THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
AUG 13 2026
SC 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

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 REPLY TO RESPONDENT'S FINAL BRIEF

---

s/Laura A. Bowen
Laura A. Bowen
1262 Wood Duck Road
Camden, SC 29020
803-427-2994

T. Lowndes Pope, Esq.
Heidi B. Carey, Esq.
Jamie Weller, Esq.
RILEY POPE & LANEY, LLC
2838 Devine Street
Columbia, SC 29205
Counsel for Respondent

STATEMENT OF THE CASE

Appellant relies on the Statement of the Case set forth in her Initial Brief and addresses assertions in Respondent's brief necessary to this Reply.

Respondent's own brief confirms several key points. First, the foreclosure involved the deceased borrowers, Alma and Calvin T. Bowen, Sr. Second, Respondent proceeded in part through publication and through a Guardian ad Litem (GAL) affidavit stating that a son of the deceased reported there were no other heirs. Third, the judgment amount was supported by an Affidavit of Indebtedness rather than verifiable evidence or live witness testimony. Fourth, the matter proceeded as an uncontested foreclosure and the record of the hearing was limited. Fifth, Appellant first appeared after entry of the foreclosure order by filing a Rule 60(b)(4) motion challenging the validity of the judgment.

These points matter because they show this was not a simple debt-collection default in which all affected interests were plainly before the court and the amount due was established in an uncomplicated matter. Respondent's effort to reduce the case to that template fails.

ARGUMENT

I. RESPONDENT ANSWERS THE WRONG QUESTION BY RELYING ON GENERAL FORECLSOURE JURISDICTION

Respondent argues the Master-in-Equity had subject matter jurisdiction simply because courts of common pleas may hear foreclosure actions and foreclosure cases may be referred to a master. That proposition is too general to resolve this appeal.

Appellant does not dispute that South Carolina courts ordinarily possess authority to hear foreclosure actions. Nor does Appellant dispute that South Carolina Code provides it is not necessary, in every instance, to make the personal representative of a deceased mortgager a party

to a foreclosure proceeding. Neither proposition, however, answers whether this judgment was validly entered so as to bind the interest Respondent claims were extinguished.

A court's general authority to hear a class of cases is distinct from whether a particular judgment may validly bind a particular person's property interest. Respondent's reliance on general foreclosure jurisdiction therefore does not answer Appellant's Rule 60(b)(4) challenge. The issue is not whether the court had authority to hear foreclosure cases generally, but whether this judgment was entered through a procedure sufficient to bind the interests it purported to extinguish.

Respondent's citation to 29-3-610 does not dispose of Appellant's due-process challenge. The statute addresses whether a personal representative must be joined merely because a mortgagor has died; it does not establish that unidentified or inadequately represented property interests may be extinguished without constitutionally sufficient process.

General foreclosure jurisdiction does not eliminate due-process requirements. It does not resolve whether actual or identifiable interests were adequately before the court. It does not resolve whether publication and a GAL affidavit relaying an interested person's statement were sufficient substitutes for competent proof. It does not transform an otherwise defective proceeding into a valid one merely because the case bore the label "foreclosure."

Respondent's argument is therefore overbroad. Appellant's point is not simply that "no probate means no foreclosure jurisdiction" nor is it merely whether the court could hear a foreclosure case in the abstract. The point is that Respondent pursued foreclosure against deceased borrowers' property while relying on truncated estate information, unadjudicated heir assumptions, publication practice, and a record devoid of tested evidence. General foreclosure jurisdiction does not answer whether the court had a sufficient lawful basis to enter a judgment

cutting off property related interests the Respondent claims were extinguished nor does it answer those narrower questions.

II. RESPONDENT'S STANDING ARGUMENT IS CIRCULAR BECAUSE IT USES THE CHALLENGED RECORD TO TRY TO PROVE THE RECORD COULD NOT BE CHALLENGED.

Respondent contends Appellant lacked standing to seek Rule 60(b)(4) relief because she was not a named answering defendant, was not expressly identified in the foreclosure order, and allegedly failed to establish her relationship in sufficient detail in her motion.

