ELECTRONICALLY FILED - 2026 Mar 19 9:03 AM - NEWBERRY - COMMON PLEAS - CASE#2025CP3600238

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	IN THE EIGTH JUDICIAL CIRCUIT
COUNTY OF NEWBERRY	)	CASE NUMBER: 2025-CP-36-238
	)	
Enid A. Garcia,	)	
	)	
Plaintiff,	)	
	)	ORDER DENYING DEFENDANT'S
vs.	)	MOTIONS
	)	
Reggie Jones,	)	
	)	
Defendant.	)	

RECEIVED
Mar 20 2026
SC Court of Appeals

This matter was scheduled for hearing on Plaintiff's motion to Quash Writ of Assistance and Stay Execution, Challenge and Request for Stay, Motion to Void Foreclosure Sale and Set Aside Judgment for Lack of Jurisdiction and Failure of Service of Process for February 27, 2026 at 2:00PM. Present at the appointed time were Plaintiff, her attorney Robert C. Lake, IV,, her son, Defendant, and Sheena Paige. At the opening of the case Plaintiff's counsel moved that Sheena Paige be restricted from advocating on behalf of Defendant as she is not an attorney licensed to practice law, and to do so constitutes the unauthorized practice of law. Ms. Paige stated she was not an attorney and was not and would not engage in the unauthorized practice of law. She further advised the Court she was Defendant's agent under a durable power of attorney filed with the Newberry County Clerk of Court.

PROCEDURAL HISTORY

Plaintiff filed her underlying action on April 8, 2025. Plaintiff then placed the Lis Pendens, Summons, and Complaint in the hands of the Newberry County Sheriff's Department for service upon Defendant. The Sheriff's Department did then attempt service on Defendant at his address of 403 Floyd St., Newberry, SC 29108 on April 25, 2025. This being the same address at which the Defendant claims he resides and the same address to which two (2) letters have been mailed

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certified according to the Court's records. The deputy attempting service was unable to locate Mr. Jones and did return an affidavit of non-service indicating "no one lives" at the 403 Floyd Street address. Plaintiff filed the affidavit of non-service with the Court. Plaintiff's counsel then filed his affidavit of duly diligent search indicating he had performed a search for Defendant but was unable to locate him at any address other "than the one where service was attempted on the Defendant." The Honorable Frank R. Addy, Jr. did then issue an Order directing the Defendant be served via publication. Defendant was then served via publication as appears by affidavit of service of Kasie Strickland of The Newberry Observer. Said publication ran on May 28, 2025, June 4, 2025, and June 11, 2025. Defendant failed to answer or otherwise plead and Plaintiff filed her affidavit of default with the Court on July 15, 2025. Thereafter, this case was referred to Samuel M. Price, Jr. to act as special referee pursuant to Order of the Court. The matter was scheduled for final hearing on August 14, 2025 at 3:30 PM. A review of the record finds that Plaintiff sent notice of the final hearing via certified mail with return receipt requested to the 403 Floyd Street property on July 31, 2025.

Defendant failed to appear to the final hearing and Plaintiff was awarded foreclosure of the home at issue and the same was ordered sold at a subsequent sale. The sale of the home occurred on October 6, 2025. At the sale, Plaintiff was the high bidder and the property was deeded unto her.

Defendant now moves this court to, among other things, set aside the Final Order. Defendant's sole rationale for doing so is based on the argument that this Court never acquired personal jurisdiction over the Defendant, and for that reason any Order of this Court would be void *ab initio*.

LAW/ANALYSIS

Defendant claims this Court lacks personal jurisdiction over him as he was not personally served. However, South Carolina Code §15-9-710 specifically authorizes service by publication:

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SECTION 15-9-710. When service by publication may be had.

When the person on whom the service of the summons is to be made cannot, after due diligence, be found within the State and (a) that fact appears by affidavit to the satisfaction of the court or judge thereof, the clerk of the court of common pleas, the master, or the probate judge of the county in which the cause is pending and (b) it in like manner appears that a cause of action exists against the defendant in respect to whom the service is to be made or that he is a proper party to an action relating to real property in this State, the court, judge, clerk, master, or judge of probate *may grant an order that the service be made by the publication of the summons* (emphasis added)....

