RECEIVED
Oct 09 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

---

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Alan D. Clemmons, Master in Equity

---

Appellate Case No. 2026-001570

Shaftesbury Green Property Owners Association, Inc.,……. Respondent,
v.
Cedric Javus Browne, Michelle Eblen, Nationstar Mortgage, LLC, American Express National Bank, Bank of America NA, TD Bank USA, N.A., and Portfolio Recovery Associates, LLC, Defendants.
of which Cedric Javus Browne is the…… Appellant.

---

## RETURN TO PETITION TO VACATE JUDGMENT

---

## INTRODUCTION

Appellant's Petition is premised entirely upon an alleged inconsistency between Paragraph 4 of the Master's April 22, 2026 Master's Report and Order of Foreclosure and Sale and the Master's June 29, 2026 Order denying Appellant's post-trial motions. Appellant argues this inconsistency renders both orders void and requires vacatur of the foreclosure judgment. The argument fails because it was not properly preserved for appeal and because the record demonstrates that Browne's default was never legally set aside. Any reference in Paragraph 4 of the foreclosure order suggesting otherwise was, at most, a harmless scrivener's or factual error that had no effect on the Master's ultimate judgment. The Master expressly reaffirmed Browne's default status in his subsequent June 29, 2026 Order and no separate order exists granting relief

from default pursuant to Rule 55(c), SCRCP, or Rule 60(b), SCRCP. Accordingly, Appellant has failed to establish any jurisdictional defect, deprivation of due process, or prejudice sufficient to warrant vacatur of a final judgment.

## ARGUMENTS

### I. APPELLANT'S CLAIM THAT THE FORECLOSURE JUDGMENT SHOULD BE VACATED BASED UPON THE ALLEGED CONFLICT BETWEEN THE APRIL 22, 2026 AND JUNE 29, 2026 ORDERS IS NOT PRESERVED FOR APPELLATE REVIEW.

Appellant's Petition seeks to vacate the foreclosure judgment based upon an alleged conflict between Paragraph 4 of the Master's Report and Order of Foreclosure and Sale and the Master's subsequent Order Denying Motions. However, Appellant never obtained a ruling from the Master that this purported inconsistency rendered the foreclosure judgment void, nor did he request that the Master correct, clarify, or reconcile the alleged inconsistency before seeking appellate intervention. Accordingly, the issue is not preserved for review.

It is well-settled that an issue must be raised to and ruled upon by the trial court in order to be preserved for appellate review. Wilder Corp. v. Wilke, 330 S.C. 71, 497 S.E.2d 731 (1998); Noisette v. Ismail, 304 S.C. 56, 403 S.E.2d 122 (1991). Likewise, where an order fails to address an issue, the complaining party must file a Rule 59(e), SCRCP, motion seeking a ruling from the trial court. Elam v. South Carolina Dept. of Transp., 361 S.C. 9, 602 S.E.2d 772 (2004); Doe v. Doe, 370 S.C. 206, 634 S.E.2d 51 (Ct. App. 2006). Here, Appellant did not secure a ruling that Paragraph 4 of the foreclosure order vacated his default. Nor did he obtain a ruling that the later June 29, 2026 Order was legally inconsistent with the foreclosure judgment or rendered the judgment void. Instead, Appellant asks this Court to make those determinations in the first instance. Additionally, after entry of the June 29, 2026 Order, Appellant did not move for reconsideration requesting that the Master clarify the alleged inconsistency between the two orders. Had Appellant believed the June 29 Order conflicted with Paragraph 4 of the foreclosure decree, it was incumbent upon him to present that issue to the Master and obtain a ruling. Having failed to do so, Appellant cannot now ask this Court to reverse based upon a theory never ruled upon below. For this reason alone, the Petition should be denied.

## II. EVEN IF PRESERVED, THE ALLEGED MISSTATEMENT IN PARAGRAPH 4 OF THE FORECLOSURE ORDER WAS HARMLESS ERROR AND DOES NOT PROVIDE GROUNDS TO VACATE THE JUDGMENT.

Even assuming the issue is preserved, Appellant's argument fails because the record demonstrates that Browne's default was never actually set aside and any statement suggesting otherwise was harmless. The April 22, 2026 foreclosure order contains language stating that Browne's default was set aside. However, no written order exists granting relief under Rule 55(c), SCRCP, and the foreclosure order's Conclusions of Law contain no ruling vacating the default. Most significantly, the Master's June 29, 2026 Order expressly states: "*Defendant Cedric Browne is in default. He failed to file a timely answer after service by publication was completed in June of 2025. His answer was not filed until nine months after service."*

The Master repeated that finding later in the same order when denying the request for a stay. Thus, the record conclusively establishes that Browne remained in default. At most, Paragraph 4 contains an imprecise or mistaken description of the procedural posture of the case. Such a mistake does not invalidate an otherwise lawful judgment.

Error alone is insufficient to warrant reversal. The appellant must demonstrate resulting prejudice. Fields v. J. Haynes Waters Builders, Inc., 376 S.C. 545, 658 S.E.2d 80 (2008). Appellant cannot establish prejudice. Despite his default, Browne was permitted to participate fully in the April 8, 2026 hearing and present whatever defenses he desired. He therefore received the very procedural opportunity described in Paragraph 4 regardless of whether the default technically remained in place. Furthermore, the foreclosure judgment was based upon evidence presented at the hearing and the Master's findings concerning the validity of the Association's lien and the amount of indebtedness owed. Appellant has identified no finding or conclusion that would have changed had the challenged language not been included. Therefore, any error contained in Paragraph 4 was harmless and provides no basis to vacate the foreclosure judgment.

## III. THE ALLEGED INCONSISTENCY DOES NOT RENDER THE FORECLOSURE JUDGMENT VOID UNDER RULE 60(b)(4), SCRCP.

Rule 60(b)(4), SCRCP, applies only when a judgment is void, not merely because it may contain an error or inconsistency. South Carolina courts have consistently recognized the attacking a judgment as void encompasses only judgements from courts which failed to provide

proper due process, or judgments from courts which lacked subject-matter jurisdiction or personal jurisdiction. McDaniel v. U.S. Fidelity and Guar. Co., 324 S.C. 639, 478 S.E.2d 868 (Ct. App. 1996) The Master indisputably possessed subject matter jurisdiction over the foreclosure action, personal jurisdiction over the parties, and authority to enter the challenged orders. At most, Appellant identifies a discrepancy between a finding of fact in one order and a subsequent explanation of procedural status in another order. Such a discrepancy does not deprive the court of jurisdiction and therefore cannot render the foreclosure judgment void. Because Appellant has failed to establish any jurisdictional defect, due process violation, or resulting prejudice, Rule 60(b)(4) affords no basis for relief.

## CONCLUSION

For the foregoing reasons, Respondent respectfully requests that the Court deny Appellant's Verified Petition to Vacate Judgment in its entirety, deny all ancillary requests for relief, and grant such other and further relief as the Court deems just and proper.

October 8, 2026

s/ Mark Nappier
SC Bar No: 064186
Joye, Nappier, Risher & Hardin, LLC
3575 Highway 17 Business
Murrells Inlet, South Carolina 29576
Telephone: (843) 357-6454
Fax: (843) 651-8127
Attorney for Respondent

Other Party of Record:
Cedric Javus Browne, Appellant
633 Notting Hill Court
Conway, SC 29526