THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

James J. Wegmann Master in Equity

Appellate Case No. 2026-000660

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.

APPELLANT'S REPLY BRIEF

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ARGUMENT

Respondent asks this Court to treat every issue as an ordinary, late challenge to a 2018 default judgment. That framing does not answer Appellant's actual contention: the court was asked to address fraud upon the court, the absence of competent proof supporting unliquidated damages, and the use of an asserted judgment lien that the available title evidence did not identify. The March 6, 2026 order treated those matters as if the mere existence of a judgment and a case number proved both the judgment's evidentiary foundation and the perfection of a lien. It did not.

I. Respondent does not answer the fraud upon the court and void judgment grounds

Respondent relies principally on the one-year limit in Rule 60(b)(3), SCRCP. Resp't Br. at 9-12. But Appellant's amended motion expressly invoked fraud upon the court and challenged the judgment as void; it was not limited to ordinary fraud by an adverse party under Rule 60(b)(3). Rule 60(b) itself preserves the court's power to entertain an independent action and to set aside a judgment for fraud upon the court. The savings clause would have no work to do if every such allegation could be converted automatically into a one-year Rule 60(b)(3) motion.

South Carolina decisions recognize that fraud upon the court and an independent equitable attack are narrow remedies, but they remain distinct from ordinary intrinsic fraud. See Chewning v. Ford Motor Co., 354 S.C. 72, 81, 579 S.E.2d 605, 610 (2003); Wham v. Shearson Lehman Bros., Inc., 298 S.C. 462, 381 S.E.2d 499 (Ct. App. 1989). Raby Construction, L.L.P. v. Orr, 358 S.C. 10, 18, 594 S.E.2d 478, 482 (2004), confirms deferential review of a Rule 60 ruling; it does not permit a court to avoid deciding the legal category of the claim. Federal authorities applying the comparable savings clause likewise reserve relief for grave miscarriages of justice and corruption of the judicial process. Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 244-46 (1944); United States v. Beggerly, 524 U.S. 38, 46-47 (1998).

Appellant does not contend that merely using the word void eliminates every timeliness requirement. She contends that the Master applied the wrong framework and did not weigh when the concealed or disputed facts became discoverable, when collection was attempted, the prejudice from the delay, or the difference between knowledge of the judgment and knowledge that no lien appeared in later title examinations. The challenged taking of $15,665.73 occurred in January 2025. Appellant sought relief in 2025 and amended her motion in December 2025. Measuring only from entry of the 2018 judgment ignores the event that made the lien and collection defects concrete.

Respondent also says Appellant failed to attack an alternative reasonable-time holding. Resp't Br. at 9-11. Her opening brief challenged the lower court's use of finality and elapsed time

to dispose of the voidness and due-process allegations. That necessarily challenges the stated alternative. At minimum, the matter should be remanded for findings under the correct fraud-upon-the-court and equitable framework rather than affirmed on a categorical seven-year calculation.

II. Default did not establish the amount of unliquidated damages or cure false proof

Respondent's ownership argument addresses liability, not the amount of the judgment. A default may admit well-pleaded allegations of liability, but it does not establish the amount of unliquidated damages. Rule 55(b)(2), SCRCP, authorizes the court to conduct a hearing and require proof when necessary to determine damages. Roche v. Young Bros., Inc., 332 S.C. 75, 81, 504 S.E.2d 311, 314 (1998), on which Respondent relies, states the effect of default on pleaded liability; it does not transform disputed estimates, future expenses, or claimed lost profits into liquidated sums.

The judgment awarded $146,880 in actual damages, $4,843.27 in prejudgment interest, and $50,000 in punitive damages. Appellant's amended motion challenged the truth and legal sufficiency of the proof supporting those amounts, including the claimed period of lost revenue, a removal expense that allegedly was never incurred, and an estimate that did not equal the sum awarded. Those allegations go directly to what occurred at the damages hearing and whether the court received a truthful evidentiary basis for the award. Respondent's brief repeats the complaint's allegations but does not reconcile the specific figures.

Respondent argues that the damages issue was unpreserved because the amended motion did not use the labels liquidated and unliquidated. Resp't Br. at 14-15. Preservation depends on whether the substance of the issue was raised and ruled upon, not whether a pro se litigant supplied the preferred label. The amended motion attacked the damages figures as false, and the order rejected Appellant's fraud allegations as a whole. Respondent cannot simultaneously rely on that adverse ruling and insist no ruling exists. If the order is deemed incomplete because it made no findings on the challenged damages proof, the proper disposition is a remand for findings—not affirmance based on the omission.

Rule 59(e) does not erase an issue the order actually resolved. Nor can issue-preservation doctrine supply evidentiary support that the judgment itself does not identify. Because the award was unliquidated and included punitive damages, the integrity and sufficiency of the hearing proof mattered independently of the default on liability.

