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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

James J. Wegmann, Master-In-Equity

Lower Court Case No. 2018-CP-07-00793

Benny Hudson Seafood Corp., Respondent,

v.

Geraldine White and Craig White, Defendants,

of whom Geraldine White is the Appellant.

Appellate Case No. 2026-000660

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STATEMENT OF ISSUES ON APPEAL

1.

Whether the Master-in-Equity correctly held that Appellant's motion was untimely, where Rule 60(b), SCRCP, requires every motion for relief from a judgment to be made within a reasonable time and Appellant filed more than seven years after the judgment was entered and more than six years after her first appeal was dismissed?

2.

Whether the Master-in-Equity correctly found no extrinsic fraud in Respondent's corporate status, where Respondent was reinstated more than a year before it filed suit and reinstatement relates back to the date of dissolution?

3.

Whether the Master-in-Equity correctly found Appellant's ownership of the boat was established by her defaulting on the well-pleaded complaint, and that she affirmatively admitted ownership in her 2018 filings and by producing a bill of sale showing she was the owner?

4.

Whether the Master-in-Equity correctly rejected Appellant's judgment-indexing argument, where judgments are indexed in the office of the clerk of court and the property at issue lies in the county where the judgment was entered?

5.

Whether the Master-in-Equity correctly found that Appellant failed to prove extrinsic fraud by clear and convincing evidence?

STATEMENT OF THE CASE

This appeal is the latest of Appellant Geraldine White's repeated efforts to undo a default judgment entered against her in 2018. Three separate actions in the Beaufort County Court of Common Pleas bear on the procedural history: this action; a companion 2018 action, Case No. 2018-CP-07-00804; and a 2025 action Appellant filed against Respondent's counsel, Case No. 2025-CP-07-00718. (Mar. 6, 2026 Order p. 2). All three of these actions are also currently on appeal in this Court: In addition to this appeal, the 2018-804 case is pending under Appellate Case Number 2025-002484, and the 2025-718 case is pending under Appellate Case Number 2025-002399.

Initial Lawsuit and Default Judgment

Respondent Benny Hudson Seafood Corp. ("Benny Hudson") filed its Summons and Complaint against Geraldine White and Craig White[1] on April 16, 2018, alleging gross negligence arising from the sinking of the Whites' vessel at Benny Hudson's commercial dock during Hurricane Matthew. (Summons and Compl.; Order of J. p. 2). Appellant was personally served with the Summons and Complaint at her residence on April 16, 2018, and the Affidavit of Service was filed on April 18, 2018. (Aff. of Service, filed Apr. 18, 2018; Mar. 6, 2026 Order p. 2). Appellant never answered, appeared, or otherwise responded to the Complaint. (Aff. of Default, filed May 30, 2018; Order of J. p. 2).

On May 30, 2018, Benny Hudson filed Affidavits of Default and a Notice of Motion and Motion for Default Judgment. (Aff. of Default, filed May 30, 2018; Notice of Mot. and Mot. for Default J., filed May 30, 2018). Those filings were served on both Geraldine and Craig by mail on June 14, 2018, as reflected in the Certificate of Service filed June 15, 2018. (Cert. of Service, filed

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[1] Craig White has since passed away and is no longer a party to these lawsuits.

June 15, 2018; Order of J. p. 2). A Notice of Hearing filed and served on July 27, 2018, advised the defendants that the Motion for Default Judgment would be heard on August 21, 2018 at the Beaufort County Courthouse. (Notice of Hr'g, filed July 27, 2018; Mar. 6, 2026 Order p. 3).