Respondent's position is effectively this: Appellant cannot challenge the foreclosure because the foreclosure record did not recognize her interest, and the foreclosure record did not recognize her interest because she was excluded from meaningful participation. This argument is circular and treats the judgment's failure to recognize the Appellant's interest as both the justification for her exclusion and the basis for denying her standing to challenge that exclusion.

Rule 60(b)(4) applies to "a party or his legal representative." Respondent treats that phrase as though only a formally captioned party may ever raise voidness but where the complaint is that the judgment itself was entered in a manner that failed to properly account for the persons and interests affected, the court cannot use the challenged judgment's own omissions as conclusive proof that no one outside the Respondent's preferred list may be heard.

Respondent also tries to convert an alleged evidentiary deficiency in Appellant's initial motion into a definitive adjudication that Appellant had no legally protectable interest. Those are not the same thing. A thinly developed record is not the same as no interest. A Rule 60(b)(4) challenge exists precisely because facial regularity on paper does not prevent a judgment from being void.

The essence of Appellant's challenge is that the foreclosure judgment was entered through a process that did not adequately account for the persons and interests affected. Respondent's answer is to say that Appellant cannot complain because the foreclosure file itself did not sufficiently recognize her. That is not a true rebuttal. It merely restates the exclusion the Appellant challenges. Furthermore, Respondent's own initial complaint named as Defendants "all unknown persons with any right, title or interest in the real estate described herein." Having invoked the court's jurisdiction over this broad class of persons to secure a foreclosure, the Respondent cannot now claim that a member of that class is a "stranger" when she appears to defend the property from a void judgment.

Rule 60(b)(4) authorizes relief from a void judgment. A party cannot insulate a judgment from Rule 60(b)(4) review merely by arguing that the challenged judgment and its underlying file did not give the movant sufficient recognition. If that were the rule, defects in notice, party identification, and adjudication of interests could never be meaningfully challenged once reduced to paper.

Respondent also conflates an allegedly underdeveloped factual showing in Appellant's initial motion with an affirmative adjudication that Appellant had no legally cognizable interest. Those are not the same thing. Appellant's asserted interest therefore places her within, rather than outside, the category of interests Respondent's own complaint sought to adjudicate through its designation of unknown persons claiming right, title or interest in the property. Whether Appellant ultimately establishes the nature and extent of her asserted property interests is distinct from whether she may challenge a judgment that purported to extinguish that interest without adequate process. Respondent's argument collapses those separate inquiries into one.

At most, Respondent identifies a disputed record issue. It does not establish that Appellant was categorically barred from seeking relief from a judgment she contends operated on property interests without adequate process.

Procedural rules should protect the integrity of judicial proceedings; they should not become the means by which an allegedly defective judgment is insulated from review. Where the asserted defect concerns whether affected property interests were adequately identified and afforded due process in the first place, procedural finality cannot itself answer the validity of the judgment being challenged.

III. RESPONDENT'S APPELLATE STANDING ARGUMENT IMPROPERLY ASSUMES AWAY THE UNDERLYING DISPUTE.

Respondent likewise argues Appellant lacks standing to appeal because only an aggrieved party may appeal and because Appellant supposedly failed to show any right in the subject property. Rule 201(b), SCACR does provide that "only a party aggrieved by an order, judgment, sentence or decision may appeal." South Carolina cases define an aggrieved party as one whose property rights or personal interests are directly affected by the judgment.

Respondent's application of that principle is flawed. Appellant is aggrieved by the very order now on appeal because that order denied relief from a foreclosure judgment that operated on the property interest she contends were not properly adjudicated below. Respondent cannot defeat aggrieved party statutes merely by repeating its own view that the foreclose file recognized only certain persons. That is the very point in dispute.

Respondent's position is especially weak because its heirship narrative depends not on a judicial heir determination in this appeal record, but on the combination of intestacy assumptions and a GAL affidavit recounting that one son reportedly stated there were no other heirs. Even if

such information may have been placed before the court, it is not the same thing as competent, conclusive proof sufficient to extinguish other claimed interests and then deny appellate review to anyone outside Respondent's preferred framework. It is certainly not a basis to declare, as a matter of appellate standing, that every other claimed interest is legally nonexistent.

To hold otherwise would permit a foreclosure plaintiff to narrow the set of recognized interests and then invoke that same narrowed record to argue no one else is aggrieved enough to appeal. Rule 201(b) does not require such a result.

