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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM OCONEE COUNTY
Court of Common Pleas
Vernon F. Dunbar, Circuit Court Judge

Case No. 2026-001-328

Synchrony Bank, Respondent,
v.
Julie Dalen, Appellant.

PETITION FOR REHEARING

Julie Dalen, Pro Per
108 Jessie Road
Westminster, SC 29693
(864) 647-4705

APPELLANT

LLOYD & MCDANIEL PLC

TESH

SUITE 7

GREENVILLE, SC 29601

JOSEPH E. BROWN
ADAM S.

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(864)

291 – 5144

ATTORNEY FOR RESPONDENT

PETITION FOR REHEARING

Appellant Julie Dalen, appearing Pro Per, respectfully petitions this Court pursuant to Rule 221,

SCACR, for rehearing of the Court's Order filed **August 18, 2026**, dismissing Appellant's

Appeal as interlocutory.

Appellant respectfully submits that the Court overlooked or misapprehended material

aspects of the orders appealed from and the nature of the jurisdictional and service of process

issues presented.

This Petition does not seek to re-litigate the entire underlying case. Rather, Appellant

respectfully requests reconsideration of the Court's characterization of the appealed orders and

clarification of the legal effect of the dismissal.

MEMORANDUM

I. THE APPEAL WAS NOT DISMISSED AS UNTIMELY

Appellant first notes that the August 18, 2026, Order did not dismiss the appeal as untimely.

The notice of appeal was filed on June 11, 2026. The Court subsequently requested memoranda addressing appealability, and both parties submitted

memoranda concerning that issue.

The Court ultimately dismissed the appeal after determining that the orders were interlocutory and not directly appealable.

Accordingly, the issue presently before this Court is appealability, not timeliness.

II. THE COURT OVERLOOKED THAT DISTINCTION BETWEEN A ROUTINE DENIAL OF PERSONAL JURISDICTION AND THE SPECIFIC SERVICE OF PROCESS ISSUE PRESENTED HERE

The August 18 Order relies upon *Mid-State Distributors, Inc. v. Century Importers, Inc.*, 310 SC 330, 426 S.E. 2d 777 (1993), and states that the denial of a motion to dismiss for lack of personal jurisdiction is ordinarily interlocutory. Appellant does not dispute that general proposition.

The issue in this case, however, was not merely whether Appellant had sufficient contacts with South Carolina.

Appellant challenged whether **valid service of process ever occurred in the first place**. That distinction is material.

Rule 12(b), SCRPC, separately recognizes:

1. Lack of jurisdiction over the person;
2. Insufficiency of process; and

3. Insufficiency of service of process.

The validity of service is therefore a distinct procedural issue from the merits of whether sufficient contacts exist for personal jurisdiction.

Appellant's motion challenged the validity of the service upon which Respondent relied to establish that the court acquired jurisdiction over Appellant.

III. THE ORIGINAL AFFIDAVIT OF SERVICE WAS SPECIFICALLY DISPUTED

Appellant specifically challenged Respondent's representation concerning service. The evidence and circumstances presented to the Common Pleas Court established a factual dispute concerning whether Appellant herself was served in accordance with Rule 4, SCRCP.

Appellant maintained that the documents identified in the affidavit as having been served upon Appellant were in fact delivered to the Appellant's husband. The distinction is not merely technical. If the person named as having been served was not actually served in the manner required by Rule 4, the question becomes whether the Common Pleas Court acquired personal jurisdiction over that defendant through valid service.

Appellant respectfully submits that the August 18 Order did not separately address the service of process issue.

IV. THE COMMON PLEAS COURT'S ORDER MADE A SPECIFIC DETERMINATION CONCERNING SERVICE

The distinction becomes particularly important because the first common pleas order

did not merely deny a generic Rule 12(b)(2) motion.

As this Court itself quoted in its August 18 Order, the common pleas court determined that Respondent had “properly effectuated service upon [Appellant] at the hearing on April 2, 2026” and that Appellant had “accepted service of the complaint.” That determination is central to Appellant’s challenge. Appellant disputes the characterization that she voluntarily accepted service in a manner that eliminated her previously asserted challenge to the validity of service. The common pleas court’s finding concerning the April 2 hearing therefore directly concerns the factual and legal basis for the exercise of personal jurisdiction.

V. THE APRIL 2, 2026 EVENT DID NOT ELIMINATE THE UNDERLYING SERVICE DISPUTE

Appellant respectfully submits that the Court overlooked the significance of the sequence of events. The original service was challenged.