The South Carolina Code clearly and unequivocally allows for service via publication. In *Wachovia Bank of South Carolina v. Player*, 341 S.C. 424, 535 S.E.2d 128 (S.C. 2000), the Defendant Player attempted, via Rule 60b, to have service by publication set aside. Defendant Player alleged service by publication was improper because the process server did not use "actual due diligence". However, as the Court in that case stated very plainly "When the issuing officer is satisfied by the affidavit, his decision to order service by publication is final absent fraud or collusion." The *Player* Court determined that Player failed to raise any allegation or proof of fraud or collusion in his memorandum in support of his motion, nor in his argument at the hearing of his motion. Thus, the Court denied Defendant Player's motion to set aside service.

In the present case, Defendant alleges first that service by publication does not give the Court personal jurisdiction. S.C. Code §15-9-710 clearly allows for service by publication.

Though Defendant has failed to raise the issue of whether the Order of Publication was proper, this Court feels it necessary to address the issue. Much like in *Player*, it appears by interpretation of Defendant's comments, Defendant was not satisfied with the process server's

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effort to serve him. Despite Defendant's displeasure, this Court must look to the language of *Player*, specifically "when the issuing offer is satisfied by the affidavit, his decision to order service by publication is final absent fraud or collusion." There has been no evidence of fraud or collusion in this case. Neither has Defendant alleged the existence of either. Therefore, the Order for Service by Publication will not be set aside for reason of fraud or collusion.

Finally, in Defendant's motion he relies on *Belle Hall Plantation Homeowner's Ass'n, Inc. v. Murray*, 799 S.E.2d 310, 419 S.C. 605 (S.C. App. 2017). This Court recognizes there are certain scenarios where an Order for Publication may be set aside even without fraud or collusion. In *Belle Hall*, the Plaintiff received an Order for Service by Publication based on an facially deficient affidavit of duly diligent search. The process server in the *Belle Hall* case signed an affidavit stating he had attempted service on John E. Murray. However, the defendant in that case was John A. Murray.

Such mistake is distinctly different from the case at bar. In *Belle Hall*, the service was attempted on the wrong person. The affidavit of duly diligent search was in that case facially deficient as service was never actually attempted on the true defendant. That is not the case here. The affidavit of the sheriff's deputy states that service was attempted on the Defendant. The fact that the deputy was incorrect in his determination that "no one lives" at Defendant's address does not obviate the fact that service was attempted on Defendant at his address.

The affidavit of duly diligent search is not facially deficient. Defendant made no allegation of fraud or coercion as to the affidavit of duly diligent search and nor did this Court find any evidence of the same. The issuing officer was satisfied with the affidavit of duly diligent search and issued his Order for Service by Publication. Therefore, that Order is final. This Court did thereafter acquire personal jurisdiction over the Defendant via service by publication, the same having been confirmed by affidavit within the Court's file. Therefore, Defendant's motions are

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each denied for the reasons stated hereinabove. The Writ of Assistance issued by this Court on October 8, 2025 is hereby reinstated and shall be carried out within ten (10) days of presentment of this Order to the Newberry County Sheriff's Department.

March 17th, 2026

Samuel M. Price, Jr.
Special Referee
Newberry County

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FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2025 CP-36-238

RECEIVED
Mar 20 2026
SC Court of Appeals

Enid A. Garcia
PLAINTIFF(S)

Reggie Jones
DEFENDANT(S)

Submitted by: Robert C. Lake, IV

Attorney for : ☒ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.
Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		$
		$
		$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**
E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge | **Judge Code** | **Date** 17 MARCH 2026

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For Clerk of Court Office Use Only

This judgment was entered on the day of , 20 and a copy mailed first class or placed in the appropriate attorney's box on this day of , 20 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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