

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appeal From the Court of Common Pleas
Kershaw County
Judge William Cox, Jr., Master-in-Equity
Case No.: 2025-CP-28-00383

Appellate Case No.: 2025-002267

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SC Court of Appeals

Ex Parte: Laura Bowen, Appellant,

In re:

GITSIT Solutions, LLC, not in its individual capacity but solely in its capacity as separate Trustee of GITSIT Mortgage Loan Trust BBPLCP1, Respondent.

v.

Calvin Theodore Bowen, Jr., individually and as Personal Representative of the Estate of Calvin T. Bowen, Sr. a/k/a Calvin Theodore Bowen, Sr.; Ronald J. Bowen, and any other Heirs-at-Law or Devisees of Calvin T. Bowen, Sr. a/k/a Calvin Theodore Bowen, Sr., Deceased, their heirs, Personal Representatives, Administrators, Successors and Assigns, and all other persons entitled to claim through them; all unknown persons with any right, title or interest in the real estate described herein; also any persons who may be in the military service of the United States of America, being a class designated as John Doe; and any unknown minors or persons under a disability being a class designated as Richard Roe; Ascension Point Recovery Services, LLC; Bank of America, N.A.; Safe Federal Credit Union; and Kershaw County EMS, Defendants.

APPELLANT'S FINAL INITIAL BRIEF

s/Laura A. Bowen

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I. STATEMENT OF THE ISSUES

1. Whether the foreclosure judgment is void where the Master-in-Equity conducted an affidavit-only hearing, received no testimony, produced insufficient evidentiary record, and relied solely on a private servicer affidavit of indebtedness.
2. Whether the foreclosure court lacked jurisdiction to enter judgment when the Estate of Calvin Bowen Sr. had no duly appointed Personal Representative and no one with legal authority appeared on behalf of the estate.
3. Whether foreclosure could proceed where the Department of Housing and Urban Development (HUD) satisfied the Second Home Equity Conversion Mortgage (HECM) loan, and Respondent failed to establish a consistent or accurate loan chain for the debt they sought to enforce.
4. Whether Appellant had standing whose potential estate interest was extinguished.

II. STATEMENT OF THE CASE

1. Respondent initiated foreclosure proceedings in April 2025 against property held by Calvin Bowen Sr. The pleadings relied on an alleged default under a Home Equity Conversion Mortgage (HECM). (R. p.29).
2. The record reflected two 2012 HECM instruments referencing the same loan numbers and FHA case numbers, creating confusion in the chain. (R. p. 53, 55).

3. One HECM was later satisfied by HUD in 2025 through Artimus V LLC, acting as attorney-in-fact. (R. p.49).
4. The foreclosure hearing in October 2025 was conducted without witness testimony. The Master-in-Equity relied exclusively on a private servicer affidavit. The Clerk of Court confirmed no audio exists and no evidentiary record was created. (R. p.191)
5. At the time judgment was entered, the Estate of Calvin Bowen Sr. had no Personal Representative. No fiduciary appeared pursuant to S.C. Code § 62-3-601 or 62-3-612. (R. p. 146).
6. Appellant filed Rule 60(b)(4) motion challenging jurisdiction and evidentiary sufficiency. (R. p.39).
7. Appellant's motion was denied. A timely notice of appeal was filed with the South Carolina Court of Appeals. (R. p. 22).

III. STANDARD OF REVIEW

1. Whether a judgment is void for lack of jurisdiction is reviewed de novo. *ML-Lee Acquisition Fund v. Deloitte*, 327 S.C. 238, 241 (1997).
2. Whether a foreclosure judgment is supported by competent evidence is reviewed for legal error. *Regions Bank v. Strawn*, 420 S.C. 392 (Ct. App. 2017).
3. Whether a judgment is sustainable on appeal requires a record that permits meaningful review. Rule 210(h), SCACR

4. When assignments conflict or the loan history cannot be reconciled, the plaintiff fails to prove standing to enforce the note or mortgage. See *Strawn, supra*.

IV. SUMMARY OF THE ARGUMENT

The judgment is void because:

1. The foreclosure court relied solely on an affidavit and created no evidentiary record.
2. No Personal Representative existed for the estate, and the court therefore lacked jurisdiction.
3. HUD satisfied one of the HECM instruments
4. The simultaneous filing of a Satisfaction and two Assignments by the same party on the same day created additional uncertainty in the enforceability of the loan the Respondent sought to foreclose.
5. Respondent never established a coherent basis for foreclosure.
6. Appellant had standing because the foreclosure would eliminate potential estate interests.

