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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM DORCHESTER COUNTY

The Honorable James E. Chellis, Master-in-Equity

Lower Court Case No. 2024-CP-18-00207

RELIANCE FIRST CAPITAL, LLC,
Respondent,

v.

NIKIA RENEE NOISETTE and
ARBOR OAKS HOMEOWNERS ASSOCIATION,
Defendants,

of whom NIKIA RENEE NOISETTE is the Appellant.

Appellate Case No. 2026-000306

RESPONSE TO THE COURT DOCUMENT DATED SEPTEMBER 1, 2026, CONCERNING THE EXPIRED DEADLINE TO SERVE THE RECORD ON APPEAL, AND MOTION FOR PERMISSION TO SERVE THE RECORD ON APPEAL OUTSIDE THE DEADLINES SET BY RULES 210 AND 240, SCACR

TO THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

Appellant Nikia Renee Noisette submits this direct response to the Court document dated September 1, 2026, stating that the time for serving the Record on Appeal had expired and directing Appellant to file proof of service together with a motion requesting permission to serve the Record on Appeal outside the applicable deadline.

Appellant respectfully states that she did not abandon her appeal, disregard the appellate process, or intentionally allow the deadline to expire. Before expiration of the deadline, Appellant repeatedly brought to the attention of both the lower court and this Court material defects in the record that directly concern service of process, personal jurisdiction, the judgment entered against Appellant before she had a meaningful opportunity to answer the allegations against her, omitted and misidentified filings, the accuracy of the proceedings below, and the constitutional deprivation of Appellant's property.

Appellant therefore requests that the Record on Appeal be corrected and supplemented so that this appeal may be reviewed upon what actually occurred below rather than upon an incomplete or inaccurate record.

FACTUAL AND PROCEDURAL GROUNDS

1. **On April 1, 2026, Appellant filed a Motion to Settle, Correct, and Supplement the Record in the lower court. That motion identified material omissions and inaccuracies affecting service of process, personal jurisdiction, Respondent's claimed authority to proceed against Appellant and her property, the procedural history of the action, filings submitted below, and the accuracy and completeness of the transcript and record.**
2. **More than thirty days passed without a ruling resolving those matters.**
3. **On May 8, 2026, Appellant therefore filed in this Court a Motion to Compel Settlement of the Record or, in the Alternative, to Settle the Record in this Court. That motion expressly notified this Court that unresolved defects were preventing preparation and transmission of a complete and accurate Record on Appeal.**
4. **Appellant's objections were never limited to the transcript. The transcript was only one portion of the incomplete and inaccurate record identified by Appellant.**
5. **A central record issue concerns the affidavit of service relied upon to establish that Appellant had been served with the summons and complaint. Appellant expressly objected to that affidavit as fraudulent and false.**
6. **The affidavit represented that service was made at Appellant's home on February 16, 2024, upon a person identified as "Ronald Noisette."**

7. **No person named Ronald Noisette resided in Appellant's home on February 16, 2024. Appellant does not know a Ronald Noisette. Neither Appellant nor anyone inside Appellant's residence received the summons and complaint on February 16, 2024, or at any other time.**
8. **Appellant's objection therefore concerns the truthfulness and constitutional sufficiency of the claimed service itself, not merely whether the alleged recipient was given the wrong name.**
9. **Appellant maintains that constitutionally sufficient service was never accomplished and that personal jurisdiction over Appellant was therefore never lawfully established before judgment was entered.**
10. **The consequence was substantial. A judgment affecting Appellant and the real property for which Appellant was the rightful title holder was entered before Appellant had actual notice and a meaningful opportunity to be heard. Appellant was denied the opportunity, before judgement, to challenge the allegations asserted against her, challenge the alleged debt, challenge the alleged promissory note, challenge Respondent's claimed authority to enforce the alleged obligation, challenge the accounting presented against her, present her defenses, or affirmatively declare and protect her own rights and property interests.**
11. **Appellant was therefore placed in the position of having to challenge an already-entered judgment rather than receiving notice and an opportunity to be heard before her property rights were adjudicated.**
12. **After the January 8, 2026 hearing, James Martin Page was permitted to alter, reinterpret, or change the description of the alleged service contained in the original affidavit even though the process server who executed that affidavit was not present.**
13. **Appellant was informed during that hearing that the process server was no longer employed by the process-serving company and was unavailable for cross-examination concerning whether service upon anyone at Appellant's residence actually occurred.**
14. **The original affidavit must therefore remain part of the Record on Appeal exactly as it existed, together with Appellant's objection to it as fraudulent, the representation concerning "Ronald Noisette," the absence of any Ronald Noisette from Appellant's household, the**

proceedings at which the description of service was altered or reinterpreted, and the absence of the process server for questioning.