IV. RESPONDENT OVERSTATES WHAT DEFAULT AND RULE 55 ESTABLISH IN THIS CASE.

Respondent's first merits argument depends on the premise that because no one answered the complaint, liability was effectively admitted and the amount due could be established by affidavit under Rule 55. That overstates the effect of default and understates the complexity of this case.

Rule 55(b)(1), SCRCP addresses default judgments for claims that can by computation be made certain. Rule 71(1), SCRCP further provides that in foreclosure actions the judge or master shall compute the amounts due the plaintiff and any other claimants but neither rule says that *any* affidavit offered by a foreclosure plaintiff automatically suffices, regardless of the nature of the debt, the evidentiary foundation, the status of the borrowers, or the quality of the record.

This was not a simple liquidated claim on an ordinary account. Respondent's own brief describes a reverse mortgage transaction involving a first note, first mortgage, second note, second mortgage, Housing and Urban Development involvement, later assignments, satisfaction of the second mortgage, and borrower deaths that triggered the asserted maturity of the debt. Respondent cannot credibly treat that structure as the equivalent of a routine sum-certain default

and as though the court had competent proof of an enforceable debt, the basis for default, and the amount properly due.

The question is not whether affidavit evidence may ever be used in foreclosure. It is whether the affidavit used *here* was sufficient, under these facts, to support foreclosure against property tied to deceased borrowers and interests Respondent says were cut off. Respondent's brief repeatedly says the amount was "made certain," but that is not a verifiable explanation; it does not itself demonstrate how the amount was derived or reconcile the documentary issues Appellant raised. Here, the Appellant challenged the sufficiency and documentary foundation of that evidence, including the relationship among the notes, mortgages, assignments, satisfaction, and the indebtedness Respondent claimed remained enforceable.

Rule 803(6) provides an evidentiary exception to the hearsay rule; it does not make every conclusion contained in a business record indisputably correct.

Thus, the issue is not whether Respondent was permitted to submit an affidavit. The issue is whether affidavit evidence actually resolves documentary and evidentiary questions necessary to support the judgment entered.

V. RESPONDENT'S RELIANCE ON A FORMULAIC BUSINESS RECORDS FOUNDATION DOES NOT CURE THE EVIDENTIARY DEFECTS APPELLANT RAISED.

Respondent further argues the Affidavit of Indebtedness was admissible because it relied on business records and therefore satisfied Rule 803(6), SCRE. Rule 803(6), SCRE does recognize a hearsay exception for records of regularly conducted activity, but invocation of the rule's boilerplate language is not a substitute for actual reliability or a sufficient evidentiary basis under the circumstance of a given case.

Where debt history moves through multiple entities and assignments, foundational reliability matters more, not less. Respondent's brief does not meaningfully address how the affiant had sufficient knowledge of prior records, how those records were integrated, or why the affidavit should have been accepted as fully sufficient in a reverse mortgage foreclosure involving deceased borrowers and estate related implications without live testimony or adversarial testing.

Instead, Respondent recites the standard phrases associated with Rule 803(6) and asks this Court to treat that as dispositive. It is not. The issue here is not whether the words "business records" were spoken. The issue is whether the proof offered was competent and sufficient to support the judgment entered. Appellant maintains it was not.

Respondent's explanation establishes that it considers the Satisfaction applicable to the Second Mortgage. It does not, by itself, establish that the affidavit and supporting records adequately accounted for the effect of that Satisfaction within the overall HECM transaction or established without unresolved documentary inconsistency, the amount and ownership obligation upon which foreclosure was sought.

Accordingly, Appellant's reliance upon the Satisfaction was not an attempt to substitute the Second Mortgage for the First. It was part of the Appellant's broader challenge to whether the documentary and evidentiary record sufficiently established the debt Respondent sought to enforce.

VI. RESPONDENT MINIMIZES THE SIGNIFICANCE OF THE PAPER ONLY RECORD BY REDUCING APPEALLNT'S POSITION TO A MERE "NO TRANSCRIPT" COMPLAINT.

Respondent argues Appellant's challenge to the lack of transcript or audio recording is unpreserved and that, in any event, Rule 71(a) requires only a record of the hearing. That misses the substance of Appellant's point.

