

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY

The Honorable T.J. Rode
The Honorable Dale E. Van Slambrook
Civil Action 2025-CP-10-03716

Appellate Case No.: 2026-001122

Colonial Savings, F.A.,Respondent

v.

Elizabeth M. Dimler and Oak Bluff Homeowners Association, Inc.,Defendants,
of which Elizabeth M. Dimler is theAppellant.

RESPONDENT’S MOTION TO DISMISS APPEAL

This case concerns a foreclosure action filed on July 1, 2025 against Appellant Elizabeth Dimler due to her default on a mortgage loan. After Appellant, *pro se*, filed numerous repetitive and frivolous motions, Plaintiff Colonial Savings, F.A. filed a motion on October 13, 2025 to sanction Appellant pursuant to Rule 11, SCRPC. On December 3, 2025, Plaintiff filed a motion to substitute Selene Finance LP as Plaintiff. After a hearing held on January 7, 2026 to consider ten motions filed by Appellant and Plaintiff’s motion for sanctions, The Honorable Judge T.J. Rode entered an Order on January 30, 2026 granting Plaintiff’s motion for sanctions and denying Appellant’s ten motions (“Jan. 30 Order”). This Order “enjoined and prohibited” Appellant from “filing any further motions in this matter, unless prior to such filing the Defendant either posts a bond of \$500.00 with the Clerk [of] Court, or the filing has been reviewed and signed by an attorney

licensed to practice in South Carolina.” The Jan. 30 Order also directed Plaintiff’s counsel to prepare for Judge Rode a more detailed order providing grounds for denying Ms. Dimler’s motions and also addressing the sanctions imposed. The subsequent detailed order was entered February 17, 2026.

A hearing was held on March 22, 2026 to consider Plaintiff’s motion to substitute Selene Finance as Plaintiff. Judge Van Slambrook granted Plaintiff’s motion in an Order entered March 27, 2026 (“March 27 Order”). On April 2, 2026, Appellant attempted to file a motion to reconsider Judge Van Slambrook’s Order, without complying with the lower court’s requirement of either attorney signature or posting a bond. By Order entered May 7, 2026, the lower court directed the Clerk of Court to file this attempted motion to reconsider with an effective date of April 11, 2026. On June 24, 2026, Judge Van Slambrook denied Ms. Dimler’s motion to reconsider.

Although Appellant filed with the circuit court on April 9, 2026 what she described as a “Protective Notice of Appeal” of the March 27 Order, she failed to file this notice of appeal with this Court within ten (10) days after service of the notice of appeal upon the parties. Rule 203(d)(1)(B), SCACR. On May 7, 2026, Appellant appealed the January 30 Order and the March 27 Order. In response to a deficiency letter dated May 13, 2026, Appellant filed a corrected Notice of Appeal on May 18, 2026 that unilaterally added Judge Rode’s May 7, 2026 Order as an order on appeal. The Clerk of the Court of Appeals sent Ms. Dimler a deficiency letter on May 28, 2026 stating that a motion to amend the notice of appeal must be served and filed within ten days or the Court will not consider the amendment. The deficiency letter also required Appellant to properly format the Notice of Appeal. Appellant failed to file a motion to amend her Notice of Appeal by June 8, 2026. Appellant’s filing on June 2, 2026 merely added a reference to SCAR Form 1, Appendix C, Part II. On July 6, 2026, well past the ten-day time period imposed by the Clerk, Ms.

Dimler filed what was called a “Second Amended Notice of Appeal” to unilaterally add a fourth order without filing a motion to amend her Notice of Appeal. Instead of complying with the requirements of Rule 240(c), SCACR, Appellant merely cited Rule 240, SCACR in her “Second Amended Notice of Appeal.” Respondent respectfully moves to dismiss this appeal in its entirety.

ARGUMENT

1. APPEAL OF THE JAN. 30 ORDER GRANTING PLAINTIFF’S MOTION FOR SANCTIONS

“As a general rule, only final judgments are appealable.” *Ex parte Wilson*, 367 S.C. 7, 12, 625 S.E.2d 205, 208 (2005). “Any judgment or decree, leaving some further act to be done by the court before the rights of the parties are determined, is interlocutory and not final.” *Id.* The Jan. 30 Order enjoined Appellant from filing any motions unless an attorney signed the motion or she posted a \$500.00 bond. The sanctions imposed upon Appellant in this Order is analogous to a contempt order, which is immediately appealable. *Hooper v. Rockwell*, 334 S.C. 281, 291, 513 S.E.2d 358, 364 (1999) (stating that “a contempt order also is a final order that is immediately appealable.”). Further, the Order arguably amounts to an injunction, which is also immediately appealable. S.C. Code Ann. § 14-3-330(4). In her Notice of Appeal filed May 7, 2026, Appellant concedes that the “January 30, 2026 Order is a final appealable order as to the sanctions and filing restrictions imposed upon Defendant.”

