

RECEIVED

Aug 11 2026

**IN THE SOUTH CAROLINA
COURT OF APPEALS**

SC Court of Appeals

Appeal from Beaufort County
Court of Common Pleas

James J. Wegmann, Master-in-Equity
Lower Court Case No. 2018-CP-07-00804

Appellate Case No. 2025-002484

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 REPLY BRIEF

Geraldine White, Appellant, Pro Se
141 Lamotte Drive #A3
Hilton Head Island, SC 29926
whitegeraldine91@gmail.com
843-681-3947

cc: Patrick Carr, Esq
William M Bowen, Esq
Robert "Tabor" Vaux, Esq

TABLE OF CONTENTS

TABLE OF AUTHORITIES.....	i
STANDARD OF REVIEW	1
ARGUMENT	1-8
I Respondent's Argument Fails to Address the Procedural Record in Case No. 2018-CP-07-00804	1-3
II. Respondent's Own Description of Case No. 2018-CP-07-00804 Confirms Appellant's Rights Are Before This Court	3
III. The Existence of Two Separate Case Numbers Does Not Eliminate the Connection Respondent Himself Created	3-4
IV. Appellant Did Not Waive Her Challenges to the Proceedings in Case No. 2018-CP-07-00804	4-5
V. The \$15,665.73 Payment Presents a Concrete Property-Rights Issue	5
VI. Respondent Has Not Established an Entitlement to a Default-Damages Judgment..	5-6
VII. The Vessel-Ownership and Damages Issues Are Material to the Underlying Liability Theory	6
VIII. Respondent's Request for Sanctions Should Be Denied	7
IX. Respondent Cannot Incorporate the Entire December 3, 2025 Order as a Substitute for Appellate Argument	7-8
X. Respondent's Initial Brief Does Not Fully Comply with Rule 208, SCACR	8
CONCLUSION.....	8-9
PROOF OF SERVICE	10-11

TABLE OF AUTHORITIES

Cases

Bunkum v. Manor Props., 321 S.C. 95, 467 S.E.2d 758 (Ct. App. 1996)	2
First Citizens Bank & Trust Co. v. Taylor, 431 S.C. 149, 847 S.E.2d 249,256 (Ct. App. 2020).....	2,3, 5
In re Estate of Weeks, 329 S.C. 251, 495 S.E.2d 454 (Ct. App. 1997)	7
McCall v. IKON, 363 S.C. 646, 611 S.E.2d 315 (Ct. App. 2005)	6
Smith Cos. of Greenville, Inc. v. Hayes, 311 S.C. 358, 428 S.E.2d 900 (Ct. App. 1993)	4
Stark Truss Co. v. Superior Constr. Corp., 360 S.C. 503, 602 S.E.2d 99 (Ct. App. 2004)	2,3
Townes Assocs., Ltd. v. City of Greenville, 266 S.C. 81, 221 S.E.2d 773 (1976)	1,4
Wham v. Shearson Lehman Bros., Inc., 298 S.C. 462, 381 S.E.2d 499 (Ct. App. 1989)	7

Statutes and Rules

S.C. Code Ann. § 15-35-810	1,5,9,11
S.C. Code Ann. § 15-36-10	7
Rule 5(a), SCRCP	2,6, 9
Rule 53(b)-(c), SCRCP	1,4-7,9, 11
Rule 55(a), (b)(2), (c), and (d), SCRCP	2,6, 8-9, 11
Rule 208(b)(1)(A)-(B) and (b)(2), SCACR	4,7-9, 10-11

STANDARD OF REVIEW

Questions of law are reviewed de novo. To the extent this appeal requires interpretation and application of the South Carolina Rules of Civil Procedure, the South Carolina Appellate Court Rules, or statutes governing judgment liens and vessel title and registration, this Court may decide those legal questions without deference to the lower court. See *Townes Assocs., Ltd. v. City of Greenville*, 266 S.C. 81, 221 S.E.2d 773 (1976) (questions of law may be decided by the appellate court according to its own view of the law).