The default damages hearing was held on August 21, 2018. (Order of J. p. 1). Neither Geraldine nor Craig appeared. (Order of J. p. 1). After taking testimony from Barbara Hudson, the president of Benny Hudson, the trial court filed an Order of Judgment on August 22, 2018 (the "2018 Order"), awarding actual damages of $146,880.00, pre-judgment interest of $4,843.27, and punitive damages of $50,000.00, for a total judgment of $201,723.27 against both defendants. (Order of J. pp. 3–4). Respondent's counsel served a copy of the 2018 Order on both defendants by mail on August 23, 2018. (Cert. of Service, filed Aug. 23, 2018; Mar. 6, 2026 Order p. 3). An Execution Against Property was issued on September 20, 2018. (Mem. in Opp'n p. 2).

On October 30, 2018, Appellant and Craig White each filed a Notice of Motion and Motion to Set Aside Entry of Default Judgment, together with supporting declarations and a memorandum of points and authorities. (Notice of Mot. and Mot. to Set Aside Entry of Default J., filed Oct. 30, 2018; Decl. in Supp. of Mot. to Set Aside Entry of Default, filed Oct. 30, 2018; Mem. of Points and Authorities, filed Oct. 30, 2018). Judge Dukes heard the motions on January 14, 2019, and denied both by Order filed January 23, 2019. (Jan. 23, 2019 Order; Mem. in Opp'n p. 2).

First Appeal

Appellant and Craig White then appealed to this Court. That case was given Appellate Case No. 2019-000343. On July 10, 2019, this Court dismissed that appeal because the appellants failed to provide a status update regarding the transcript as required by Rule 207, SCACR, and by this Court's letter of June 20, 2019. (July 10, 2019 Ct. App. Order). The Remittitur was filed in the Beaufort County Clerk of Court's office on July 30, 2019. (Mar. 6, 2026 Order p. 3).

On August 28, 2019, this Court ordered an additional $450.00 in appellate costs, which was entered in the Beaufort County judgment rolls on August 30, 2019, bringing the total judgment to $202,173.27. (Partial Satisfaction of J., filed Jan. 13, 2025; Mar. 6, 2026 Order p. 4 n.5). Appellant filed a Motion to Reinstate Appeal on October 30, 2019, and by letter dated November 21, 2019, this Court advised her that the appeal had been remitted and that it no longer had jurisdiction over the matter. (Mar. 6, 2026 Order p. 4).

Second Lawsuit

The second 2018 action, Case No. 2018-CP-07-00804, was brought by Benny Hudson against Martin Govan, the owner of another vessel that sank at Benny Hudson's dock during the same storm. (Mar. 6, 2026 Order p. 2). On August 22, 2019, Govan filed a Third-Party Complaint against Craig White and Appellant, alleging that Appellant's vessel had been tied to Govan's vessel without permission and caused the loss. (Mar. 6, 2026 Order p. 2 & n.2).

Appellant was personally served with the Amended Summons, Amended Answer, and Third-Party Complaint on September 17, 2019, and the Affidavit of Service was filed on September 19, 2019. (Dec. 3, 2025 Order on Pending Mots. p. 4 n.2). An Affidavit of Default was filed on October 22, 2019, and Appellant never moved to set aside that entry of default. (Dec. 3, 2025 Order on Pending Mots. p. 4 & n.2). That case was referred to the Beaufort County Master-in-Equity who found Appellant in default on all third-party claims. (Dec. 3, 2025 Order on Pending Mots. pp. 3–4). Appellant filed a counterclaim on November 7, 2025. (Dec. 3, 2025 Order on Pending Mots. p. 4).

Following a hearing on December 1, 2025, the Master-in-Equity filed an Order on Pending Motions on December 3, 2025, denying Appellant's motions to reopen this action and vacate the

2018 Order and to recover $15,665.73, denying her motion to dismiss Govan's Third-Party Complaint, and striking her counterclaim. (Dec. 3, 2025 Order on Pending Mots. pp. 1, 4–5).

Appellant filed a notice of appeal from this order and the appeal from that case remains pending in this Court under Appellate Case Number 2025-002484.

