

RECEIVED

Oct 19 2026

SC Court of Appeals

IN THE SOUTH CAROLINA COURT OF APPEALS

In The Court Of Appeals

---

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

The Honorable Carmen T. Mullen/Circuit Court Judge

---

Case No: 2025-CP-07-00718

Appellate Case No: 2025-002399

---

Geraldine White, Appellant

v.

John R.C. Bowen and Kori Brett McKeithan, Respondents

---

**APPELLANT'S FINAL REPLY BRIEF**

---

Geraldine White, Appellant Pro Se  
141 Lamotte Drive Apt A3  
Hilton Head Island, SC 29926  
843-681-4937  
[whitegeraldine91@gmail.com](mailto:whitegeraldine91@gmail.com)

Cc: Joseph Dubois, Esquire  
Donald Jay Davis, Esquire  
Kara Shea Grevey, Esquire  
Stephen Lynwood Brown, Esquire  
Russell Grainger Hines, Esquire

## **REPLY ARGUMENT**

### **I. Respondent McKeithan's brief confirms that this appeal should not be dismissed on pleading technicalities because the complaint sought equitable and restitutionary relief, not merely discipline under Rule 8.3.**

Respondent McKeithan attempts to reduce Appellant's complaint to a disciplinary grievance based only on Rule 8.3, RPC. That is not the complaint Appellant filed. The complaint sought emergency equitable relief, restitutionary relief, and court intervention to prevent the improper disbursement of real estate proceeds where no perfected judgment lien had been shown.

The circuit court erred by treating the matter as though Appellant sought only attorney discipline. Appellant's claim was not simply that McKeithan failed to report Bowen. The claim was that McKeithan participated in, facilitated, or failed to prevent the transfer of Appellant's property proceeds under circumstances where Respondents relied on an alleged judgment lien that was never shown to be recorded, indexed, perfected, or legally enforceable against the real estate proceeds. It was an Order of Judgment not a judgment lien.

A Rule 12(b)(6) dismissal is improper where the facts alleged, and all reasonable inferences from those facts, support any viable theory of relief. The court was required to view the allegations liberally in favor of Appellant, especially where equitable relief was requested.

### **II. Respondent's argument improperly depends on facts outside the complaint while simultaneously arguing that Appellant cannot rely on facts outside the complaint.**

Respondent McKeithan argues that Appellant may not rely on her memorandum or supporting filings because a Rule 12(b)(6) motion must be decided on the complaint. But Respondent's own brief relies on a factual narrative outside the four corners of the complaint, including alleged title work, settlement statements, closing conduct, communications with Bowen, and the role of other attorneys.

Respondents cannot have it both ways. If the circuit court considered matters outside the pleadings, then dismissal under Rule 12(b)(6) was improper unless the motion was converted and Appellant was given a fair opportunity to present evidence. If the court did not consider matters outside the pleadings, then Respondent's outside factual defenses cannot support affirmance.

Either way, dismissal at the pleading stage was an error.

### **III. The central issue is not whether a judgment existed, but whether a perfected lien attached to Appellant's real property proceeds.**

Respondent's brief repeatedly emphasizes the existence of a 2018 judgment. But the existence of a judgment is not the same thing as a perfected lien against real property or proceeds from a real estate sale.

Under South Carolina law, a judgment must be properly entered, recorded, and indexed before it operates as a lien against real property. The unresolved issue is whether Respondent Bowen possessed a valid, perfected, enforceable lien against Appellant's real estate interest at the time the proceeds were diverted.

The circuit court failed to address the material distinction between:

1. a judgment;
2. an execution or nulla bona return;
3. an alleged lien; and
4. a perfected judgment lien attached to real property proceeds.

That distinction is dispositive. If no perfected lien existed, then Respondents had no lawful basis to demand or receive Appellant's sale proceeds.