To the extent the appeal challenges factual findings made in an action at law tried without a jury, those findings should not be disturbed if reasonably supported by the evidence; however, conclusions of law remain subject to correction on appeal. See *Townes Assocs.*, 266 S.C. at 86, 221 S.E.2d at 775-76. Questions concerning subject-matter jurisdiction may be raised at any time and are reviewed as questions of law.

Accordingly, Appellant's arguments concerning the legal effect of the October 29, 2019 Answer, the procedural requirements governing default and damages, the scope of the Rule 53 reference, the legal requirements for creation of a judgment lien under S.C. Code Ann. § 15-35-810, and the statutory requirements concerning vessel ownership present principally legal questions for this Court's review.

ARGUMENT

I. RESPONDENT'S ARGUMENT FAILS TO ADDRESS THE PROCEDURAL RECORD IN CASE NO. 2018-CP-07-00804.

Respondent Martin Govan's principal contention is that Appellant improperly seeks relief from a judgment entered in Case No. 2018-CP-07-00793 through proceedings in Case No. 2018-CP-07-00804. That characterization does not dispose of this appeal. Rule 53(b)-(c),

SCRCP, makes the order of reference controlling as to the matters referred, and once a matter is referred the master has the powers of a circuit judge sitting without a jury within that referred matter. See *First Citizens Bank & Trust Co. v. Taylor*, 431 S.C. 149, 162-63, 847 S.E.2d 249, 256 (Ct. App. 2020); *Bunkum v. Manor Props.*, 321 S.C. 95, 98, 467 S.E.2d 758, 760 (Ct. App. 1996).

Appellant specifically challenged rulings entered in Case No. 2018-CP-07-00804 concerning her status as a Third-Party Defendant, the alleged default, the Third-Party Plaintiff's asserted entitlement to reimbursement and damages, the denial of Appellant's motions, and the disposition of funds affecting Appellant's property rights.

Most importantly, the record identified by Appellant contains an Answer to Third-Party Complaint filed October 29, 2019, in Case No. 2018-CP-07-00804—seven days after the October 22, 2019 Affidavit of Default recited in the December 3, 2025 Order. Respondent's brief does not meaningfully address that filing. South Carolina law distinguishes an entry of default from a default judgment. A late answer may not itself eliminate a technical default under Rule 55(a), SCRCP, but it may constitute an appearance material to the notice and hearing protections applicable before a default judgment is entered. *Stark Truss Co. v. Superior Constr. Corp.*, 360 S.C. 503, 509-11, 602 S.E.2d 99, 102-03 (Ct. App. 2004).

Thus, Appellant does not rely on the October 29, 2019 Answer for the overbroad proposition that a late answer automatically cures default. Rather, the filing is material because it was an appearance in the very action now on appeal and had to be considered when determining Appellant's procedural rights, the effect of the alleged default, and the notice required before any default judgment or unliquidated-damages adjudication. Rule 55(b)(2), SCRCP; Rule 5(a),

SCRCP; Stark Truss, 360 S.C. at 510-11, 602 S.E.2d at 103. The Court should decide the appeal from the actual record rather than Respondent's characterization of that record.

II. RESPONDENT'S OWN DESCRIPTION OF CASE NO. 2018-CP-07-00804 CONFIRMS THAT APPELLANT'S RIGHTS IN THAT CASE ARE BEFORE THIS COURT.

Respondent acknowledges that Govan filed a Third-Party Complaint against Geraldine White in Case No. 2018-CP-07-00804. Respondent further acknowledges that, following a settlement between Govan and Benny Hudson Seafood Corp., Case No. 2018-CP-07-00804 was transferred to the Master-in-Equity for purposes of conducting proceedings concerning Govan's Third-Party claim against Appellant.