Third Lawsuit

The third action arose from Respondent's collection of the 2018 Order. On January 13, 2025, following receipt of $15,665.73 in net proceeds from the sale of real property in which Appellant held an interest, Benny Hudson filed a Partial Satisfaction of Judgment releasing that property from the judgment lien. (Partial Satisfaction of J., filed Jan. 13, 2025; Mem. in Opp'n p. 3). On March 24, 2025, Appellant filed a Summons and Petition for Ex Parte Emergency Injunctive Relief against Respondent's counsel, John R.C. Bowen, and her own closing attorney, Kori Brett McKeithan, in Case No. 2025-CP-07-00718, seeking to stay enforcement of the 2018 Order and to recover the funds. (Nov. 24, 2025 Order pp. 1–2; Mem. in Opp'n p. 3).

Attorney Bowen moved to dismiss or, in the alternative, for summary judgment, and the motion was heard on October 28, 2025, before the Honorable Carmen T. Mullen. (Nov. 24, 2025 Order p. 1). By Order filed November 24, 2025, Judge Mullen granted summary judgment to Attorney Bowen, holding that the 2018 Order is valid and binding, that there was no evidence of misrepresentation, and that Attorney Bowen is immune from liability to third parties for conduct within the scope of his representation. (Nov. 24, 2025 Order pp. 3–4).

Appellant filed a notice of appeal from that order which is currently pending in this Court under Appellate Case Number 2025-002399.

This Appeal

On December 3, 2025, Appellant filed the Motion to Set Aside or Vacate Default Judgment at issue here, and on December 8, 2025, she filed an Amended Motion to Set Aside or Vacate Default Judgment for Fraud Upon the Court. (Mot. to Set Aside or Vacate Default J., filed Dec. 3, 2025; Am. Mot. to Set Aside or Vacate Default J. for Fraud Upon the Ct., filed Dec. 8, 2025). Benny Hudson filed a Memorandum in Opposition on January 12, 2026. (Mem. in Opp'n pp. 1–7).

The Master-In-Equity heard the motions on January 20, 2026, at which Appellant appeared pro se and Respondent appeared through counsel. (Tr. p. 4, ll. 1–5; Mar. 6, 2026 Order p. 1). By Order filed March 6, 2026, the court denied both motions, holding that Appellant had not brought an independent action, that her motion was untimely under Rule 60(b)(3), SCRCP, having been filed more than seven years after the 2018 Order was entered and more than six years after her first appeal was dismissed, and that she had not shown extrinsic fraud by clear and convincing evidence. (Mar. 6, 2026 Order pp. 5–6). Appellant has now also appealed this order.

STANDARD OF REVIEW

"The decision whether to set aside an entry of default or a default judgment lies solely within the sound discretion of the trial judge." *Roberson v. S. Fin. of S.C., Inc.*, 365 S.C. 6, 9, 615 S.E.2d 112, 114 (2005) (citing *Thompson v. Hammond*, 299 S.C. 116, 119, 382 S.E.2d 900, 902-903 (1989)). "The trial court's decision will not be disturbed on appeal absent a clear showing of an abuse of that discretion." *Id*. (citing *Mitchell Supply Co., Inc. v. Gaffney*, 297 S.C. 160, 162-63, 375 S.E.2d 321, 322-23 (Ct. App. 1988). "An abuse of discretion in setting aside a default judgment occurs when the judge issuing the order was controlled by some error of law or when the order, based upon factual, as distinguished from legal conclusions, is without evidentiary support." *Weeks v. Drawdy (In re Estate of Weeks)*, 329 S.C. 251, 259, 495 S.E.2d 454, 459 (Ct. App. 1997) (citing *Ricks v. Weinrauch*, 293 S.C. 372, 360 S.E.2d 535 (Ct. App. 1987)).