Appellant does not rely on a technical complaint about recording equipment. The foreclosure judgment in this case was entered on an undeveloped and constitutionally inadequate record. The Master-in-Equity relied primarily on an Affidavit of Indebtedness, without adversarial testing, and without a developed evidentiary basis sufficient to support the adjudication of property rights tied to deceased borrowers. Although affidavit evidence may be permissible in an uncontested foreclosure, its use does not eliminate the requirement that the evidence sufficiently establish the debt, amount due, and entitlement to foreclosure. A judgment entered without a reliable evidentiary foundation is not simply erroneous, it is fundamentally defective.

Courts have recognized that judgments must be supported by a record sufficient to permit meaningful review. Where a trial court enters judgment without articulating its reasoning or without a developed evidentiary basis, appellate courts are unable to determine whether the decision rests on proper legal grounds. While arising in a different procedural context, this principle underscores the same constitutional concern present here: the foreclosure court adjudicated and extinguished broad classes of property interests based on an undeveloped record consisting of untested and affidavit evidence whose sufficiency and documentary foundation Appellant disputes.. Such a process fails to satisfy the minimum requirements of due process and renders the resulting judgment void under Rule 60(b)(4), SCRCP.

A paper notation that a hearing occurred is not the same thing as a sufficient evidentiary record supporting foreclosure against real property tied to deceased borrowers and that the case proceeded as an uncontested foreclosure.

Appellant is not raising a clerical complaint about recording equipment. It is that foreclosure of real property tied to deceased borrowers proceeded on an unverified and untested paper submission without witness examination, without a developed evidentiary record, and without a basis sufficient to justify the breadth of the adjudication Respondent now defends.

Rule 71(a) governs foreclosure procedure and notice to parties who have appeared; it does not authorize a court to dispense with due process or competent proof merely because a plaintiff labels the matter uncontested. Respondent's own brief confirms the proceeding was affidavit driven. It therefore cannot avoid Appellant's due process and sufficiency challenge by recharacterizing it as nothing more than an objection to the absence of audio.

To the extent Respondent invokes preservation, that argument also should not be stretched beyond its proper role. Appellant's core contention has consistently been that the foreclosure order was entered on an insufficient and defective basis. Respondent cannot fragment that challenge into isolated procedural subparts and then argue that each one was separately waived simply because the exact wording evolved on appeal.

VII. RESPONDENT'S PRESERVATION ARGUMENT IMPROPERLY NARRROWS APPELLANT'S CHALLENGE TO THE DEBT PRESENTATION AND RECORDED INSTRUMENTS.

Respondent next argues Appellant shifted from a below-the-record complaint by referring on appeal to chain-of-title or assignment concerns rather than only to the second mortgage satisfaction and therefore the issue is unpreserved. Again, that is too cramped a reading of

Appellant's challenge and Respondent is trying to fragment one broader challenge into small parts so it can label each one waived.

Appellant's point has been broader throughout: Respondent's presentation to the court concerning the unverified debt, the recorded instruments, and the relationship among the first mortgage, second mortgage, assignments, and satisfaction was not coherent enough to justify the foreclosure judgment entered. The satisfaction of the second mortgage matters not because Appellant contends it automatically discharged the first mortgage but because it is part of the overall evidentiary and transactional picture Respondent was required to present accurately and adequately.

Respondent's brief tries to isolate each instrument and declare any surrounding irregularity is irrelevant. That is not analysis; it is avoidance. Even if same day recording alone does not compel reversal, it does reinforce Appellant's central point this was not a straightforward sum certain default capable of being reliably reduced to self-proving affidavits and default shortcuts. Appellant's discussion on appeal of the assignments and related recorded instruments did not introduce a new claim for relief; it explained why the debt presentation and Satisfaction issue already raised below required closer examination. Respondent's preservation argument improperly fragments a single challenge to the validity and evidentiary basis of the judgment into separate labels and then treats those labels as independent claims.

VIII. RESPONDENT'S HEIRSHIP PRESENTATION IS THE NOT SAME AS CONCLUSIVE PROOF

Respondent repeatedly relied on sections 62-2-102 and 62-2-103 of the Probate Code to argue the property necessarily passed to Calvin T. Bowen, Sr's surviving children. As a general

rule of intestate succession, those statues are not disputed but Respondent's use of them begs the question.