The validity of the affidavit of service was challenged. The common pleas court thereafter relied upon an event occurring during the April 2, 2026, hearing to determine that service had been “properly effectuated.” Appellant’s position has consistently been that the subsequent in-court event did not automatically establish that the original service was valid, nor did it constitute an unconditional waiver of Appellant’s jurisdictional objections.

The question whether the April 2 event constituted legally sufficient service, and what legal effect that event had upon the previously disputed service, is therefore part of the jurisdictional issue presented.

VI. THE COURT'S RELIANCE UPON MID-STATE DOES NOT DECIDE THE VALIDITY OF SERVICE

Appellant recognizes the holding of *Mid-State Distributors*. Indeed, the August 18 Order quotes Mid-State for the proposition that the denial of a motion to dismiss for lack of personal jurisdiction does not prevent a defendant from maintaining that defense later in the proceedings. That portion of Mid-State is important to the present case. Mid-State explains that the defendant has not forfeited the personal jurisdiction defense merely because a pre-trial motion was denied and that the defense may continue to be maintained at trial. 310 S.C. at 335-36, 426 S.E. 2d at 780-81.

Accordingly, Appellant respectfully requests that the court clarify that its August 18 dismissal does not constitute a determination that:

1. Appellant was properly served;
2. The original affidavit of service was accurate;
3. The April 2, 2026, event constituted valid service;
4. Appellant waived her objections to service;
5. The common pleas court possesses personal jurisdiction over Appellant; or
6. Appellant has forfeited her jurisdictional defenses.

VII. THE COURT SHOULD CONSIDER THE ACTUAL EFFECT OF THE

FIRST ORDER

South Carolina Code section 14-3-330 governs the appealability of intermediate judgments, orders, and decrees. Although an order denying a routine motion to dismiss for lack of personal jurisdiction is ordinarily interlocutory, the court must consider the actual substance and effect of the order presented for review.

Here, the first order expressly determined that service had been “properly effectuated” at the April 2 hearing and that Appellant had “accepted service.” Appellant respectfully submits that this was not merely an abstract ruling concerning personal jurisdiction.

The common pleas court made a factual and legal determination concerning the event that purportedly supplied the court with jurisdiction over the Appellant. The question therefore is whether the order should have been characterized solely as a routine interlocutory denial under Mid-State, without separately considering the nature and effect of the service determination.

Appellant respectfully requests that the Court reconsider this aspect of its ruling.

VIII. THE SERVICE ISSUE CONCERNS A FOUNDATIONAL REQUIREMENT OF PERSONAL JURISDICTION

Personal jurisdiction requires more than a plaintiff’s assertion that a defendant is subject to suit. Service of process provides the procedural mechanism

by which a defendant is brought before the court. Where service itself is challenged, the issue is whether the court acquired jurisdiction over the defendant in accordance with the governing procedural requirements. Appellant therefore respectfully submits that the Court should distinguish the present matter from cases involving only a dispute over minimum contacts or the general exercise of jurisdiction.

The present case involves the threshold question whether Appellant was properly brought before the court at all.

IX. THE HEARING RECORD ALSO CONTAINS A MATERIAL DISPUTE

Appellant further respectfully maintains that the transcript of the April 2, 2026, hearing does not accurately or completely reflect all material statements and events relevant to the service dispute.

Among the matters Appellant maintains were omitted or inaccurately reflected are statements concerning the disputed service and statements made by Respondent's counsel concerning alleged unauthorized practice of law and possible prosecution. Appellant also maintains that the transcript does not accurately reflect all circumstances surrounding Appellant's alleged acceptance of service.

These matters are material because common pleas court subsequently relied upon its characterization of the April 2 proceeding in determining that service had been properly accomplished. Appellant therefore respectfully submits that the

Court should not treat the common pleas court's characterization of that hearing as an uncontested factual basis for determining the procedural character of the appeal.

X. THE DISPUTED TRANSCRIPT IS RELEVANT TO THE COURT'S CHARACTERIZATION OF THE ORDER

The issue raised by the disputed transcript is not presented merely as an attempt to introduce new evidence into this appeal. Rather, it demonstrates why the precise nature of the common pleas court's determination concerning service is material to the appealability question. If the common pleas court's characterization of what occurred at the April 2 hearing is disputed, then the Court should carefully distinguish between:

1. The existence of an ordinary interlocutory denial of a Rule 12(b)(2) motion; and
2. An order that affirmatively determines a disputed service of process issue and treats that determination as establishing personal jurisdiction.

Appellant respectfully requests that the Court reconsider its characterization of the order in light of this distinction.