Thus, even under Respondent's description of the proceedings, the present appeal cannot be dismissed merely by stating that Case Nos. 00793 and 00804 were never formally consolidated. The question is whether the Master properly determined Appellant's rights and liabilities in 00804, including the alleged default, Govan's reimbursement theory, Appellant's defenses, and the relief requested in the motions decided by the December 3, 2025 Order. Those are matters arising from the very action presently on appeal. First Citizens, 431 S.C. at 162-63, 847 S.E.2d at 256.

III. THE EXISTENCE OF TWO SEPARATE CASE NUMBERS DOES NOT ELIMINATE THE CONNECTION RESPONDENT HIMSELF CREATED BETWEEN THE CLAIMS.

Respondent repeatedly emphasizes that Case Nos. 2018-CP-07-00793 and 2018-CP-07-00804 were not consolidated. Appellant does not contend that the mere existence of related facts automatically consolidated the two actions.

Rather, the significance of Case No. 00793 arises because the parties relied upon the judgment and alleged liabilities arising from the related vessel controversy in subsequent

proceedings affecting Appellant. Govan's Third-Party Complaint itself arose from the same underlying vessel dispute and sought to shift alleged liability to Appellant.

To the extent the Master lacked jurisdiction to vacate an order entered in 00793, that jurisdictional limitation did not authorize the Master to disregard defenses and procedural issues properly presented concerning the Third-Party claims pending in 00804. Rule 53(c), SCRPC, gives the master the powers of a circuit judge within the referred matter unless the order of reference limits those powers. *Smith Cos. of Greenville, Inc. v. Hayes*, 311 S.C. 358, 360, 428 S.E.2d 900, 902 (Ct. App. 1993). At minimum, the court was required to distinguish between relief that could not be granted concerning 00793 and issues that had to be adjudicated concerning 00804.

IV. APPELLANT DID NOT WAIVE HER CHALLENGES TO THE PROCEEDINGS IN CASE NO. 2018-CP-07-00804.

Respondent argues that Appellant waived appellate review because her Initial Brief allegedly did not contest findings relating to 00804. The record and Appellant's stated issues demonstrate otherwise.

Appellant specifically challenged the determination that she was in default on Govan's Third-Party claims; the failure to give proper effect to her October 29, 2019 Answer to the Third-Party Complaint; the refusal to dismiss or otherwise adjudicate the legal sufficiency of the Third-Party claims; the handling of Govan's asserted reimbursement theory; the disposition of the \$15,665.73 collected from Appellant's property transaction; and the Master's refusal to address matters bearing directly upon Appellant's defenses and property rights.

Those are issues concerning Case No. 2018-CP-07-00804. Respondent's waiver argument therefore rests upon an inaccurate characterization of Appellant's Initial Brief. Rule 208(b)(1)(B),

SCACR, requires issues to be stated concisely, but it does not permit a respondent to recast expressly presented issues as though they were never raised.

V. THE \$15,665.73 PAYMENT PRESENTS A CONCRETE PROPERTY-RIGHTS ISSUE AND IS NOT A COLLATERAL OR FRIVOLOUS MATTER.

Appellant's challenge concerning the \$15,665.73 is not an abstract attempt to relitigate an old case. Appellant contends that \$15,665.73 was transferred from the proceeds of a private property transaction under an asserted judgment-lien or partial-satisfaction theory.

S.C. Code Ann. § 15-35-810 provides that a final judgment constitutes a lien on a judgment debtor's real estate in a county only when the judgment or transcript is entered upon the book of abstracts of judgments and duly indexed; the lien begins from that entry. Appellant has consistently maintained that the August 22, 2018 judgment was not entered and indexed in the manner required to create the asserted real-property lien. That statutory issue directly concerns the legal basis on which \$15,665.73 was taken from Appellant's real-estate sale proceeds.

If money was removed from Appellant's property-sale proceeds because the judgment was represented as an enforceable lien, the existence and legal status of that lien are material to whether the payment was properly demanded and retained. Respondent's Initial Brief does not substantively answer this issue.

VI. RESPONDENT HAS NOT ESTABLISHED AN ENTITLEMENT TO A DEFAULT-DAMAGES JUDGMENT.

Respondent asks this Court to remand the matter for a default-damages hearing and entry of judgment in Govan's favor. That relief should be denied.