STATEMENT OF FACTS

Benny Hudson owns a parcel of land on Hilton Head Island where its docks and related buildings sit. (Compl. ¶ 1). Appellant owned an undocumented shrimp boat, and Craig White was the captain. (Compl. ¶ 2). On or about October 8, 2016, Craig White contacted Benny Hudson and asked to bring the boat alongside Benny Hudson's dock ahead of the approaching Hurricane Matthew. (Compl. ¶ 4). Benny Hudson denied the request. (Compl. ¶ 5). Despite that denial, and in Benny Hudson's absence, the Whites brought their boat to the dock and secured it to both the dock and another vessel that was already there. (Compl. ¶ 5).

When the storm struck, the boat sank and caused damage to the dock and other vessels. (Compl. ¶ 6). To this day, the Whites have not removed the wreck. (Compl. ¶ 6). The boat remains where it sank, rendering that space and a significant portion of Benny Hudson's dock unusable. (Compl. ¶ 7). Despite repeated demands, the Whites refused to remove the sunken boat, which remained unmarked and a hazard to navigation and to the environment. (Compl. ¶ 8). For each of the nineteen months the wreck obstructed the dock, Benny Hudson lost rent, lost the use of the dock, lost profit, and sustained damage to the dock itself, and it faced an expense of at least $25,000.00 to remove the vessel and repair the property. (Compl. ¶¶ 10–11).

ARGUMENT

1.

The Master-in-Equity correctly held that Appellant's motion was untimely, because Rule 60(b), SCRCP, requires every motion for relief from a judgment to be made within a reasonable time and Appellant filed more than seven years after the judgment was entered and more than six years after her first appeal was dismissed.

Relevant Facts

The order on appeal, which denied Appellant's Rule 60(b) motion, rests primarily on the fact that her motion was untimely. The Master-in-Equity held that Appellant did not file an independent action but instead filed a motion within this existing case, so her request was governed by Rule 60(b)(3), SCRCP, and had to be brought within one year of the judgment. (Mar. 6, 2026 Order p. 5). The Master found that Appellant's motion was untimely because the 2018 Order was entered more than seven years before she filed and she offered no explanation for the delay. (Mar. 6, 2026 Order pp. 5–6). The Master also held that, even if Appellant's filing were treated as an independent action, it would fail because it was not filed within a reasonable period. (Mar. 6, 2026 Order pp. 5–6).

On appeal, Appellant contends that the order treats her challenge as ordinary fraud under Rule 60(b)(3), SCRCP, and "fails to give controlling effect to the void-judgment and due-process allegations." (Appellant's Br. p. 2). She argues that because she alleged the judgment was void, it "cannot simply be insulated by the passage of time." (Appellant's Br. p. 6). However, she does not address the Master-in-Equity's alternative holding that her filing was not made within a reasonable period nor does she argue that her motion was brought in a reasonable time. (Appellant's Br. pp. 3–10).

Discussion

Rule 60(b), SCRCP provides that a motion for relief from a judgment "shall be made within a reasonable time, and for reasons (1) [mistake, inadvertence, surprise, or excusable neglect], (2) [newly discovered evidence], and (3) [fraud, misrepresentation, or other misconduct of an adverse party] not more than one year after the judgment, order or proceeding was entered or taken." The one-year cap expressly applies to claims of fraud. The reasonable-time requirement applies to claims that the judgment is void or if the claim of fraud is brought in an independent action. *Id*; *McDaniel v. United States Fid. & Guar. Co.*, 324 S.C. 639, 642-44, 478 S.E.2d 868, 870-71 (Ct. App. 1996).

"The one year limit is a non-discretionary mandate whereas the 'reasonable time' limitation is discretionary and should be determined under the facts and circumstances of each case." *In re Coleman*, 303 S.C. 511, 513, 402 S.E.2d 181, 183 (Ct. App. 1991). This Court has defined the term "void" as it is used in Rule 60(b)(4) as "only encompass[ing] judgments from courts which failed to provide proper due process, or judgments from courts which lacked subject matter jurisdiction or personal jurisdiction." *McDaniel*, 324 S.C. at 644, 478 S.E.2d at 871.

