed damages into a liquidated sum. Where the damages are not capable of mathematical calculation from a fixed obligation, the defaulting party is entitled to the procedure required by Rule 55(b)(2) and Rule 5(a).

The 2018 order itself shows the damages were unliquidated. The complaint sought actual damages, punitive damages, and prejudgment interest. Order of Judgment, p. 1. The damages hearing was held to receive testimony on damages. Order of Judgment, pp. 2-3. The award depended on testimony about lost dockage charges, lost shrimp-sales revenue, a wreck-removal estimate, prejudgment interest, and punitive damages. Order of Judgment, pp. 3-4.

Those categories are not sums certain. Lost shrimp-sales revenue allegedly based on an average 1,000 pounds per week for 52 weeks required proof of causation, business operations, market price, mitigation, and duration. Order of Judgment, p. 3 n.3. Wreck removal required proof of the actual vessel, actual removal obligation, reasonable cost, and who owned or controlled the vessel. Order of Judgment, p. 3 n.2. Punitive damages required proof of willfulness and a legally sufficient evidentiary basis. Order of Judgment, p. 4.

Because the damages were unliquidated, the lower court should have required strict compliance with Rules 55(b)(2) and 5(a). If notice of the damages hearing was defective, if the proof was insufficient, or if the judgment was entered without the required procedure, the default judgment cannot stand in the amount entered. Beckmann controls this issue and requires vacatur or remand for a proper damages hearing.

Wham v. Shearson Lehman Bros., Inc., 298 S.C. 462, 381 S.E.2d 499 (Ct. App. 1989), further supports a merits-oriented approach to default relief where the moving party raises a meritorious defense, acts within a reasonable time under the governing rule, and the opposing party is not unfairly prejudiced. Here, Appellant raised meritorious defenses going to notice, jurisdiction, ownership, lien status, and damages proof. Those issues should be heard rather than barred by a default that rests on disputed damages.

III. APPELLANT RAISED RULE 60(b) GROUNDS REQUIRING LEGAL REVIEW, INCLUDING VOIDNESS, DUE PROCESS, MISREPRESENTATION, AND EXTRAORDINARY CIRCUMSTANCES.

Appellant's motions were not simply a late disagreement with the amount of the judgment. They raised Rule 60(b) grounds, including voidness, due process defects, misrepresentation, alleged fraud on the court, lack of proper notice of unliquidated damages, lack of competent proof, and enforcement of a judgment allegedly not perfected as a lien. These grounds required the court to apply Rule 60(b), SCRCP, and make findings sufficient for review.

Rule 60(b)(4), SCRCP, permits relief from a void judgment. A judgment entered without due process, without jurisdiction, or in a manner inconsistent with required notice may be void or unenforceable. Rule 60(b)(3) permits relief for fraud, misrepresentation, or other misconduct. Rule 60(b)(5) and Rule 60(b)(6) address satisfaction, prospective inequity, and extraordinary circumstances.

Raby Construction, LLP v. Orr, 358 S.C. 10, 594 S.E.2d 478 (2004), confirms that South Carolina courts recognize relief where fraud or misconduct undermines the integrity of a judgment. Appellant alleged that the judgment relied on unsupported or misleading claims concerning vessel ownership, removal costs, lost revenue, and enforceability as a lien. Those allegations are not peripheral; they go to the foundation of the judgment and its later enforcement.

The December 3, 2025 order did not decide these Rule 60(b) issues under the proper standards. Instead, it stated the Master lacked jurisdiction over case no. 2018-CP-07-00793 and denied relief. Order on Pending Motions, pp. 2-4. That approach left Appellant without a merits determination by a court authorized to decide the validity and enforceability of the 2018 judgment.

The Court should remand for findings on whether the 2018 judgment is void or voidable, whether required notice was given for unliquidated damages, whether the proof supported the award, whether misrepresentations affected the judgment, whether any funds were collected through improper enforcement, and whether Rule 60(b) relief is required.

