

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Hugh Parks Price,

Appellant,

v.

Lisa Lee Molstad,

Respondent.

Appellate Case No. 2025-002567

109102
RECEIVED

AUG 20 2026

SC Court of Appeals

**APPELLANT'S PETITION FOR REHEARING AND FOR REINSTATEMENT
OF APPEAL**

Pursuant to Rule 221, SCACR, Appellant Hugh Parks Price respectfully petitions this Court for rehearing of its Order filed August 5, 2026, dismissing this appeal, and for reinstatement of the appeal. This Petition is timely, being actually received by the Court within fifteen (15) days after the filing of the August 5, 2026 Order. See Rule 221(a), SCACR. Because the Court's action has the effect of dismissing and finally deciding Appellant's appeal, rehearing is available under Rule 221(c), SCACR. Appellant states with particularity below the points he respectfully submits were overlooked or misapprehended.

I. THE POINTS OVERLOOKED OR MISAPPREHENDED

The dismissal rests on two grounds, and Appellant respectfully submits both were reached upon overlooked or misapprehended facts. First, the Order finds that "*Appellant has not provided any status updates,*" but the Court's own file reflects two written status updates — one stamped RECEIVED Apr 27 2026 and one stamped "RECEIVED" Jun 01 2026. Second, the Order faults Appellant for not perfecting an amended designation of matter or initial brief, yet this Court had placed this very appeal in abeyance by letter dated April 16, 2026, and Appellant — then incarcerated and without access to legal materials — reasonably understood the appeal to be held in abeyance.

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II. APPELLANT PROVIDED STATUS UPDATES (GROUND ONE)

1. On March 31, 2026, this Court granted a temporary stay and remanded to the circuit court for an expedited hearing on Appellant's pending motion to stay and any appeal bond, directing written status updates every thirty days on pain of dismissal.
2. On **April 27, 2026**, Appellant submitted a written status update, stamped by this Court "*RECEIVED Apr 27 2026 — SC Court of Appeals.*" It reported that no hearing had been added to the motion roster and expressly asked the Court to advise of any deficiency. (Ex. [].) *SEE C-TRACK INDEX*
3. On **June 1, 2026**, a second written status update — dictated by Appellant, then incarcerated and without email access, and transmitted verbatim on his behalf by his mother, Sandra Holmwood, with an express authorship disclaimer — was stamped "*RECEIVED Jun 01 2026 — SC Court of Appeals.*" (Ex. [].) *SEE C-TRACK INDEX*
4. The categorical finding that "*Appellant has not provided any status updates*" therefore cannot be squared with the Court's own date-stamped file.

III. THE APPEAL WAS IN ABEYANCE (GROUND TWO)

5. By letter dated **April 16, 2026**, the Clerk advised Appellant and counsel that "[t]his appeal will be held in abeyance pending the Court's decision on the respondent's motion to strike and extension of time." (Ex. [].) Appellant reasonably understood the appeal to be held in abeyance and was surprised to receive an Order of Dismissal rather than a ruling on the pending motion to strike. *SEE C-TRACK INDEX*
6. Against that backdrop — an appeal in abeyance and an incarcerated, self-represented Appellant without access to the record or a law library — the failure to perfect an amended designation of matter or initial brief was neither willful nor a disregard of this Court's directives. Appellant respectfully requests a reasonable opportunity to cure. Cf. *Brown v. Coe*, 365 S.C. 137, 616 S.E.2d 705 (2005) (declining to dismiss and instead affording a reasonable opportunity to cure).

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IV. INCARCERATION AND OBSTRUCTED NOTICE — CIRCUMSTANCES BEYOND APPELLANT'S CONTROL

7. Appellant was arrested on March 16, 2026, and briefly released on bond on March 18, 2026. At an April 22, 2026 hearing in Aiken County (Warrant No. 2025A0210201428), Respondent's civil counsel, Christian G. Spradley — appearing in a criminal matter on behalf of his civil client — urged, in coordination with the Assistant Solicitor, that Appellant's bond be revoked for the “*filing of [a] frivolous suit.*” The court revoked the bond by order entered April 28, 2026, and Appellant was incarcerated at the Aiken County Detention Center from May 4, 2026 until on or about July 2, 2026 — the precise period during which the appellate deadlines at issue fell. Throughout that incarceration he had no access to email, electronic filing, the appellate record, or a law library. (This was the same tactic Respondent's counsel employed at a June 12, 2024 bond hearing.)