Before damages can properly be entered against Appellant, the lower court must correctly determine the procedural status of the Third-Party Complaint and the legal effect of Appellant's

October 29, 2019 appearance. Rule 55(d), SCRPC, expressly applies Rule 55 to third-party plaintiffs. In cases involving unliquidated damages, Rule 55(b)(2), SCRPC, requires a hearing as necessary to determine damages and incorporates Rule 5(a)'s notice requirement; notice of a trial or hearing on unliquidated damages must be given even to a party in default. See *McCall v. IKON*, 363 S.C. 646, 656-57, 611 S.E.2d 315, 320-21 (Ct. App. 2005).

Respondent's description of his payment to Benny Hudson Seafood Corp. as a nominal settlement does not itself establish that Geraldine White was legally responsible for that payment. Nor does Govan's voluntary settlement with Hudson automatically establish causation, indemnification, contribution, reasonableness of the settlement, or the amount recoverable from Appellant. Rule 55(b)(2), SCRPC, authorizes the court to take evidence and investigate matters necessary to determine damages; a request for a default-damages judgment therefore cannot substitute allegation for proof.

VII. THE VESSEL-OWNERSHIP AND DAMAGES ISSUES ARE MATERIAL TO THE UNDERLYING LIABILITY THEORY.

Appellant has also challenged the evidence concerning ownership of the vessels, the claimed removal and repair expenses, and alleged business losses. Those issues are material where the Third-Party Plaintiff's theory depends upon assigning responsibility to Appellant for damages allegedly arising from the vessels.

Appellant has maintained that a bill of sale alone did not establish the vessel title and registration facts asserted against her and that the record did not contain competent evidence supporting the full damages claimed in connection with the underlying controversy. These matters bear directly upon causation, liability, reimbursement, and damages.

VIII. RESPONDENT'S REQUEST FOR SANCTIONS SHOULD BE DENIED.

Respondent asks this Court to sanction Appellant under the South Carolina Frivolous Civil Proceedings Sanctions Act. The request is unsupported.

Appellant has identified specific orders, pleadings, docket filings, statutory requirements, and property interests supporting appellate review. Among other things, the record identified by Appellant includes an October 29, 2019 Answer in the same third-party action in which Respondent seeks a default-damages judgment. South Carolina decisions recognize that Rule 55(c) is to be liberally construed to promote justice and disposition on the merits, and a discretionary default ruling is reversible when controlled by an error of law or unsupported by the record. *In re Estate of Weeks*, 329 S.C. 251, 259, 495 S.E.2d 454, 459 (Ct. App. 1997); *Wham v. Shearson Lehman Bros., Inc.*, 298 S.C. 462, 465, 381 S.E.2d 499, 501-02 (Ct. App. 1989).

A disagreement concerning jurisdiction, default, the effect of an appearance, the scope of a Rule 53 reference, or the enforceability of an asserted judgment lien does not become frivolous merely because Respondent disagrees with Appellant's position. Respondent has not shown that Appellant's arguments lack any reasonable basis in law or fact, particularly where the appeal turns on identified pleadings and statutory requirements. The request for sanctions under S.C. Code Ann. § 15-36-10 should therefore be denied.

IX. RESPONDENT CANNOT INCORPORATE THE ENTIRE DECEMBER 3, 2025 ORDER AS A SUBSTITUTE FOR APPELLATE ARGUMENT.

Respondent states that he incorporates the entire December 3, 2025 Order into his appellate argument. But the order being appealed is the decision this Court is being asked to review. Rule 208(b)(2), SCACR, requires a respondent's brief to conform to Rule

208(b)(1)(A)-(F), subject only to specified exceptions for a respondent's own statement of issues, statement of the case, and standard of review.

Merely adopting the appealed order does not independently answer Appellant's claims that the order rests upon an incorrect or incomplete procedural understanding of Case No. 00804, particularly the existence and legal effect of Appellant's October 29, 2019 Answer and appearance. Nor can incorporation of the order replace developed appellate argument and supporting authorities. The Court should conduct appellate review based upon the record, preserved issues, and governing law.

