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Oct 13 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Reggie Jones, Appellant,

v.

Enid A. Garcia, Respondent.

Appellate Case No. 2026-000716

Lower Court Case No. 2025-CP-36-00238

APPELLANT'S PROPOSED INITIAL BRIEF

Statement Concerning Procedural Status

The Court of Appeals dismissed this appeal on or about July 29, 2026, for failure to file an initial brief and designation of matter. On September 14, 2026, the court denied a motion to reinstate. Appellant submits this proposed brief for consideration if the appellate court grants leave or otherwise authorizes its filing. The proposed brief does not itself reinstate the appeal.

Questions Presented

1. Whether the lower court erred in accepting service by publication without adequate proof of reasonable diligence to locate and personally serve Mr. Jones at the property he occupied.
2. Whether the lower court erred by denying relief from the foreclosure judgment without adequately addressing evidence that Mr. Jones resided at the address and was reasonably available for personal service.
3. Whether deficient service deprived Mr. Jones of the notice and opportunity to be heard required by due process.

Statement of the Case

This matter concerns a foreclosure arising from a contract for deed between Reggie Jones and Enid A. Garcia in Newberry County, South Carolina. Mr. Jones maintains that he occupied the property for approximately eleven years of a fifteen-year contract. After foreclosure proceedings in which service was made by publication, Mr. Jones sought to set aside the judgment for improper service. Special Referee Samuel Price denied the motion. Mr. Jones appealed. The Court of Appeals later dismissed the appeal for failure to file the initial brief and designation of matter and denied reinstatement. The following arguments address the merits if appellate review is permitted.

Statement of Facts

Mr. Jones maintains that he lived at the property when service was attempted and remains there. He submitted utility bills covering approximately December 2024 through December 2025, along with identification and vehicle-related records reflecting that address. He also maintains that the same sheriff's deputy personally served him at that address on two other occasions within approximately one year. The affidavit used to support publication reportedly stated that no one lived at the property, without identifying specific dates and methods of attempted personal service. Mr. Jones disputes that statement.

Standard of Review

Whether service complied with the applicable rules and constitutional requirements presents legal questions for appellate review. The reviewing court considers factual findings under the standard applicable to the challenged order and the nature of the relief sought.

Argument I — Publication Required a Showing of Due Diligence

Service by publication is not an automatic substitute for personal service. Under Rule 4(e), SCRPC, and constitutional notice principles, the court should evaluate whether the serving party made the required diligent effort to locate and serve the defendant. Mr. Jones contends that the affidavit's assertion that no one lived at his address did not establish diligence, especially given his longstanding occupancy and the deputy's reported successful personal service there in other matters. The Court should examine the actual affidavit and proof of attempted service rather than assume publication was sufficient.

Argument II — The Residence Evidence Was Material

The utility bills, identification, registrations, and prior service history were relevant to whether Mr. Jones could reasonably have been found. Mr. Jones contends that the order denying his motion did not adequately reconcile those materials with the assertion that the property was unoccupied. If the required diligence was absent, the resulting judgment may be vulnerable to challenge for insufficient service and lack of personal jurisdiction. The appropriate remedy depends on the record and applicable rules.

Argument III — Notice and an Opportunity to Be Heard

Due process requires notice reasonably calculated, under the circumstances, to apprise an interested party of the action and allow an opportunity to respond. See *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). Mr. Jones contends that reliance on publication despite readily available information about his actual residence did not meet that requirement. This argument turns on the evidence of what the plaintiff and process server knew or reasonably could have discovered before publication.

Conclusion and Relief Requested

If the appeal is reinstated or merits review is otherwise authorized, Mr. Jones respectfully requests that the reviewing court reverse or vacate the order denying his motion to set aside and

remand for findings and further proceedings concerning service, due diligence, and the consequences of any deficiency. He requests such other relief as the court deems proper.

Respectfully submitted,

Reggie Jones, Appellant, pro se

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Date: Oct. 13. 2026

CERTIFICATE OF SERVICE

I certify that on Oct. 14. 2026, I served a copy of this document on counsel for Respondent by the following method: Hand delivery, addressed to:

1325 Main Street, Newberry SC 29108

Robert Lake IV

Reggie Jones

Reggie Jones 10/13/26

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