

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Common Pleas

HONORABLE CHARLES B. SIMMONS, JR.

Case No. 2023-CP-23-00052
Appellate Case No. 2026-001612

Jennifer L. Hamrick and
James C. Hamrick

Respondents,

v.

Jack D. Curlee and
AG First Farm Credit Bank,

Defendants,

of which Jack D. Curlee is the Appellant

RETURN TO MOTION TO DISMISS

Respondent seeks to dismiss the appeal of Jack D. Curlee. On three separate grounds: (1) an earlier appeal was dismissed; (2) no appeal was filed from a May 4, 2026 Order; and (3) Curlee is precluded from filing an appeal from the July 10th order upon the doctrine of collateral estoppel.

1. Appeals are from final judgments. S.C. Code § 14-3-330(1). “A final judgment is one that ends the action and leaves the Court with nothing to do but enforce the judgment by execution.” Good v. Hartford Acc & Indem co., 201 S.C. 32, 41–42, 21 S.E.2d 209, 212 (1942), cited by Tillman v. Tillman, 420 S.C. 246, 801 S.E.2d 257 (Ct. App. 2017).

In his Order of November 18, 2025, Judge McGee specifically said in paragraph 1, page 13 of this order:

“The Order of Reference filed by this Court on September 18, 2025, gives specific authority to Master in Equity to hear all motions related to the parties, the method and the timing of the sale including, but not limited to, who can participate in the bidding.”

Thus, the motions by the Hamrick’s asking the Court to force Curlee out of the property to be sold and not allowed to bid at the public sale were still pending but referred to the Master.

In a Supplemental Order of Reference, Judge McGee ordered as follows:

“This Supplemental Order of Reference is to grant the Master in Equity the authority to determine all questions of law or equity concerning the disbursement of the proceeds from the sale of the jointly owned property of the Plaintiff and Defendant, Jack D Curlee” Order filed June 2, 2026.

Judge McGee then provided, “Any Final Order from the Master in Equity will be appealable to the Supreme Court or the Court of Appeals.”

The Master in Equity filed his Final Order on the disbursement of the funds on July 16, 2026. At that point there was nothing left to divide and the case was over.

Curlee mistakenly filed a Notice of Appeal following Judge McGee's order of November 18, 2025. After recognizing the mistake Curlee moved to dismiss his Notice of Appeal because no Final Order had been published.

The Hamrick’s assert that Curlee waived his right to an Appeal because he did not appeal various Orders. The Orders referred to dealt with some of the ongoing obligations of the three owners of the jointly owned property to pay expenses such as mortgage payments, taxes, and insurance. None of these orders left the Court with nothing to decide.

As to collateral estoppel, the Hamrick's misapprehend the grounds. Collateral estoppel occurs when a party in a second action seeks to relitigate an issue decided in a previous action. There was only one action here. While the Court issued Orders on matters raised by the pleadings, those Orders are not second actions but parts of a single action. An appeal is not a second action.

Respectfully submitted,



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PROOF OF SERVICE

I hereby certify that I have served the Return to Motion to Dismiss on Counsel of Record on this
20th day of October, 2026, by electronic AIS e-mail only as follows:

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