X. RESPONDENT'S INITIAL BRIEF DOES NOT FULLY COMPLY WITH RULE 208, SCACR.

Respondent expressly states that no Table of Authorities is needed. Rule 208(b)(2), SCACR, provides otherwise: a respondent's brief must conform to Rule 208(b)(1)(A)-(F), and Rule 208(b)(1)(A) requires a table of cases, statutes, and other authorities with page references. The rule allows a respondent to omit a separate statement of issues, statement of the case, or standard of review in specified circumstances; it does not create an exception permitting omission of the Table of Authorities.

Accordingly, Respondent's omission conflicts with Rule 208(b)(2) and Rule 208(b)(1)(A), SCACR. Appellant does not contend that this formatting violation alone decides the appeal, but it undermines Respondent's assertion that no authorities are necessary and reinforces why the requested dismissal and sanctions should not be granted on unsupported characterizations of the record.

CONCLUSION

For the foregoing reasons, Appellant Geraldine White respectfully requests that this Court: (1) deny Respondent Martin Govan's request to dismiss the appeal and request for

sanctions; (2) reject Respondent's assertion that Appellant waived all issues relating to Case No. 2018-CP-07-00804; (3) reverse or vacate the December 3, 2025 Order to the extent it rests upon an erroneous or incomplete determination of Appellant's procedural status and fails to consider the legal effect of her October 29, 2019 Answer and appearance; (4) reverse or remand the rulings concerning Govan's Third-Party claims so that Appellant's defenses, the legal basis for reimbursement, and any claimed damages are determined under Rules 5, 53, and 55, SCRCP, from the complete record; (5) reverse or remand the ruling concerning the \$15,665.73 payment for determination of whether the asserted judgment lien existed and was enforceable under S.C. Code Ann. § 15-35-810 and the legal basis upon which those funds were collected; (6) recognize Respondent's noncompliance with Rule 208(b)(1)(A) and (b)(2), SCACR, in omitting a required Table of Authorities; and (7) grant such other and further relief as this Court determines just and proper.

Respectfully submitted,

s/Geraldine White_____

August 11, 2026

Geraldine White, Appellant, Pro Se
141 Lamotte Drive #A3
Hilton Head Island, SC 29926
whitegeraldine91@gmail.com
843-681-3947

RECEIVED

Aug 11 2026

SC Court of Appeals

**IN THE SOUTH CAROLINA
COURT OF APPEALS**

Appeal from Beaufort County
Court of Common Pleas

James J. Wegmann, Master-in-Equity
Lower Court Case No. 2018-CP-07-00804

Appellate Case No. 2025-002484

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 REPLY BRIEF
PROOF OF SERVICE**

Geraldine White, Appellant, Pro Se
141 Lamotte Drive #A3
Hilton Head Island, SC 29926
whitegeraldine91@gmail.com
843-681-3947

cc:Patrick Carr, Esq
William M Bowen, Esq
Robert "Tabor" Vaux, Esq

PROOF OF SERVICE

I certify that I have served a true and correct copy of the foregoing Reply Brief of Appellant Geraldine White upon all counsels of record in accordance with the South Carolina Appellate Court Rules on this 11th day of August 2026 or shortly thereafter.

Patrick Carr, Esquire
1917 Lovejoy Street
Beaufort, SC 29902
patrick@carrlegal.com

William M Bowen, Esquire
P O Box 6128
Hilton Head Island, SC 29938
bill@williambowenlaw.com

Robert “Tabor” Vaux, Jr, Esquire
P O Box 769
Bluffton, SC 29910
tabor.vaux@vmblawfirm.com

Respectfully submitted,

s/Geraldine White
Geraldine White, Appellant, Pro Se
141 Lamotte Drive #A3
Hilton Head Island, SC 29926
whitegeraldine91@gmail.com

August 11, 2026