15. **The additional record defects include proceedings or hearings that occurred but were omitted from or inaccurately reflected upon the lower-court docket and documents submitted by Appellant that were omitted, misidentified, or misfiled.**
16. **The present record also does not accurately reflect Appellant's Motion to Void Judgment filed November 7, 2024, invoking Rule 60(b)(4), SCRCP.**
17. **That filing was entered or characterized as "evidence" rather than as Appellant's motion challenging the judgment as void.**
18. **On June 4, 2025, Appellant filed a Clarification of Prior Filing expressly stating that the November 7, 2024 filing sought relief under Rule 60(b)(4) because the judgment was void for lack of personal jurisdiction, defective service of process, and related violations of due process.**
19. **On May 29, 2026, this Court entered an order stating that Appellant's May 8, 2026 motion "appears to be a challenge to the accuracy of the transcript" and denied the motion by referring Appellant to procedures applicable to transcript challenges.**
20. **That ruling addressed only the transcript issue. It did not resolve Appellant's objections concerning the fraudulent affidavit of service, the absence of the process server, lack of personal jurisdiction, missing proceedings, inaccurate docket entries, omitted filings, misidentified filings, or other non-transcript deficiencies previously raised by Appellant.**
21. **Appellant raised these matters before expiration of the Record deadline because she was actively attempting to obtain a complete and accurate Record on Appeal.**
22. **Appellant did not abandon her appellate rights. Appellant affirmatively acted to protect them.**
23. **The September 1, 2026 Court document now requires Appellant to address the expired deadline concerning the same Record on Appeal that Appellant had already notified both courts was materially incomplete and inaccurate.**
24. **Rule 210, SCACR, requires the Record on Appeal to contain the material properly designated for inclusion and further provides that**

the act of filing the Record constitutes a certification concerning the material contained within it.

25. **Appellant cannot in good faith identify serious omissions and inaccuracies, repeatedly seek correction of them, and thereafter be treated as though she voluntarily accepted those defects merely because the deadline for serving the Record passed while those issues remained unresolved.**
26. **Rule 212, SCACR, permits this Court to require material that was before the lower court to be transmitted for inspection and consideration and provides that such material becomes part of the Record on Appeal. Rule 212 further permits a party to move for leave to supplement the Record.**
27. **Appellant therefore requests correction and supplementation of the Record rather than dismissal of an appeal whose underlying constitutional issues cannot meaningfully be reviewed without an accurate record.**

APPELLANT'S PROPERTY, CONSENT, AND CONSTITUTIONAL OBJECTIONS

28. **Appellant was the rightful title holder of the real property that became the subject of the foreclosure judgment.**
29. **Appellant further expressly declares and asserts that her name, image, likeness, and identity are her personal property interests.**
30. **Appellant did not authorize James Martin Page, Bell Carrington Price & Gregg, LLC, Reliance First Capital, LLC, or any related, affiliated, successor, mortgage, servicing, or private entity to use Appellant's name, image, likeness, identity, personal property, or real property for their own independent private or commercial gain beyond any authority that could lawfully be established through a constitutionally valid proceeding.**
31. **Appellant disputes the alleged debt, the alleged obligation, and the alleged promissory note and does not concede their amount, enforceability, present ownership, present holder, chain of title, assignment, accounting, or Respondent's authority to enforce any alleged obligation against Appellant or her property.**
32. **Appellant further objects that an alleged promissory note cannot, merely by being presented or relied upon, operate as unrestricted**

authorization for private parties to use Appellant's name, image, likeness, identity, or other property for purposes beyond whatever rights were actually authorized and lawfully established.

33. Appellant did not authorize Respondent's counsel or Respondent's law firm to transform whatever limited rights Respondent may claim arose from an alleged transaction into an independent authorization to use Appellant's name, identity, or property for their own private financial benefit.