Appellant's premise is therefore wrong. Calling the 2018 Order void did not relieve her of the obligation to seek relief within a reasonable time, and the Master-in-Equity expressly found that she had not done so. (Mar. 6, 2026 Order pp. 5–6). That finding is an independent ground for affirmance, and Appellant does not challenge it.

Nor is this a case in which a party first learned of a judgment when the opposing party began to enforce it. Appellant was personally served with the Summons and Complaint on April 16, 2018, served with the 2018 Order on August 23, 2018, moved to set aside the judgment on October 30, 2018, and appealed after that motion was denied. Appellant has known of this judgment, and of the grounds she now argues, since 2018. She waited more than seven years, and she has never explained why. The Master thus correctly found that her motion was not brought within a reasonable time.

In any event, the 2018 Order is not void. A judgment is void where the court acted without jurisdiction. *See BB&T v. Taylor*, 369 S.C. 548, 551, 633 S.E.2d 501, 503 (2006) ("A judgment is void if a court acts without personal jurisdiction"); *see also Thomas & Howard Co. v. T. W. Graham & Co.*, 318 S.C. 286, 291, 457 S.E.2d 340, 343 (1995) ("A void judgment is one that, from its inception, is a complete nullity and is without legal effect").

Appellant was personally served, received notice of the damages hearing, and was told by Respondent's counsel's office to appear. (Order of J. pp. 2–3; Mar. 6, 2026 Order pp. 2–3, 7 n.15). The court had jurisdiction over her person and over the subject matter, and she had notice and an opportunity to be heard that she elected not to use. Her actual complaints—corporate capacity, proof of vessel ownership, the sufficiency of the damages evidence, and the indexing of the judgment—are arguments that the judgment was wrong. They are not arguments that the court lacked the power to enter it.

Finally, the order on appeal is the March 6, 2026 order, not the 2018 Order, and the question before this Court is whether the Master-in-Equity abused his discretion in denying relief. To the extent Appellant challenges the untimeliness holding at all, she does so only in the narrative sections of her brief. No issue statement and no argument heading is directed at it, and she cites no authority for the proposition that a void-judgment claim is exempt from the reasonable-time requirement. (Appellant's Br. pp. 1–10). "[S]hort, conclusory statements made without supporting authority are deemed abandoned on appeal and therefore not presented for review." *Glasscock,* *Inc. v. United States Fid. & Guar. Co.*, 348 S.C. 76, 81, 557 S.E.2d 689, 691 (Ct. App. 2001). This Court should affirm the Master's well-reasoned order.

2.

The Master-in-Equity correctly found no extrinsic fraud in Respondent's corporate status, because reinstatement relates back and Respondent filed suit more than a year after it was reinstated.

Relevant Facts

Appellant alleged below that Benny Hudson was administratively dissolved on May 23, 2015, that it did not apply for reinstatement until March 2017, and that it withheld its dissolution from her and from the court. (Am. Mot. ¶¶ 2, 8). She argued that a dissolved corporation may not maintain a lawsuit other than to wind up its affairs, and that Benny Hudson therefore lacked standing to sue for events occurring in 2016. (Am. Mot. ¶ 2).

The Master-in-Equity rejected the argument. He found that a dissolved corporation may sue and be sued in its corporate name, that reinstatement relates back to the effective date of the administrative dissolution, and that Benny Hudson had been reinstated for more than a year when it filed the Complaint on April 16, 2018. (Mar. 6, 2026 Order pp. 9–10). He further found that the failure to volunteer the administrative dissolution was not extrinsic fraud upon the court. (Mar. 6, 2026 Order p. 10 n.19).