XI. THE COURT'S DISMISSAL SHOULD NOT BE CONSTRUED AS AN ADJUDICATION OF PERSONAL JURISDICTION

If the Court determines that the orders remain interlocutory and not immediately appealable, Appellant respectfully requests an express clarification that the dismissal is procedural only. The dismissal should not be construed as an

adjudication that service was valid or that personal jurisdiction exists. That interpretation is consistent with *Mid-State Distributors, Inc.*

The Court's own August 18 order recognizes that a defense to personal jurisdiction may continue to be maintained in the court of common pleas. Appellant therefore respectfully requests that the Court expressly preserve the following issues:

A. Service of process

Whether Appellant was originally served in accordance with Rule 4 SCRCp.

B. Accuracy of the affidavit of service

Whether the document relied upon by Respondent accurately describes who was served and how service was accomplished.

C. April 2, 2026 service

Whether the events occurring at the April 2 hearing constituted legally sufficient service and what legal effect those events had upon Appellant's previously asserted objections.

D. Personal jurisdiction

Whether the common pleas court acquired personal jurisdiction over Appellant.

E. Due process

Whether the exercise of judicial authority over Appellant comported with the requirements of due process.

XII. APPELLANT HAS NOT ABANDONED OR WAIVED THESE DEFENSES

Appellant raised the jurisdictional and services issues in the common pleas court. Appellant then sought appellate review of the common pleas court's rulings. The Court of Appeals has now determined that the orders were interlocutory. Under Mid-State, that determination does not itself eliminate the underlying defense.

Appellant therefore respectfully requests that the Court clarify that Appellant has forfeited none of the preserved defenses merely because the appeal was dismissed as interlocutory.

XIII. ALTERNATIVE RELIEF IS APPROPRIATE

If the Court declines to reinstate the appeal, Appellant respectfully requests alternative relief in the form of clarification that:

1. The appeal was dismissed because the orders were determined to be interlocutory;
2. The Court did not determine that the original service was valid;
3. The Court did not determine that the April 2, 2026, service was legally sufficient;
4. The Court did not determine that the common pleas court presently possesses personal jurisdiction over the Appellant;
5. The Court did not determine that the disputed affidavit of service is accurate;
6. Appellant retains her previously asserted service and personal jurisdiction

defenses; and

7. Those issues remain available for appropriate determination and, if necessary appellate review following an appealable final judgment.

XIV. CONCLUSION

Appellant respectfully submits that rehearing is warranted because the August 18, 2026, order does not fully address the distinction between a routine interlocutory denial of a personal jurisdiction motion and the specific service of process determination made by the common pleas court in this case.

Appellant does not ask this Court to disregard *Mid-State Distributors, Inc. v. Century Importers, Inc.* Rather, Appellant asks the Court to apply that authority to the actual procedural circumstances presented and to recognize that the Court's dismissal of the interlocutory appeal does not resolve the underlying dispute concerning service or personal jurisdiction.

WHEREFORE, Appellant respectfully requests that this Court:

1. **Grant rehearing;**
2. Reconsider its August 18, 2026, order dismissing Appellant's appeal;
3. Reconsider whether the particular common pleas court orders are appealable under SC Code Ann. § 14-3-330;
4. Alternatively, clarify that the dismissal is without prejudice to Appellant's continued assertion of all preserved service of process and personal jurisdiction defenses;

5. Clarify that this Court has not adjudicated the validity of the original service, the accuracy of the affidavit of service, the legal effect of April 2, 2026, proceeding, or the existence of personal jurisdiction;
6. Clarify that Appellant has not forfeited those defenses; and
7. Grant such other relief as this Court deems just and proper.

Respectfully submitted,

Julie Dalen

Defendant-Appellant Pro Per

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LETTER TO THE APPELLATE COURT CLERK
FILING PETITION FOR REHEARING

August 22, 2026

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Attn: Khee' Asia Evans-Pryor, Appeals Specialist
Post Office Box 11629
Columbia, South Carolina 29211
Email: ctappfilings@sccourts.org

RECEIVED
Aug 24 2026
SC Court of Appeals

RE: Synchrony Bank v. Julie Dalen
Appellate Case No. 2026-001328

Dear Ms. Kitchings:

Please see the attached Petition for Rehearing and certificate of service for same. I am sending these documents via email to the court's address (above) as well as paper copies via USPS. Thank you for your consideration of this matter.

Sincerely,

Julie Dalen
Appellant Pro Per
108 Jessie Road
Westminster, SC 29693
(864) 647-4705
Email: jandjdalen@proton.me

cc: Attorneys for Plaintiff: Joseph E. Brown, Esq.
Laura C. Tesh, Esq. and Adam S. Tesh, Esq.
Lloyd & McDaniel, PLC at 233 N. Main St., Ste. 7, Greenville, SC 29601

Enc: Certificate of Service
Petition for Rehearing
Filing Fee: \$50