34. Appellant therefore requests preservation of her prior written declarations and notices establishing her express lack of consent and lack of authorization.

35. Appellant further requests preservation of the evidence concerning the $100,000 credit bid entered in connection with the foreclosure sale, including the identity and capacity of the party on whose behalf the bid was entered, the disposition of title thereafter, and any record evidence reflecting the relationship between Respondent, Respondent's counsel, Respondent's law firm, and any mortgage or related entity that subsequently claimed or received an interest in the property.

36. These matters are material to Appellant's constitutional objection because Article I, Section 13 of the South Carolina Constitution expressly provides that private property shall not be taken for private use without the consent of the owner.

37. Article I, Section 3 of the South Carolina Constitution further protects against deprivation of life, liberty, or property without due process of law.

38. The Fourteenth Amendment to the United States Constitution likewise prohibits a State from depriving a person of life, liberty, or property without due process of law.

39. Appellant's constitutional objection is therefore direct: State judicial power was invoked to enter a judgment affecting property for which Appellant was the rightful title holder before Appellant had constitutionally sufficient notice and a meaningful opportunity to challenge the allegations, alleged obligation, claimed enforcement authority, accounting, and asserted entitlement to Appellant's property.

40. **Appellant's subsequent efforts to challenge that judgment cannot substitute for the constitutionally required opportunity to be heard before the deprivation occurred.**
41. **Appellant accordingly maintains that the resulting deprivation of her property through State judicial process, for the benefit of private actors, without constitutionally sufficient notice, personal jurisdiction, consent, and meaningful opportunity to be heard presents a constitutional question that must be preserved for appellate review.**

MEMORANDUM OF AUTHORITIES

42. **Rule 210(a), SCACR, governs service of the Record on Appeal and requires proof of service to be filed with the Clerk.**
43. **Rule 210(c), SCACR, requires the Record on Appeal to contain material properly designated for inclusion.**
44. **Rule 210(g), SCACR, provides that filing the Record constitutes a certification concerning the material contained in the Record.**
45. **Rule 210(h), SCACR, generally limits appellate review to facts appearing in the Record on Appeal, subject to the exceptions provided by the appellate rules.**
46. **Rule 212(a), SCACR, authorizes this Court to require that material that was before the lower court be transmitted for its inspection and consideration, whereupon that material becomes part of the Record on Appeal.**
47. **Rule 212(b), SCACR, permits a party to move this Court for leave to supplement the Record on Appeal.**
48. **Rule 240, SCACR, governs motions before this Court and requires that the grounds and supporting authority for the requested relief be stated.**
49. **Article I, Section 3 of the South Carolina Constitution guarantees that no person shall be deprived of life, liberty, or property without due process of law.**
50. **Article I, Section 13 of the South Carolina Constitution provides that private property shall not be taken for private use without the consent of the owner and shall not be taken for public use without just compensation.**

51. The Fourteenth Amendment to the United States Constitution prohibits a State from depriving any person of life, liberty, or property without due process of law.

WHEREFORE

Appellant Nikia Renee Noisette respectfully requests that this Court:

1. **GRANT Appellant permission to serve the Record on Appeal outside the applicable deadline under Rule 210, SCACR;**
2. **DECLINE TO DISMISS this appeal because Appellant timely raised material defects in the Record and actively sought their correction before expiration of the deadline;**
3. **DIRECT, pursuant to Rule 212, SCACR, that Appellant's previously filed declarations, notices, motions, objections, supporting documents, and other relevant materials that were before the lower court be included in and preserved as part of the Record on Appeal;**
4. **REQUIRE inclusion of the original affidavit of service to which Appellant expressly objected as fraudulent and false, including its representation concerning alleged service upon "Ronald Noisette," together with Appellant's objections and the proceedings concerning any subsequent alteration, reinterpretation, or correction of that affidavit;**
5. **REQUIRE the Record to accurately reflect that the process server who executed the original affidavit was not present at the January 8, 2026 hearing and was unavailable for Appellant to cross-examine concerning whether the alleged service actually occurred;**
6. **PRESERVE Appellant's objection that constitutionally sufficient service and personal jurisdiction were never established before judgment was entered;**
7. **PRESERVE Appellant's constitutional objection that judgment was entered against her before she had constitutionally sufficient notice and a meaningful opportunity to appear, answer and challenge the allegations against her, dispute the alleged debt and alleged promissory note, challenge Respondent's claimed enforcement authority and accounting, present her defenses, and declare and protect her own property rights;**