Pursuant to Rule 203(a), SCACR, an appealing party must serve a notice of appeal upon all respondents within thirty (30) days after receipt of written notice of entry of the order to be appealed. Appellant stated that on February 25, 2026 she received written notice of entry of the Jan. 30 2026 Order.¹ Appellant’s Corrected Notice of Appeal (May 18, 2026). Appellant’s Notice

¹ Under Rule 203(b)(1), SCACR, [w]hen a form or other short order or judgment indicates that a more full and complete order or judgment is to follow, a party need not appeal until receipt of written notice of entry of the more complete order or judgment.” Even if this Rule applies here, Appellant stated in her Corrected Notice of Appeal that

of Appeal was served upon Respondent on May 7, 2026, over two months from the date she received notice of the Jan. 30 Order. Certificate of Service (filed May 7, 2026). “The requirement of service of the notice of appeal is jurisdictional” *USAA Prop. & Cas. Ins. Co. v. Clegg*, 377 S.C. 643, 651, 661 S.E.2d 791, 795 (2008). Failure to timely serve a notice of appeal upon all respondents divests the Court of Appeals from jurisdiction to consider the appeal. *Id.* Therefore, Appellant’s appeal of the Jan. 30 Order must be dismissed.

2. APPEAL OF THE MARCH 27 ORDER SUBSTITUTING SELENE FINANCE LP AS PLAINTIFF

“As a general rule, only final judgments are appealable.” *Ex parte Wilson*, 367 S.C. 7, 12, 625 S.E.2d 205, 208 (2005). “Any judgment or decree, leaving some further act to be done by the court before the rights of the parties are determined, is interlocutory and not final.” *Id.* “If there is some further act which must be done by the court prior to a determination of the rights of the parties, then the order is interlocutory.” *Mid-State Distributors, Inc. v. Century Importers, Inc.*, 310 S.C. 330, 335, 426 S.E.2d 777, 780 (1993). Only an interlocutory order that involves the merits of the action may be deemed immediately appealable. S.C. Code Ann. § 14-3-330(1). An order that “involves the merits” is an order that “finally determines some substantial matter forming the whole or a part of some cause of action or defense....” *Jefferson by Johnson v. Gene's Used Cars, Inc.*, 295 S.C. 317, 318, 368 S.E.2d 456, 456 (1988).

The March 27 Order substituting Selene Finance LP as the Plaintiff does not involve the merits of the foreclosure action. *See U.S. Bank Trust Nat’l Ass’n v. Bell*, 385 S.C. 364, 373, 684 S.E.2d 199, 204 (Ct. App. 2009) (Generally, the party seeking foreclosure has the burden of establishing the existence of the debt and the mortgagor’s default on that debt.”). Although

she received the more detailed order on February 25, 2026 along with the Jan. 30 Order. Appellant’s Corrected Notice of Appeal (filed May 18, 2026).

Appellant asserts that the lower court erred in substituting Selene Finance LP without first establishing that the original plaintiff, Colonial Savings, F.A., had the right to enforce the Note as of the date the Complaint was filed, the March 27 Order does not prevent Appellant from raising this issue as a defense during a trial or motion hearing on the foreclosure action. Thus, the Order does not finally determine any defense Appellant may have. *See Jefferson*, 295 S.C. 317, 318, 368 S.E.2d 456, 456 (1988) (stating that an order involving the merits is an order that “finally determines some substantial matter forming the whole or a part of some cause of action or defense....”). (emphasis added). Therefore, Appellant’s appeal of the March 27 Order must be dismissed.