This issue is not whether South Carolina has intestacy statues; it does. The issue is whether the foreclosure record in this case supplied a sufficient basis to conclude, for purposes of cutting off interests and defeating Rule 60(b)(4) relief, that the heirship and property interest issues were adequately determined. Respondent's own brief shows its position relied in material part on a GAL affidavit reporting what one son said about the existence of other heirs. That is not the same thing as a judicially determined, fully developed heirship finding supported by competent proof in an adversarial setting nor does it transform the general intestacy statue into an adjudication of every interest the foreclosure judgment purported to extinguish.

Respondent asks this Court to treat an interested person's out-of-court statement as enough to collapse every other possible claim and to deny Appellant the right to challenge the resulting judgment. That is too much weight for too little proof and an unwarranted leap. This distinction is particularly important because Respondent's own complaint sought relief against all unknown persons with any right, title or interest in the property. The inclusion of that class demonstrates that the foreclosure itself contemplated the possibility of interest beyond those specifically identified by name.

The issue, therefore, is not whether South Carolina law provides rules of intestate succession. The issue is whether this record supplied a legally sufficient basis to bind and extinguish all of the interests Respondent sought to bind or extinguish.

IX. FACIAL REGULARITY DOES NOT DEFEAT A RULE 60(b)(4) CHALLENGE.

The recurring defect in Respondent's brief is that it confuses facial regularity with validity. Publication occurred. Default was entered. A hearing was held. An affidavit was filed. Therefore, according to Respondent, the judgment was valid.

That does not follow.

Rule 60(b)(4) exists because a judgment may appear regular on paper and still be void if due process was lacking or if the court lacked authority to bind the interest affecting the manner it purported to do. Respondent did not squarely address that principle. Instead, it repeatedly cites general rules of foreclosure procedure and default practice as though those rules automatically answer Appellant's voidness challenge. They do not.

The law must provide process before it provides finality. Procedural rules intended to provide an orderly means of adjudicating rights should not be applied in a manner that prevents review of whether property interests purportedly extinguished by a judgment were lawfully adjudicated.

CONCLUSION

Respondent's brief is strongest only if this Court accepts its threshold characterization of the case as a routine default foreclosure challenged by a legal stranger after the fact, but that characterization is precisely what Appellant disputes, and the record described by Respondent itself does not support such simplification.

This case involves deceased borrowers, estate related implications, heirship assumptions relayed through a GAL affidavit, affidavit only debt presentation, and a limited record used to support foreclosure of real property. Respondent answers those problems not with rigorous proof, but with labels: "default," "business records," "no standing," and "general jurisdiction." Those labels do not resolve whether the judgment was void as entered.

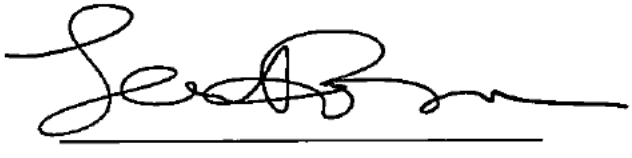
Instead, Respondent repeatedly substitutes broad general propositions for the narrower questions actually presented here: whether the foreclosure court had sufficient evidence to bind the interests at issue; whether a reverse mortgage foreclosure involving deceased borrowers and estate implications could properly proceed on an untested and affidavit based debt presentation whose sufficiency and documentary foundation are challenged; whether Respondent's evidentiary and recorded instrument presentation was coherent and sufficient; and whether Appellant was properly denied any ability to challenge a judgment that operated directly on property interests she asserts were affected.

RELIEF REQUESTED

For the foregoing reason, Appellant respectfully requests that this Court reverse the Order denying relief under Rule 60(b)(4), vacate the judgment and resulting foreclosure orders to the extent required by that determination, and remand this matter for further proceedings consistent with the Court's decision.

Alternatively, Appellant respectfully requests reversal and remand for further proceedings sufficient to determine the validity and amount of the alleged enforceable debt, the interests affected by the foreclosure judgment, and whether those interests were bound through constitutionally adequate process.

Respectfully submitted August 12, 2026.



Laura Bowen, Appellant (Pro Se)
1262 Wood Duck Rd
Camden, SC 29020
Email: Bowenlab78@gmail.com
Phone: 803-427-2994