8. On May 12, 2026, in a recorded telephone call, the Saluda County Clerk of Court, Sherri Coleman, confirmed that the administrative judge, Judge Addy, had instructed her not to place any of Appellant's matters on the roster because he was incarcerated — an instruction she stated applied even to matters in which Appellant was represented by counsel. Because the remanded proceeding could not be scheduled, there were no substantive developments to report, and the updates accurately said so. (Ex. ^{REV 1} [1]; Supplemental Affidavit of Sandra Holmwood, Ex. [1].)

9. Appellant's ability to receive mailed notice was also compromised. On or about December 29, 2025, Respondent removed the mailbox at Appellant's address of record, 2465 Pine Grove Road, Lot D, Ward, South Carolina 29036 — the address at which Appellant received notices in these matters. [Police report to be attached as ^{EX 1} Ex. [1].] Between his incarceration and the loss of his mailbox, notices mailed to Appellant during this period may never have reached him.

V. APPELLANT DID NOT RECEIVE RESPONDENT'S MOTION TO DISMISS

10. The Order notes that Appellant filed no return to Respondent's June 30, 2026 motion to dismiss. Appellant did not receive that motion; it was returned to this Court from the jail as undeliverable. Reasonably believing the appeal remained in abeyance, and having no notice of the motion, Appellant had no opportunity to respond. His silence reflected incapacity and lack of notice, not concession.

VI. REINSTATEMENT IS WITHIN THIS COURT'S DISCRETION, AND IS WARRANTED

11. This Court has long possessed discretion to reinstate an appeal dismissed for noncompliance where the default was the product of excusable neglect or unavoidable cause, rather than a default the appellant could have prevented. In *New England Mortgage Security Co. v. McMillan*, 41 S.C. 547 (1894), the Court explained that it dismisses appeals for noncompliance only “*with a great deal of reluctance*,” and that it has “*struggled to find some way by which to relieve the appellant*” whose default is unavoidable; it declined relief there only because counsel — three of whom resided in the city — simply failed to appear, a default entirely within counsel's control. See also *Crosswell v. Indemnity Ass'n*, 27 S.E. 388 (S.C. 1897) (recognizing this Court's discretion to relieve a default arising from mistake or inadvertence).

12. Appellant's default is the opposite of the avoidable absence in *McMillan*. Appellant was incarcerated and without access to the record or a law library; this Court had placed the appeal in abeyance; and the administrative judge had directed the Clerk not to schedule his matters. His noncompliance was not neglect — much less avoidable neglect — but the product of circumstances beyond his control, as the accompanying Supplemental Affidavit of Sandra Holmwood establishes. Reinstatement is warranted.

VII. RELIEF REQUESTED

For the foregoing reasons, Appellant respectfully requests that this Court:

- a. Grant rehearing under Rule 221, SCACR;
- b. Vacate or withdraw the Order filed August 5, 2026, and, in the exercise of the Court's discretion, reinstate this appeal;
- c. Recognize the April 27, 2026 and June 1, 2026 filings as timely status updates in compliance with the March 31, 2026 order;
- d. Afford Appellant a reasonable period to serve and file any amended designation of matter and initial brief and to cure the deficiencies identified in the June 4, 2026 order and June 14, 2026 letter, given that the appeal stood in abeyance; and
- e. Grant such other and further relief as the Court deems just and proper.



Respectfully submitted,



Hugh Parks Price

Appellant, *pro se*

2465 Pine Grove Road, Lot D

Ward, South Carolina 29036

Dated: August 20th, 2026



Exhibit #1 REV 1

RECEIVED

Jun 29 2026

6/28/26 : AFFADAVIT OF SANDRA HOLMWOOD to APPELATE COURT
1220 Senate St. Columbia, SC 29201

SC Court of Appeals

Good afternoon SC Court of Appeals,

June 28, 2026

I am responding to the letter I received from the Court of Appeals 6/24/26 signed by Jasmine Smith, indicating I had "represented" Hugh Price in cases: 2025-001596 and case 2025-002567. Hugh Price established me as his power of attorney in March of 2026 in order for me to sign documents on his behalf in the event of illness or incarceration. I had no idea that the POA was not acceptable in appellate court filings. The lower court has accepted them. We are both Pro Se co appellants in case number 001596. In no way was I attempting to represent Hugh Price as his "attorney" or anything of the sort.

I am not "practicing law" and not representing Hugh; he is Pro Se representing himself and has created all his own response strategies outlined in these cases. Using AI and a series of phone calls from Hugh from jail and instructions from him by letter and phone, I have documented and faithfully recorded in the filings his statements and assertions for both these cases. I used a para legal service to help with proper documentation and proper formatting for filings in these cases.