8. **PRESERVE Appellant's declaration that she was the rightful title holder of the real property at issue when the challenged judicial proceedings were used to divest her of that title;**
9. **PRESERVE Appellant's express declaration and assertion that her name, image, likeness, and identity are her personal property interests and that she did not authorize James Martin Page, Bell Carrington Price & Gregg, LLC, Reliance First Capital, LLC, or any related or affiliated private entity to use Appellant's name, image, likeness, identity, personal property, or real property for their own independent private or commercial gain without Appellant's consent and constitutionally valid authority;**
10. **PRESERVE Appellant's objection to the alleged debt, alleged obligation, alleged promissory note, alleged assignment, alleged chain of title, claimed enforcement authority, and claimed accounting, without construing Appellant's participation in this appeal as an admission of any of those matters;**
11. **REQUIRE that Respondent's claimed entitlement to enforce the alleged obligation and obtain Appellant's property be reviewed according to the competent evidence actually contained in the Record on Appeal, including whatever evidence was presented concerning the identity of the party entitled to enforce, the chain through which that claimed authority was acquired, and the accounting supporting the amount claimed;**
12. **PRESERVE Appellant's objection that an alleged promissory note, standing alone, did not constitute Appellant's authorization for Respondent, James Martin Page, Bell Carrington Price & Gregg, LLC, or any affiliated private entity to exercise unrestricted private or commercial use of Appellant's name, image, likeness, identity, personal property, or real property;**
13. **REQUIRE that the Record accurately reflect the $100,000 credit bid entered in connection with the foreclosure sale, the capacity of the party on whose behalf the bid was entered, the subsequent disposition of title reflected in the lower-court record, and any evidence in that record concerning the relationship among Respondent, Respondent's counsel, Respondent's law firm, and any mortgage or affiliated private entity subsequently claiming an interest in the property;**

14. **PRESERVE Appellant's constitutional objection under Article I, Section 3 of the South Carolina Constitution and the Fourteenth Amendment to the United States Constitution that she was deprived of property through State judicial process without constitutionally sufficient notice, personal jurisdiction, and a meaningful opportunity to be heard before judgment;**
15. **PRESERVE Appellant's constitutional objection under Article I, Section 13 of the South Carolina Constitution that private property shall not be taken for private use without the consent of the owner, where Appellant expressly denies giving consent to the private use or taking of the property interests identified herein;**
16. **DECLARE, for purposes of this appeal, that Appellant's compliance with any direction requiring preparation, service, or filing of the Record on Appeal shall not be construed as consent, acquiescence, ratification, waiver, admission, or acceptance of the alleged debt, alleged obligation, alleged promissory note, alleged service, alleged assignment, alleged chain of title, claimed enforcement authority, foreclosure judgment, credit bid, or any claimed entitlement to Appellant's name, image, likeness, identity, personal property, or real property;**
17. **ALLOW Appellant a reasonable period after correction or supplementation of the Record within which to prepare and serve a complete and accurate Record on Appeal;**
18. **IN THE ALTERNATIVE, if this Court determines that correction of any disputed portion of the record requires action by the lower court, REMAND the matter for the limited purpose of settling and correcting the record while preserving this appeal and Appellant's constitutional objections; and**
19. **GRANT such other relief as is necessary and proper to preserve Appellant's constitutional rights and permit meaningful appellate review upon a complete and accurate Record on Appeal.**

Verified by pdfFiller
09/11/2026

Respectfully submitted,

Nikia Renee Noisette, Authorized Representative, one of We the People
Date: September 11, 2026

CERTIFICATE OF SERVICE

I certify that on September 11, 2026, I served a true and correct copy of the foregoing Response and Motion upon counsel for Respondent by Electronic Mail and depositing the same in the United States Mail, first-class postage prepaid, addressed as follows:

James Martin Page, Esquire
Bell Carrington Price & Gregg, LLC
339 Heyward Street 2nd Floor
Columbia, South Carolina 29201
mpage@bellcarrington.com

RECEIVED
Sep 11 2026
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09/11/2026

Nikia Renee Noisette, Authorized Representative, one of We the People

Date: _____