Discussion

As an initial matter, Appellant has not cited to any authority supporting her position and her argument is therefore abandoned on appeal. *See Glasscock*, 348 S.C. at 81, 557 S.E.2d at 691. The only case Appellant cites to in her argument is an incorrect citation: *C.J. Coakley Co. v. S.C. Tax Comm'n*, 286 S.C. 406, 334 S.E.2d 509 (1985). This case does not exist. The citation 286 S.C.

406 is in fact *State v. Smith*, 286 S.C. 406, 334 S.E.2d 277 (1985)—a capital murder case having nothing to do with corporate dissolution—and the citation 334 S.E.2d 509 is in fact *State v. Davis*, 77 N.C. App. 68, 334 S.E.2d 509 (1985)—a North Carolina criminal case having nothing to do with corporate dissolution. Undersigned has found no case in South Carolina bearing the name *C.J. Coakley Co. v. S.C. Tax Comm'n*. This Court should strike Appellant's argument on this issue based on her sole case citation being a false representation to this Court.

Additionally, the statutes say what the Master-in-Equity said they say. Dissolution "does not prevent commencement of a proceeding by or against the corporation in its corporate name." S.C. Code § 33-14-105(c)(5). And when reinstatement is effective, "it relates back to and takes effect as of the effective date of the administrative dissolution and the corporation resumes carrying on its business as if the administrative dissolution had never occurred." S.C. Code § 33-14-220(c). Benny Hudson was reinstated in March 2017 and filed this action in April 2018. Its capacity to sue was not in doubt. This Court should affirm the Master's well-reasoned order.

3.

The Master-in-Equity correctly found Appellant's ownership of the boat was established by her defaulting on the well-pleaded complaint, and that she affirmatively admitted ownership in her 2018 filings and by producing a bill of sale showing she was the owner.

Relevant Facts

The Complaint alleged that Appellant owned the F/V "Papa's Grace." (Compl. ¶ 2). Appellant did not answer, and the allegation was admitted. (Order of J. p. 2). In the memorandum she filed on October 30, 2018 in support of her motion to set aside the default, Appellant stated at page 7 that "Defendants was [are] the owner[s] of the subject boat, named Poppas Grace." (Mem.

of Points and Authorities p. 7). She also produced a bill of sale showing that the vessel was jointly owned by the Whites. (Mar. 6, 2026 Order p. 8).

The Master-in-Equity found that the ownership dispute "is not extrinsic fraud but is a factual argument on the factual allegations in the Summons and Complaint," and that Appellant's position was contradicted by her own filings. (Mar. 6, 2026 Order p. 8). He also noted Judge Mullen's finding in the 2025 action that, when Appellant moved to set aside the entry of default in 2018, "she did not dispute her ownership of the vessel involved." (Mar. 6, 2026 Order p. 8; Nov. 24, 2025 Order p. 3). The Master also correctly found that "[b]y failing to timely answer the Complaint, the allegations are considered admitted." *Id*.

Discussion

Ownership of the vessel was pleaded in the Complaint, admitted by Appellant's default, and then affirmatively conceded by Appellant in her own 2018 filings. A present disagreement about that fact is a disagreement about the merits, a disagreement that Appellant is foreclosed from raising. *See Roche v. Young Bros.*, 332 S.C. 75, 81, 504 S.E.2d 311, 314 (1998) ("It is well settled that by suffering a default, the defaulting party is deemed to have admitted the truth of the plaintiff's allegations and to have conceded liability"); *see also State ex rel. Medlock v. Love Shop, Ltd.*, 286 S.C. 486, 488, 334 S.E.2d 528, 530 (Ct. App. 1985) ("entry of an order of default is an admission by the defaulting party of the well-pleaded allegations of the complaint"). Appellant was in default on her ownership of the boat and cannot now contest it. Furthermore, as explained above, Appellant affirmatively conceded her ownership of the boat in her filings. (Mem. of Points and Authorities p. 7). This Court should affirm.