V. ARGUMENT

A. THE FORECLOSURE JUDGMENT IS VOID BECAUSE THE COURT RELIED SOLELY ON AN AFFIDAVIT AND CREATED NO EVIDENTIARY RECORD.

1. A foreclosure judgment must rest on competent evidence and create no appearance of clouded title on the face of the public record. *BB&T v. Taylor*, 369 S.C. 548 (Ct. App. 2006).

2. The Master-in-Equity conducted an affidavit-only proceeding with no testimony and no transcript or audio was preserved.

3. Respondent failed to provide sufficient proof of an existing debt. See *Wachovia v. Blackburn*, 407S.C.321 (Ct. App. 2014) (affidavits must contain specific, reliable evidence of indebtedness; conclusory affidavits are insufficient).

4. Without a proper evidentiary foundation, the judgment cannot stand.

B. THE COURT LACKED JURISDICTION BECAUSE THE ESTATE HAD NO PERSONAL REPRESENTATIVE.

1. Only a duly appointed Personal Representative may act for an estate. S.C. Code §§ 62-3-601, 62-3-612; *In re. Estate of Kay*, 423 S.C. 476 (2018). At the time foreclosure judgment was entered, no PR existed for the Estate of Calvin Bowen Sr.. Proceeding against an unrepresented estate renders the judgment void.

2. Only a Personal Representative may bind or defend an estate in civil litigation. *In re Estate of Cretzmeyer*, 365 S.C.12 (2005)

C. RESPONDENT FAILED TO ESTABLISH A CONSISTENT CHAIN OF TITLE WHERE HUD HAD SATISFIED THE SECOND HECM.

1. Two HECM instruments, both referencing the same loan number and Federal Housing Authority (FHA) case numbers were recorded in 2012, as required by federally insured reverse HECM:
 - a) First HECM
 - b) Second HECM
2. A Satisfaction of the Second HECM was filed on behalf of HUD by attorney-in-fact Artimus V, LLC on February 14, 2025. (ROD Book 5301p.153) (R. p. 49).
3. On the same day and filed by the same party as the Satisfaction on behalf of HUD, two Assignments for the First HECM were filed:
 - a) Assignment one: First HECM, from HUD to Artimus V, LLC (ROD Book 5302 p.151) (R. p. 53).
 - b) Assignment two: First HECM, from Artimus V, LLC to GITSIT Solutions, LLC. (ROD Book 5302 p.152) (R. p. 55).
4. A foreclosure plaintiff bears the burden of establishing the debt and the right to enforce it. See *Regions Bank v. Strawn*, 420 S.C. 392 (Ct. App. 2017).
5. Respondent failed to meet this burden and the simultaneous recordings of two Assignments and one Satisfaction by the same party on the same day at the same time creates ambiguity and an unclear chain in the title.
6. The pleadings failed to establish the existence of an enforceable debt.

See Rule 7(a) SCRCP

D. APPELLANT HAD STANDING AS AN HEIR ACTIVELY ENGAGED IN PROBATE AND TITLE PROTECTION.

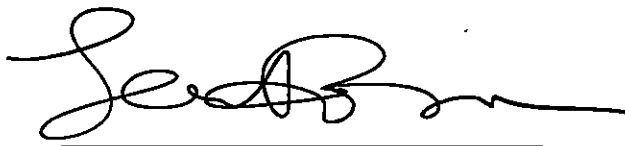
1. A party has standing where their rights are directly affected. *Ex parte Gunnels*, 434 S.C. 312 (2021). A foreclosure extinguishes estate rights while the Appellant is actively pursuing probate reopening to establish PR status. Appellant therefore had standing to challenge the judgment and was acting in good faith to defend a historically unrepresented family estate.

2. South Carolina requires only a personal stake in the outcome, not formal title or borrower status. *Ex Parte Progressive Direct Ins. Co.*, 439 S.C. 551 (2022)

VI. CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court vacate the foreclosure judgment, remand for proceedings consistent with South Carolina law and any other relief deemed just and proper.

Respectfully submitted May 15, 2026.

A handwritten signature in black ink, appearing to read 'Laura Bowen', with a horizontal line underneath.

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