

**PETITION FOR A WRIT OF CERTIORARI TO THE
COURT OF APPEALS**

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM BEAUFORT COUNTY
Court of Appeals

Hon. Marvin H Dukes, III, Master-in-Equity

Opinion No. 2026-UP-158 (S.C. Ct. App. filed Apr. 1, 2026)
Appellate Case No. 2023-001519
Circuit Court Case No. 2020-CP-07-01507

James Reid and Sarania Reid,Respondents,

v.

Carrie Gaston Henderson,Petitioner.

PETITION FOR A WRIT OF CERTIORARI

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CERTIFICATE OF COUNSEL

Petitioner, Carrie Gaston Henderson, pro se, respectfully petitions this Court for a writ of certiorari to review the unpublished opinion of the South Carolina Court of Appeals in *Reid v. Henderson*, Op. No. 2026-UP-158 (S.C. Ct. App. filed Apr. 1, 2026), and the order denying rehearing filed June 17, 2026.

QUESTIONS PRESENTED

1. Did the Court of Appeals err in applying the "law of the case" doctrine by concluding that a 1998 order was "unappealed," when the record contains a June 19, 1998 order from the Court of Appeals itself granting supersedeas in that very matter?
2. Did the Court of Appeals commit an error of law by affirming a divestiture of undisputed title to 56 acres of land based on a notice defect in a 1983 action, effectively treating a "voidable" judgment as a basis for total dispossession in violation of *David v. McLeod Regional Medical Center*?

STATEMENT OF THE CASE

This case concerns a parcel of ancestral land in Beaufort County that forms part of a larger Gadsden/Gaston/Gadson family tract historically described as approximately 110 acres (often cited as 113 acres in previous citing and pleadings). Petitioner's father, Cecil Gadsden Jr., lawfully held undisputed title to 56 acres of this tract, supported by a 1928 deed and findings in a 1991 order (ROA pp. 78, 84). Following a 1983 quiet title action for the remaining 54 acres previously deeded to Cecil's late brother, other heirs challenged the title, alleging they were not properly notified. In 1991 and 1995, the trial court partitioned the entire 110-acre tract among other heirs, effectively divesting Cecil Gadsden and his successors of the original 56 acres without accounting for his separate interest.

By order dated February 20, 1998, in Case No. 90-CP-07-310, the Beaufort County Court of Common Pleas entered a quiet title ruling affecting the tract. The Court of Appeals later concluded that neither Cecil Gaston, Jr. nor his heirs timely appealed that order, and therefore treated the ruling as the law of the case. In 2016, Respondents subsequently purchased 22.9 acres

of this tract (ROA pp. 114-116). The present action was filed on July 27, 2020, when Respondents James Reid and Sarania Reid brought trespass and ejectment claims seeking removal of a mobile home from the property. Petitioner asserted an ownership interest as an heir of Cecil Gaston, Jr. and challenged the chain of title.

Petitioner contends that the earlier proceedings did not fully and fairly resolve all ownership and possession issues now being used to support her eviction. She further contends that the portion of land where her mobile home is located remains subject to unresolved title and possessory questions. The Master-in-Equity granted summary judgment to Respondents and later denied Petitioner's motion for reconsideration (ROA pp. 7, 12-13). Petitioner appealed.

In an unpublished opinion filed April 1, 2026, the Court of Appeals affirmed solely on the ground that the 1998 order was never timely appealed and therefore became the law of the case. Petitioner then filed a petition for rehearing under Rule 221, SCACR, arguing that the Court had overlooked record material showing that an appeal from the 1998 order was pending in June 1998, including a June 19, 1998 supersedeas order and related filings. Although the June 19, 1998 Order Granting Supersedeas was not part of the initial Record on Appeal, it is an official, filed record of the South Carolina Court of Appeals in Case No. 90-CP-07-310, and was brought to the Court's attention in the Petition for Rehearing to correct a misapprehension of material fact under Rule 221(b).

The Court of Appeals denied rehearing on June 17, 2026. Petitioner now seeks a writ of certiorari.

ARGUMENTS

I. THE COURT OF APPEALS ERRED IN APPLYING THE "LAW OF THE CASE" DOCTRINE BASED ON A MISAPPREHENSION OF THE RECORD REGARDING THE FINALITY OF A 1998 ORDER.

The Court of Appeals' affirmance rests entirely on the procedural premise that the February 20, 1998 quiet title order was "unappealed" and therefore constitutes the "law of the case". This conclusion is the foundational error of the opinion; it is factually inconsistent with the record and constitutes a "misapprehension of material facts" under Rule 221(b), SCACR.

A. The Record Contains Express Acknowledgments of a Pending Appeal in 1998. The Court of Appeals held that Cecil Gadsden Jr. and his heirs "failed to timely appeal the 1998 quiet title action order". However, Petitioners Petition for Rehearing contains a filing dated June 16, 1998, submitted by Respondents' own counsel, titled "Return" to a motion to enjoin enforcement "While An Appeal is Pending in the South Carolina Court of Appeals" (Petition ¶ 3, p. 7). This document explicitly states: "The current appeal is the fourth (4th) appeal to the South Carolina Court of Appeals or the South Carolina Supreme Court". This contemporaneous acknowledgment by the opposing party confirms that the 1998 order was actively under appellate review and was not, as the Court of Appeals recently claimed, "unappealed".