III. Entry of an order is not proof that a statutory judgment lien was duly indexed

Respondent correctly observes that judgment abstracts are maintained by the clerk of court, not the register of deeds. That does not resolve Appellant's argument. Sections 15-35-510 and

15-35-520 require an abstract of judgments and an alphabetical index containing specified information. Section 15-35-810 then provides that a judgment constitutes a lien on real estate in a county only when the judgment or transcript is entered upon the book of abstracts of judgments and duly indexed. The statute makes entry and indexing conditions for the lien to begin.

The March 6 order and Respondent's brief infer statutory indexing from the facts that the judgment was filed under a civil case number and the real estate was in Beaufort County. Resp't Br. at 16-17. Neither fact proves that the judgment was entered in the abstract and duly indexed under Appellant's name. A civil docket entry is not self-proving evidence of every separate statutory entry required by Sections 15-35-510, 15-35-520, and 15-35-810.

Bowers v. Bank of Greeleyville, 306 S.C. 310, 410 S.E.2d 586 (1991), reflects that a South Carolina judgment lien depends upon the statutory act that creates and fixes the lien. First Citizens Bank & Trust Co. v. Taylor, 431 S.C. 149, 847 S.E.2d 698 (Ct. App. 2020), likewise enforces the statutory limits governing judgment liens rather than treating an underlying debt or order as a perpetual property encumbrance. These principles answer Respondent's assertion that the existence of a valid money judgment alone established a lien on the property sold.

The distinction is decisive. Appellant's argument does not require this Court to hold that an indexing defect automatically vacates the underlying money judgment. It requires the Court to hold that an unperfected judgment could not be treated as a lien against the real-estate proceeds without proof of the statutory entry and indexing. Respondent's Partial Satisfaction cannot create retroactively the lien whose existence was necessary to justify taking the proceeds.

Three title examinations corroborate the absence of the statutory lien entry: searches dated August 24 and August 25, 2026 reportedly found no active judgment and no lien, and a September 4, 2026 attorney-certified title search likewise reported no active judgment lien. These documents directly contradict Respondent's unsupported inference that filing under the civil case number necessarily produced a duly indexed lien. Because the searches postdate the appealed order, Appellant requests that the Court consider them only through a procedurally authorized route—judicial notice of official records, supplementation if permitted, or a limited remand for the lower court to determine the indexing fact. Appellant does not ask the Court to treat material outside the record as evidence without authorization under Rule 208, SCACR, or other applicable procedure.

IV. Corporate reinstatement does not prove the claimed 2016 revenue loss

Respondent's statutory capacity point is narrower than the issue Appellant raised. Sections 33-14-105 and 33-14-220 may permit a dissolved corporation to sue and may cause reinstatement to relate back for corporate status. Even accepting that proposition, relation back

does not establish that Benny Hudson actually conducted the claimed business, possessed the claimed earning history, or lost the specific revenue attributed to the 2016 hurricane period.

The administrative dissolution from May 23, 2015 through March 2017 therefore remains relevant to the truth and proof of damages even if it did not eliminate capacity to file suit in April 2018. Respondent answers capacity but not the alleged use of 2016 shrimp-revenue figures while the corporation was dissolved. The Court need not adopt Appellant's earlier miscitation to recognize this separate evidentiary point. A citation error is not a basis to strike an otherwise preserved argument where the governing statutes and record permit the Court to decide the issue on its merits.

V. Vessel ownership does not dispose of the jurisdictional and damages defects

Respondent emphasizes the complaint, the default, and a bill of sale. Resp't Br. at 13-15. At most, those matters concern ownership and liability. They do not establish that every dollar of unliquidated damages was supported, that punitive damages were proven by the governing standard, or that a judgment lien was entered and duly indexed before real-estate proceeds were taken.

Nor does a bill of sale answer every statutory title or registration issue associated with a vessel. Appellant's point is that Respondent did not prove the legal premise on which it attributed the wreck and all resulting damages to her. The Master treated that disputed proof as conclusively resolved by default without separately examining the damages record and the alleged misrepresentations at the hearing. Roche does not extend default beyond well-pleaded liability allegations to the amount of unliquidated damages.

Finally, the decisions in related cases do not substitute for review of the March 6, 2026 order. The related appeals remain pending, and Respondent identifies no final appellate decision that precludes the issues presented here. This appeal must be decided on its own order, record, and preserved questions.

CONCLUSION

Appellant respectfully requests that this Court reverse the March 6, 2026 order and remand for a hearing under the proper fraud-upon-the-court and void-judgment framework, including findings on the damages proof and statutory indexing. Alternatively, Appellant requests a limited remand to determine whether the judgment was entered in the abstract of judgments and duly indexed before the January 2025 disbursement, time allowed to introduce newly discovered evidence (30 year title search) and any further relief the Court deems just.

SIGNATURE PAGE TO FOLLOW

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FOR REPLY BRIEF

Respectfully submitted,

/s/ Geraldine White September 14, 2026

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