IV. NO REAL-PROPERTY JUDGMENT LIEN EXISTS UNLESS THE JUDGMENT IS ENTERED ON THE BOOK OF ABSTRACTS OF JUDGMENTS AND DULY INDEXED UNDER S.C. CODE ANN. § 15-35-810.

S.C. Code Ann. § 15-35-810 provides that final judgments and decrees constitute a lien upon a judgment debtor's real estate only in a 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 that entry and indexing.

Appellant contends the 2018 Order of Judgment was not properly entered on the book of abstracts of judgments and duly indexed in Beaufort County so as to create a lien against her real property. If the record confirms no proper abstracting and indexing, the judgment could not lawfully be treated as a real-property lien or encumbrance against Appellant's property.

The distinction matters because Appellant sought reimbursement of $15,665.73 allegedly collected in partial satisfaction of the 2018 judgment. Order on Pending Motions, p. 2. If those funds were obtained because the judgment was represented or treated as a perfected lien when no lien existed under § 15-35-810, Appellant is entitled to judicial review and appropriate relief.

The Court should hold that the lower court must determine whether the judgment was entered on the book of abstracts of judgments and duly indexed, when any lien began, whether the ten-year statutory lien period applies, and whether any funds were collected through improper enforcement.

V. THE JUDGMENT AMOUNT RESTS ON INSUFFICIENT PROOF OF VESSEL TITLE, REMOVAL COSTS, LOST REVENUE, AND PUNITIVE DAMAGES.

South Carolina watercraft law requires competent title and registration proof for ownership issues. S.C. Code Ann. § 50-23-55 states that a certificate of title to a watercraft or outboard motor is prima facie evidence of ownership and that watercraft subject to titling requirements must be titled. Sections 50-23-60 and 50-23-90 further govern titling and registration requirements and related proof.

The 2018 Order of Judgment states in a footnote that, according to the pleadings, the 35-foot boat was owned by Geraldine White and that Craig White was captain and manager. Order of Judgment, p. 1 n.1. Appellant contends the record did not include competent certificate-of-title or registration proof establishing ownership, control, or liability for the vessel damages awarded.

The damages proof was also insufficient. The order states the ShoreShapers estimate was based on removal of two boats, while the testimony asserted that removal of only the White boat would cost $30,000.00. Order of Judgment, p. 3 n.2. That discrepancy required a supported evidentiary finding, especially because the court awarded the full $30,000.00 removal amount plus prejudgment interest on that cost. Order of Judgment, p. 4.

The $104,000.00 lost shrimp-sales award likewise required competent proof beyond a conclusory average. Order of Judgment, p. 3 n.3. The record needed evidence of corporate business status, ability to conduct shrimp sales during the relevant period, actual historical sales, causation, mitigation, and the reasonableness of a 52-week measure. A default does not supply evidence where the law requires proof of unliquidated damages.

Finally, the $50,000.00 punitive-damages award cannot stand if the actual damages and underlying proof are unsupported or if Appellant did not receive the notice and hearing required for unliquidated damages. Punitive damages are especially dependent on proof of culpability and due process. The Court should vacate the punitive award or remand for a legally adequate evidentiary hearing.

CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court reverse or vacate the December 3, 2025 order to the extent it denied relief concerning case no. 2018-CP-07-00793, remand for a court with jurisdiction to decide Appellant's Rule 60(b), lien, reimbursement, and enforcement issues, and direct that the lower court apply Rules 55(b), 5(a), 53, and 60(b), SCRCP, S.C. Code Ann. § 15-35-810, and the watercraft title statutes.

Appellant further requests that the Court vacate the August 22, 2018 Order of Judgment or remand for a full evidentiary hearing with proper notice and specific findings on damages, vessel ownership, lien status, misrepresentation, and any funds collected in partial satisfaction. In addition, Appellant requests that the Court find that she does not owe Govan Respondent $10,000 for expenses he paid to settle his case that was against him by Benny Hudson Seafood Corp, and remand to lower court to have this counterclaim against Appellant dismissed with prejudice. Appellant requests all further relief this Court deems just and proper.

Respectfully submitted,

s:/Geraldine White July 8, 2026

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