The second half of Appellant's argument on this issue contends that the 2018 damages were unliquidated and were entered without the process Rule 55, SCRCP, requires. (Appellant's Br. pp.

5–6). That argument was not made below, nor was it ruled on by the Master. Appellant's Amended Motion challenged the damages figures as false; it never raised the liquidated-unliquidated distinction. (Am. Mot. ¶ 4). "At a minimum, issue preservation requires that an issue be raised to and ruled upon by the trial judge." *Herron v. Century BMW*, 395 S.C. 461, 465, 719 S.E.2d 640, 642 (2011) (citing *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998)). If a trial judge has not ruled on an issued, the appellate court should not decide it for the first time on appeal. *Blair v. Blair*, 302 S.C. 399, 402, 396 S.E.2d 374, 376 (Ct. App. 1990).

Appellant concedes that the Master did not rule on this issue in her brief: "[t]he lower court did not decide whether the damages were liquidated or unliquidated, did not determine whether Rule 55 procedures were satisfied, and did not evaluate whether the notice and hearing record supported the amount of the judgment." (Appellant's Br. pp. 5–6). Where the court does not rule on an issue, the party must move under Rule 59(e), SCRCP, to preserve it. *See I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000) ("If the losing party has raised an issue in the lower court, but the court fails to rule upon it, the party must file a motion to alter or amend the judgment in order to preserve the issue for appellate review"). Appellant filed no such motion and this argument is not preserved for appeal.

4.

The Master-in-Equity correctly rejected Appellant's judgment-indexing argument, because judgments are indexed in the office of the clerk of court and the property at issue lies in the county where the judgment was entered.

Relevant Facts

Appellant argued below that the 2018 Order was never recorded or indexed in the Beaufort County Register of Deeds Office, and that an unindexed judgment could not support collection. (Am. Mot. ¶¶ 5, 9).

The Master-in-Equity correctly noted that judgments are not recorded or indexed in the Register of Deeds Office but are electronically indexed in the Beaufort County Clerk of Court's Office under the corresponding case number, that both judgments here were properly indexed. (Mar. 6, 2026 Order p. 8). He separately found that the 2018 Order was entered in the judgment rolls of the Beaufort County Clerk of Court on August 22, 2018, and that the appellate cost award was entered on August 30, 2019. (Mar. 6, 2026 Order p. 4).

Discussion

The statute does not say what Appellant says it says. A judgment constitutes a lien on the debtor's real estate "in any county in this State in which the judgment or transcript thereof is entered upon the book of abstracts of judgments and duly indexed." S.C. Code § 15-35-810. The statute speaks of the judgment rolls, not the Register of Deeds. The 2018 Order was entered in Beaufort County, and the property from which the disputed proceeds came is on Hilton Head Island, in Beaufort County.

Pursuant to Section 15-35-520 of the South Carolina Code, the clerk of court is required to enter in the abstract of judgments book each judgment, including the name of the defendant and plaintiff. *See also Thomas v. Thomas*, 286 S.C. 294, 298, 333 S.E.2d 76, 78 (Ct. App. 1985). This is what was done in this case after the default judgment was obtained against Appellant.

Furthermore, whether a judgment has been perfected as a lien is a question about enforcement and is not a question about the validity of the judgment. Even if Appellant were correct that there was some defect in the lien, this would not entitle her to vacation of the underlying judgment. Finally, the disbursement of $15,665.73 was litigated in Case No. 2025-CP-07-00718 and decided against Appellant on summary judgment, and that ruling is now pending before this Court in Appellate Case No. 2025-002399. (Nov. 24, 2025 Order pp. 3–4). The Master-in-Equity correctly found Appellant's arguments to be without merit and this Court should do the same.

5.

The Master-in-Equity correctly found that Appellant failed to prove extrinsic fraud by clear and convincing evidence.

