
**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

APPEAL FROM BEAUFORT COUNTY

Marvin H. Dukes, III, Master in Equity

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Aug 31 2026

SC Court of Appeals

Appellate Case No. 2023-000421

Southern First Bank..... Appellant,

v.

Kenneth J. Vilcheck, Renee M. Vilcheck, Portfolio Recovery
Associates, LLC, The Federal Housing Commissioner,
The Department of the Treasury – Internal Revenue Service,
and The South Carolina Department of Revenue..... Respondents.

MOTION TO ARGUE AGAINST PRECEDENT

Appellant, Southern First Bank, hereby files this Motion to Argue Against Precedent pursuant to SCACR 217.

1. The present case is scheduled for oral argument before this Court on September 16, 2026.

It involves several issues, including whether this Court should rule that a creditor's right and ability to collect a judgment vests when the relief to which they are entitled is ordered regardless of whether effectuating such relief will be complete more than ten years after entry of the judgment; (ii) whether the Master erred in failing to consider Respondent's dilatory tactics that delayed the collection process resulting in the judicial sale not being able to be complete before the 10-year mark in denying Appellant's Motion for Sale of the Property; and (iii) if there is sound public policy for clear jurisprudence that warrants an

exception to a bright line ten-year judgment expiration period where the debtor is shown to have undertaken actions in bad faith to stall the collection process, including by the filing of frivolous appeals.

2. Appellant now moves, pursuant to Rule 217 of the South Carolina Rules of Appellate Procedure, to argue against the precedent in South Carolina establishing a bright line no exception ten-year judgment collection rule without consideration of dilatory tactics by the debtor or other exceptions warranting a more flexible rule *to the extent such precedent exists* under the holding(s) in *Garrison v. Ownes*, 258 S.C. 442, 189 S.E.2d 31 (1972) and/or *Gordon v. Lancaster*, 425 S.C. 386, 823 S.E.2d 173 (2018).¹
3. Appellant files this Motion prophylactically as it contends that its arguments are not necessarily against established precedent in this State, however, to the extent the Court disagrees then Appellant wants to ensure it has followed all necessary procedures to argue against established precedent.

[signature page to follow]

¹ Appellant is not conceding that either holding establishes such a bright line rule nor that the ruling sought requires alternation of those holdings, however, is filing this Motion out of an abundance of caution should the Court disagree.

Respectfully Submitted,

SMITH HUDSON LAW, LLC

s/ Joseph O. Smith

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August 31, 2026

Greenville, South Carolina



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SC Court of Appeals

VIA USPS & EMAIL

Hon. Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

Re: Southern First Bank v. Kenneth J. Vilcheck
Appellate Case No. 2023-000421
SHL No. 2941.0001

Dear Madame Clerk:

Enclosed please find Smith Hudson Law Check No. 1148 in the amount of \$50.00 made payable to the SC Court of Appeals to cover the filing fee for Appellant's Motion to Argue Against Precedent submitted electronically on August 31, 2026.

With highest regards, I am

Sincerely,

SMITH HUDSON LAW, LLC

Joseph O. Smith

Enclosures (*as stated*)

CC: Andrew S. Radeker, Esq. (*via e-mail*)
Robert M. Sneed, Esq. (*via e-mail*)
Aaron J. Angell, Esq. (*via e-mail*)
Luke R. Hoopes, Esq. (*via e-mail*)