I made an attempt at the jail to have Hugh sign documents in the past two weeks for another issue, but the jail was uncooperative and without the help of an attorney to assist (we are both pro se) it is essentially not allowed.

Could a judge or authority direct the Aiken Detention Center to allow him to sign the Brief and Designation of Matter documents that I deliver while I wait? Or if that does not work, I could resend the documents by mail but that would take at least a week to accomplish since there is no way for him to send anything out that I'm aware of except by regular mail.

Pease advise me that you received this Affadavit that I will send by email and also US Mail. I will gladly file it too if that is allowed.

Thank you. Respectfully,

Sandra Holmwood
1721 Pinewood Dr. Columbia, SC. 29205

Sandra Holmwood 6/28/26

Sworn to and subscribed
before me this

28 day of June, 2026

MARY K. QUILLIVAN
Notary Public, State of South Carolina
My Commission Expires 08/11/2033

Mary K. Quillivan

Exhibit # 2REV1

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Jun 01 2026

SC Court of Appeals

From: Ranch Hand
To: Court Of Appeals Filings
Subject: 2025-002567- which is from Saluda County Case # 2025-CP-4100100
Date: Monday, June 1, 2026 10:10:51 PM

*** **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

I've been instructed to keep the court updated about this case. To date the Emergency Motion has not been scheduled to be heard. It would appear that the Administration Judge Addy has instructed the clerk of court , Sheri Coleman, to not schedule any of my motions to be heard in the next term which is this month in June.

Respectfully submitted, Hugh Price

**Phone Call to Sheri Coleman 5/12/26. Clerk of Court:
Saluda County SC**

Re: Scheduling Hugh Price's hearings:

Participants: Sherri Coleman - Clerk of Court Saluda County
Sandra Holmwood - re: Hugh Price - Hearing Scheduling

Recording 864-445-4500: Please listen closely as our options have changed. If you know your party's 4 digit extension you may dial it at any time. For the treasurer.....beep beep beep. Cough. Your call is being transferred...ringing..

Sheri: Clerk of court; this is Sheri; may I help you?

Sandra Holmwood: HI Sheri; it's Sandra Holmwood calling and I have a question about what you told me yesterday about the Roster and Judge Addy. Did he actually issue an order that nothing should be heard for Hugh for June including....

Sheri: No he didn't issue an order he just told me ..he instructed me to not put him on the Roster because he was incarcerated.

Sandra: Oh ok. I get it.

Sheri: Yeah. It was nothing against him it was just let's not tackle this; we'll do it next time when he's out.

Sandra: Ok. Well here's the thing. I want to clarify does that include his appeals that are already scheduled with representation. There's like three that have been scheduled for like 30 months with Mr. Laubshire. What about those? Those were supposed to have been heard in June I thought?

Sheri: Well we did too. But I was asked not to do that.

Sandra: So he asked you not to put anything on the Roster including his cases with representation because he could be transported.

Sheri: So that would be his attorney question..that would be his attorney questions. I'm not getting into all that. I don't know....

Sandra: Ok, well I'm just confused because...you know, if he has representation...I can see why they would cancel anything that would involve pro se, maybe for June, but what about..you know his attorneys... They've been trying to get these done for a long time and some of them have been put off for close to three years.

Sheri: Yeah. You'll have to talk to his attorneys about that.

Sandra: I'm sorry. What did you say; I couldn't hear you.

Sheri: You just need to talk to um.. um Hugh's attorneys.

Sandra: Ok. Just to clarify Judge Addy did include anybody even represented? Even if he has representation it's not to be scheduled. Is that right?

Sheri: I don't know. I don't know about that. I don't know if he knew he was represented.

Sandra: Is there any way you could find out maybe?

Sheri: No I'm not going to find that out. You can call his attorneys and try to find that out but I'm not.....unintelligible.

Sandra: Ok. You're fading on me for some reason. All of a sudden I can't hear you very well. All right I guess I'll have to contact the attorneys but it's just very surprising.

Sheri: You can call and talk to Judge Addy and get it out there but I can't put it on the unintelligible.

Sandra: So you're saying you can't you cannot schedule it?

Sheri: I'm not going to schedule it. I was told not to.

Sandra: Ok. All right. Well...thank you for answering the question.

Sheri: You're welcome. Bye bye..... Pause....
Write that number down; don't answer it. End of call.

*Transcribed by: Sandra Holmwood on 7/12/26 from Recorded Phone call
5/12/26 to Sheri Coleman, Clerk of Court Saluda SC*

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Hugh Parks Price,

Appellant,

v.