3. OTHER ORDERS THAT APPELLANT ATTEMPTS TO APPEAL WITHOUT MOVING TO AMEND HER APPEAL

Following her initial Notice of Appeal filed on May 7, 2026, Appellant filed a Corrected Notice of Appeal on May 18, 2026. In this Corrected Notice of Appeal, Appellant did more than correct the deficiencies in her Notice of Appeal. She added another order to appeal – an order entered May 6, 2026 that directs the Charleston County Clerk of Court to file Appellant’s Rule 59(e) motion with an effective date of April 11, 2026. The Clerk of the Court of Appeals, viewing the added order as an amendment to the appeal, issued a deficiency letter requiring Appellant to file a motion pursuant to Rule 240, SCACR, to amend her Notice of Appeal by June 8, 2026 or the Court would not consider Appellant’s attempted amendment. The deficiency letter also required Appellant to format the Notice of Appeal according to Form 1 in Appendix C to part II of the SCACR. Deficiency Letter (filed May 28, 2026).

On June 2, 2026, Appellant’s filed an “Amended Notice of Appeal” that merely added a reference to SCAR Form 1, Appendix C, Part II. Appellant failed to file a motion to amend her Notice of Appeal by June 8, 2026. Appellant’s “Second Amended Notice of Appeal” filed July 6, 2026 unilaterally adds yet another order – Judge Van Slambrook’s Order entered June 24, 2026

denying Appellant's Rule 59(e) Motion. This "Second Amended Appeal" cites to Rule 240, SCACR without complying with the required form and content of a motion. The Clerk's Office has not yet addressed this deficiency. This Court should reject Appellant's efforts to add more orders on appeal in defiance of the Clerk's instruction to file a motion to amend the Notice of Appeal.

To the extent this Court considers the two additional orders as properly before this Court, these orders are interlocutory and not immediately appealable. The order entered May 6, 2026 that directs the Charleston County Clerk of Court to file Appellant's Rule 59(e) motion with an effective date of April 11, 2026 clearly does not finally determine the merits of the foreclosure action nor any defenses. *Ex parte Wilson*, 367 S.C. 7, 12, 625 S.E.2d 205, 208 (2005); S.C. Code Ann. 14-3-330(1); *Jefferson by Johnson v. Gene's Used Cars, Inc.*, 295 S.C. 317, 318, 368 S.E.2d 456, 456 (1988). This order simply provides that Appellant's Rule 59(e) motion will be heard. It is therefore not immediately appealable.

Like the March 27 Order, the Order entered June 23, 2026 denying Appellant's Rule 59(e) Motion is also interlocutory and not immediately appealable. Substitution of Selene Finance LP as the Plaintiff does not involve the merits of the foreclosure action. *See U.S. Bank Trust Nat'l Ass'n v. Bell*, 385 S.C. 364, 373, 684 S.E.2d 199, 204 (Ct. App. 2009) (Generally, the party seeking foreclosure has the burden of establishing the existence of the debt and the mortgagor's default on that debt."). Although Appellant asserts that the lower court erred in substituting Selene Finance LP without first establishing that the original plaintiff, Colonial Savings, F.A., had the right to enforce the Note as of the date the Complaint was filed, neither the March 27 Order nor the June 23, 2006 Order prevents Appellant from raising this issue as a defense during a trial or summary judgment hearing. Thus, the Order does not finally determine any defense Appellant may have.

See Jefferson, 295 S.C. 317, 318, 368 S.E.2d 456, 456 (1988) (stating that an order involving the merits is an order that “finally determines some substantial matter forming the whole or a part of some cause of action or defense....”). (emphasis added).

CONCLUSION

For the reasons set forth above, Respondent respectfully prays for an Order dismissing Appellant’s Appeal.

s/M. McMullen Taylor

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July 16, 2026

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SC Court of Appeals

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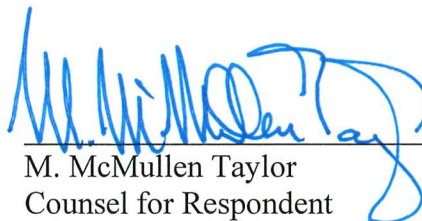
of which Elizabeth M. Dimler is theAppellant.

CERTIFICATE OF SERVICE

I certify that I have served a copy of Respondent's Motion to Dismiss Appeal by depositing a copy in the U.S. Mail, postage prepaid, on July 16, 2026 addressed to:

Elizabeth M. Dimler
8129 Shadow Oak Drive
North Charleston, South Carolina 29406

Derek Dean Farrell, Esq.
147 Wapoo Drive
Charleston, South Carolina 29412



M. McMullen Taylor
Counsel for Respondent