#### **IV. The lower court failed to address material record evidence.**

Appellant raised material issues concerning:

1. the absence of a perfected judgment lien;
2. the lack of proper recorded/indexed lien documentation;
3. the asserted lack of title proof concerning the vessel ownership in the underlying 2018 judgment;
4. the corporate status and dissolution/reinstatement timeline of Benny Hudson Seafood Corp.;
5. whether the 2018 judgment was used beyond its lawful scope;
6. the absence of proof /evidence of to support claims of losses that secured the judgment, during the forfeiture period 2015-2017; and
7. whether Respondents used an unperfected judgment claim to obtain Appellant's real estate proceeds.

These issues were not collateral distractions. They went directly to whether Respondents had lawful authority to interfere with, demand, receive, or benefit from Appellant's sale proceeds.

Summary judgment and dismissal were improper where these material factual and legal issues remained unresolved.

#### **V. The attorney-immunity defense does not excuse conduct involving the receipt or diversion of funds where the attorney allegedly acted outside lawful authority.**

Respondent Bowen's position depends on attorney immunity. But attorney immunity does not protect an attorney who uses legal process or the appearance of legal authority to obtain funds where no lawful lien or enforceable right exists.

The issue is not merely whether Bowen represented Benny Hudson Seafood Corp. The issue is whether Bowen demanded or caused the diversion of Appellant's real property proceeds without a perfected lien and under circumstances amounting to fraud, misrepresentation, or misuse of judicial process.

Attorney immunity cannot be used as a shield for conduct that exceeds legitimate advocacy and results in the wrongful deprivation of property.

#### **VI. Appellant's action was not an impermissible collateral attack.**

Respondents characterize this action as a collateral attack on the 2018 judgment. That characterization avoids the actual issue.

Appellant is not merely asking this Court to relitigate the 2018 judgment. Appellant challenges Respondents' later use of that judgment to obtain real estate proceeds without showing a perfected lien attached to those proceeds.

A party may challenge the unlawful enforcement, misuse, or fraudulent use of a judgment without being barred as though every later act is immune from review. The question is not simply whether a judgment once existed. The question is whether Respondents lawfully used that judgment to take Appellant's sale proceeds.

#### **VII. Respondent McKeithan's "no duty" argument fails because Appellant alleged participation in a transaction affecting Appellant's property rights.**

Respondent McKeithan argues that she owed no duty to Appellant. But the complaint alleged more than a general duty to report another lawyer. It alleged that McKeithan was involved in a real estate transaction where Appellant's proceeds were affected, where Bowen's demand was transmitted and relied upon, and where Appellant's money was diverted.

At the pleading stage, Appellant was entitled to discovery concerning McKeithan's role, communications, knowledge, and participation in the disbursement process. Dismissal before discovery prevented Appellant from establishing the full facts surrounding the transaction.

#### **VIII. The Court should reverse and remand.**

The circuit court's orders should be reversed because the court failed to apply the proper pleading standard, failed to address material lien and title issues, and improperly treated Appellant's equitable complaint as a disciplinary grievance. At minimum, the case should be remanded for discovery, an evidentiary hearing, and a determination of whether any perfected lien lawfully attached to Appellant's real property proceeds; whether Respondent provided evidence to prove that Appellant was the vessel owner; and evidence to prove losses during the forfeiture period when the business was supposed to be not able to operate according to SC law.

## CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court reverse the Order dismissing Respondent McKeithan, reverse the Order granting summary judgment to Respondent Bowen, and remand this matter to the circuit court for further proceedings, discovery, and such other relief as this Court deems just and proper.

Respectfully submitted,

October 19, 2026

s/ Geraldine White  
Geraldine White, Appellant Pro Se  
141 Lamotte Drive Apt A3  
Hilton Head Island, SC 29926  
843-681-4937  
whitegeraldine91@gmail.com

Cc: Joseph DuBois, Esq.  
Liberty Oak Law Firm, LLC  
71 Lighthouse Road, Suite 230  
Hilton Head Island, SC 29928  
Attorney for Respondent Kori Brett McKeithan

Kara Shaye Grevy, Esq., Donald J. Davis, Esq.  
Russell Granger Hines, Esq., Stephen Lynwood Brown, Esq.  
Clement Rivers, LLP  
25 Calhoun Street, Suite 400  
Charleston, SC 29401  
Attorneys for Respondent John R.C. Bowen