Lisa Lee Molstad,

Respondent.

Appellate Case No. 2025-002567

(and related Appellate Case No. 2025-001596)

SUPPLEMENTAL AFFIDAVIT OF SANDRA HOLMWOOD

In Support of Rehearing and Reinstatement

STATE OF SOUTH CAROLINA)

) SUPPLEMENTAL AFFIDAVIT

COUNTY OF ~~RICHLAND~~ SANDRA)

PERSONALLY APPEARED before me the undersigned affiant, Sandra Holmwood, who, being first duly sworn, deposes and states as follows:

1. I am over the age of eighteen (18), am competent to make this affidavit, and have personal knowledge of the facts stated herein. I reside at 1721 Pinewood Drive, Columbia, South Carolina 29205.
2. I am the mother of Hugh Parks Price, the Appellant in the above-captioned appeals.
3. Appellant Price was arrested on March 16, 2026, and briefly released on bond on March 18, 2026. After his bond was revoked following an April 22, 2026 hearing in Aiken County (Warrant No. 2025A0210201428; order entered April 28, 2026), he was incarcerated at the Aiken County Detention Center from May 4, 2026 until on or about July 2, 2026. Throughout that incarceration he had no access to email, electronic court filing, the appellate record, or a law library. I personally attempted to assist him during this period, as set out below.

4. I previously submitted to this Court a notarized affidavit, received and stamped RECEIVED Jun 29 2026, explaining that Appellant Price granted me a power of attorney in March 2026 to sign documents on his behalf in the event of illness or incarceration, that I am not practicing law or representing him, and that the detention center has been uncooperative in allowing him to sign documents. I incorporate that affidavit by reference and attach it as Exhibit 1.

5. On May 31, 2026, at Appellant Price's request, I transmitted to this Court a written status update in Appellate Case No. 2025-002567 that he dictated to me. I relayed it verbatim and included a note stating that he was the author, that he could not access his email, and that I was sending it on his behalf. A true and correct copy, bearing the Court's stamp RECEIVED Jun 01 2026, is attached as Exhibit 1A. *REV 1*

6. On May 12, 2026, I placed a recorded telephone call to Sherri Coleman, the Clerk of Court for Saluda County, regarding the scheduling of Appellant Price's hearings. During that call, Ms. Coleman stated that Judge Addy had instructed her not to place Appellant Price on the roster because he was incarcerated, and that she had been asked not to schedule his matters even where he was represented by counsel.

7. A true and correct transcript of that recorded call is attached as Exhibit 3, and accurately reflects the conversation to the best of my knowledge and recollection.

8. Throughout this period, Appellant Price acted as diligently as his circumstances permitted. He caused two written status updates to reach this Court (stamped April 27, 2026 and June 1, 2026); he attempted, through me, to file and to sign the documents this Court required; and his inability to sign, to have documents notarized, or to meet deadlines resulted from his incarceration and from the administrative judge's instruction that his matters not be scheduled — not from any indifference to this Court's rules. Any default was unavoidable and beyond his control.

9. I make this affidavit in support of Appellants' Petitions for Rehearing and for Reinstatement, and for no improper purpose.

FURTHER AFFIANT SAYETH NAUGHT.

Sandra Holmwood

Sandra Holmwood

SWORN to and subscribed before me

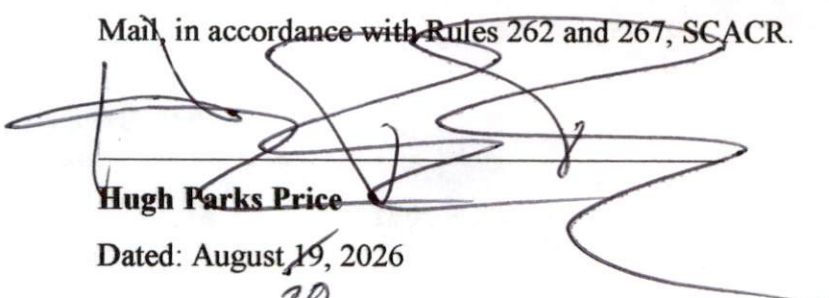
this 20 day of August, 2026.

Notary Public for South Carolina

My Commission Expires: _____

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below I served a true and correct copy of the foregoing Appellant's Petition for Rehearing and for Reinstatement of Appeal upon Respondent, by and through Respondent's counsel of record, Ralph Nichols Riley, Jr., Esquire, by USPS Certified Mail, in accordance with Rules 262 and 267, SCACR.


Hugh Parks Price

Dated: August 19, 2026

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(HP)

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SC Court of Appeals