Relevant Facts

Appellant alleged five species of fraud upon the court: that she was instructed not to attend the damages hearing; that Respondent used an unrecorded, unindexed, unperfected judgment; that Respondent falsely claimed she owned the boat; that Respondent withheld its dissolution; and that Respondent misappropriated $15,665.73. (Mar. 6, 2026 Order p. 6).

On the first allegation, Appellant relied on an October 17, 2018 letter from attorney Patrick Carr. The Master-in-Equity found that the letter does not say Mr. Carr's office instructed her not to attend the August 21, 2018 hearing. It says the firm could not represent her, that it had learned a judgment had been entered against her, and that she should retain counsel immediately to contest the judgment under Rule 60(b), SCRCP. (Mar. 6, 2026 Order p. 7). The court also had before it the

November 6, 2018 affidavit of Susan Vogel, which states that Appellant telephoned Respondent's counsel's office before the hearing, said she had been unable to obtain an attorney, and was told to appear and reminded that the hearing was before Judge Dukes at 9:00 a.m. at the Beaufort County Courthouse. (Mar. 6, 2026 Order p. 7 n.15).

The Master-in-Equity further found that the advice Appellant describes came from a law office she had consulted, not from Respondent or its counsel, and that she had raised the same allegation at the January 2019 hearing on her motion to set aside the default. (Mar. 6, 2026 Order pp. 6 n.11, 6 n.14).

Discussion

"In considering collateral attacks on final judgments, a court must balance the interest of finality against the need to provide a fair and just resolution of the dispute." *Chewning v. Ford Motor Co.*, 354 S.C. 72, 79-80, 579 S.E.2d 605, 609 (2003).

"Extrinsic fraud is 'fraud that induces a person not to present a case or deprives a person of the opportunity to be heard. Relief is granted for extrinsic fraud on the theory that because the fraud prevented a party from fully exhibiting and trying his case, there has never been a real contest before the court on the subject matter of the action.'" *Id*. at 81, 579 S.E.2d at 610 (quoting *Hilton Head Ctr. of South Carolina v. Public Serv. Comm'n*, 294 S.C. 9, 11, 362 S.E.2d 176, 177 (1987)). "Intrinsic fraud, on the other hand, is fraud which was presented and considered in the trial." *Id*. (citing *Hagy v. Pruitt*, 339 S.C. 425, 529 S.E.2d 714 (2000)). "A claim of fraud upon the court requires proof by clear and convincing evidence." *Sanders v. Smith*, 431 S.C. 605, 613, 848 S.E.2d 604, 608 (Ct. App. 2020).

Appellant offered nothing meeting that standard. The only allegation that comes remotely close is her claim that she was told not to attend the damages hearing. However, the advice she describes came from a law office she consulted on her own, not from Respondent or from an officer of the court acting on Respondent's behalf, so it cannot be attributed to Respondent. Furthermore, the letter she relies on does not say what she says it says; it urged her to hire counsel and contest the judgment. Respondent's counsel's office, for its part, told her to come to the hearing.

Her remaining allegations are disputes about the merits of the 2016 events and about the enforcement of a judgment she never contested on time. Each of them is a matter she could have litigated by filing an Answer. None of them describes conduct that kept her out of court.

This Court reviews the denial of Rule 60(b) relief for abuse of discretion, and will not disturb findings that have evidentiary support. *Raby Constr., L.L.P. v. Orr*, 358 S.C. 10, 18, 594 S.E.2d 478, 482 (2004). The Master's findings in this case have ample support. The same contentions Appellant argues now have been considered and rejected by Judge Dukes in January 2019, by Judge Mullen in November 2025, by the Master-in-Equity in the companion action in December 2025, and by the Master-in-Equity again in this case. There was no abuse of discretion and this Court should affirm the Master's Order denying Appellant's Rule 60(b) motion.

CONCLUSION

By reason of the foregoing arguments this Court should affirm the order denying Appellant's Rule 60(b) motion.

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This 3rd day of September 2026.