B. The Court of Appeals' Own June 19, 1998 Order Granting Supersedeas Precludes Finality. The most critical evidence overlooked by the Court is its own historical intervention in this matter. On June 19, 1998, the Court of Appeals entered an order granting a petition for supersedeas in this very property action (Petition p. 5).

Under South Carolina law, the granting of supersedeas is a significant jurisdictional act that suspends the enforcement of a lower court judgment during the pendency of an appeal. Supersedeas relief is not available, nor is it legally possible, absent an active and valid appeal. By granting this stay, the Court of Appeals acknowledged in 1998 that appellate jurisdiction had attached. Consequently, the 1998 judgment had not reached the finality required to serve as the "law of the case".

C. An Error of Law Rooted in a Factual Misapprehension Requires Reversal. The doctrine of "law of the case" applies only to issues that have been finally decided and not timely appealed. The Court of Appeals relied on *Dreher v. S.C. Dep't of Health & Env't Control* to shield the 1998 order from review. However, because the record proves the order was appealed and stayed by supersedeas, the Court's reliance on that doctrine rests on a demonstrable procedural fallacy.

As the South Carolina Supreme Court reaffirmed in *Hartford Accident & Indem. Co. v. S.C. State Highway Dep't*, an appellate court must reverse where the lower tribunal's findings are "controlled by an error of law" or rest on a misunderstanding of whether an appeal was taken. The Court of Appeals' conclusion that the 1998 order was final foreclosed any review of Petitioner's substantive claims regarding the unlawful divestiture of her father's undisputed 56-acre interest.

This Court should grant certiorari to correct this manifest injustice and ensure that the "law of the case" doctrine is not used to sanitize a judgment that was, in fact, never final.

II. THE COURT OF APPEALS ERRED IN AFFIRMING A JUDGMENT THAT DIVESTED PETITIONER OF UNDISPUTED TITLE TO 56 ACRES BASED ON A NOTICE DEFECT IN A PRIOR ACTION, IN VIOLATION OF DUE PROCESS.

The Court of Appeals' decision sanctions a wholesale reallocation of ancestral property that is unsupported by the record and contrary to settled law regarding the finality and effect of "voidable" judgments. By affirming a judgment that treated a procedural notice defect in a 1983 action as a jurisdictional vacuum, the Court permitted the total destruction of Petitioner's vested property rights without due process.

A. The Court Misapplied *David v. McLeod* by Treating a Voidable Judgment as a Basis for Total Dispossession. In *David v. McLeod Regional Medical Center*, 367 S.C. 242, 626 S.E.2d 1 (2006), this Court established a clear distinction between subject matter jurisdiction and procedural defects such as a lack of service. A failure to notify a party in a quiet title action does not render the resulting judgment "void" for lack of authority; rather, it makes the judgment "voidable" only as to the parties whose due process rights were impacted.

Here, the trial court and the Court of Appeals erroneously used a potential 1983 notice defect regarding *other* heirs as a justification to invalidate Cecil Gadsden's *entire* interest in the 110-acre tract. Rather than narrowly tailoring a remedy to restore the rights of the omitted heirs to their specific shares, the lower courts effectuated a "sweeping award" that divested Cecil Gadsden and his successors of even their undisputed, independently held 56-acre interest. This constitutes an error of law because a "voidable" judgment should only be modified to the extent necessary to cure the specific due process violation.

B. The Record Contains Undisputed Evidence of a Separate 56-Acre Interest. The Court of Appeals overlooked "reliable, probative, and substantial evidence" confirming that Cecil Gadsden Jr. held lawful title to 56 acres of the family tract through means independent of the contested 1983 quiet title action. Specifically:

- **The 1928 Deed:** Cecil's elders deeded him a 74-acre parcel in 1927–1928, and a separate 41-acre parcel was placed in a family trust for his use during his lifetime.

- **The 1991 Order:** Judge Kemmerlin explicitly found in 1991 that "Cecil J. Gadsden, Jr. owns a one-half interest in the real property" (approximately 56 acres).
- **Historical Possession:** Cecil lived on and farmed this northwest portion of the land for over 40 years, even paying \$618.77 to the Bank of Ridgeland in 1971 to prevent foreclosure on family shares (ROA p. 187).

By affirming the 1998 order that awarded "none of the 113 acres" to Cecil's heirs, the Court of Appeals permitted the trial court to use a partition action to satisfy a monetary timber judgment by transmuting Petitioner's entire inheritance into Respondents' title (ROA point 4, p. 4).

C. Total Forfeiture Without a Tailored Remedy Violates Procedural Due Process. Procedural due process demands that a deprivation of property be supported by a "sound legal basis" and narrow tailoring. By failing to distinguish between the parcels impacted by inadequate notice and the 56 acres Cecil Gadsden held by undisputed deed, the Court of Appeals sanctioned a "wholesale reallocation of property" that far exceeded the scope of the original claims. Furthermore, the trial court's summary denial of Petitioner's Motion for Reconsideration, which raised these specific distinctions, denied Petitioner meaningful judicial review. As this Court held in *Brock v. Town of Mount Pleasant*, a court's refusal to address the merits of a fundamental error in a Rule 59(e) motion is itself a violation of due process. Petitioner respectfully requests this Court grant certiorari to correct this manifest injustice and restore her lawful property interest.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant a writ of certiorari, review the decision of the Court of Appeals, and grant such other relief as the Court deems just and proper.

Respectfully submitted,

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June 14, 2026