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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
SUPREME COURT

APPEAL FROM DORCHESTER COUNTY
MASTER IN EQUITY
James F. Chellis, Master In Equity,

Supreme Court Case No. 2026-002150
Lower Court Case No. 2011-CP-18-00871

Jamie Singleton…….....…..Petitioner

VS.

US BANK TRUST, NA as Trustee for
Waterfall Victoria Grantor Trust II Series G…….... Respondent

v.

JAMIE SINGLETON and INDIGO POINTE
HOMEOWNERS' ASSOCIATION,

Defendants below,

Of Which JAMIE SINGLETON is the ……...……Petitioner/Appellant

REPLY TO RETURN ON BEHALF OF JAMIE SINGLETON

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QUESTIONS FOR REVIEW

I. Did the Court of Appeals err in reversing the Trial Court's Denial of Foreclosure in view of facts supporting Petitioner's Unclean Hands defense?

II. Did the Court of Appeals err in the review of the evidence of the case in neglecting that Plaintiff failed to produce a complete payment history on the issue of interest on the loan and lacked the credibility sufficient to prove their case for foreclosure?

III. Did the Court of Appeals fail to properly find that Waterfall failed to preserve the appeal of the "*Sua Sponte"* Form 4 Order and Master's Lack of Jurisdiction?

TABLE OF AUTHORITIES

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STATEMENT OF THE CASE

This case is a foreclosure action, with a Referral of this case to the Dorchester County Master in Equity. Initially, this case was before the Honorable Maite Murphy, then in 2013 to the Hon. James Chellis as Master-in-Equity. On November 21, 2022, after a Summary Judgment hearing of the Plaintiff, Judge Chellis entered an Order on Respondent's Motion for Summary Judgment which granted the remedy of foreclosure, but denied any award of interest, costs, or attorneys' fees via an equitable setoff. (R. Vol. 1 at 114-7). Petitioner filed a timely Motion to Alter or Amend the subject Order on December 1, 2022, (R. at 1098-1108). In a separate Order filed on March 28, 2023, Judge Chellis completely vacated the November 21, 2022 Order. The matter proceeded to a three-day non-jury trial which took place three months thereafter in June 2023.

Approximately six months after the trial, Judge Chellis entered his written 52-page decision. (R. Vol. 1, p. 144-197). The Plaintiff Waterfall filed a Motion to Alter or Amend per SCRCP 59 Motion. (R. 1237-77). Judge Chellis denied the Motion (R. 198-203), except to hold a hearing on the issue of Plaintiff's attorney's fees. Waterfall timely appealed. The Court of Appeals issued its Opinion on August 12, 2026 which reversed Judge Chellis' decision and remanded the matter. Petitioner timely filed a Motion for Rehearing, asserting that the Court of Appeals overlooked or misapprehended certain factual and legal issues in rendering its decision, and thus requested rehearing. On August 26, 2026, Respondent filed an improper response to Petitioner's Motion for Rehearing. It was improper for Waterfall to do so since they were not requested to by the Court of Appeals per Rule 221, SCACR. Nonetheless, on September 2, 2026, the Court of Appeals issued its Order denying Petitioner's Motion for Rehearing. This Petition for Writ of Certiorari is being timely filed pursuant to SCACR 242.

ARGUMENT-QUESTIONS FOR REVIEW

I. Did the Court of Appeals err in reversing the Trial Court's Denial of Foreclosure in view of facts supporting Petitioner's Unclean Hands defense?

Petitioner craves reference to the Petition for Certiorari in addition to these counterarguments to Respondent's Return. Waterfall's return (P. 6-7) cites partiality toward Singleton from the trial judge. Waterfall had opportunity to file a Motion to Recuse but never did so. While it is true (R. part 1 p. 129-30) that the trial Court found in Part 52 of the Summary Judgment Order that the unclean hands defense did fail, Nos. 25-27 of the Order (R. 1 part 1, p. 124) found that the Plaintiff and its predecessors failed to exhibit fair dealing or good faith. This is presumably why the trial judge awarded the set off on the interest. Further, the Form 4 Order of the trial court reversing the Summary Judgment on March 28, 2023 was not **"***sua sponte".* This was the ruling on the Motion of Respondent's Rule 59 Motion following the Summary Judgment. After this Rule 59 Motion, Petitioner filed a Response Brief (R. p. 1150-60) and there was a hearing. Respondent argues that in their return, the trial judge lacked the subject matter jurisdiction to issue the Form 4 Order. While Petitioner does not agree, if true, then this case should return to where it was after the Summary Judgment Order of 2022 with Petitioner owing Respondent $207,389.66, which he is still ready, willing and able to pay. There was nothing, no need for Petitioner to file a Rule 59 Motion from the 2022 Summary Judgment Order on this issue.

II. Did the Court of Appeals err in the review of the evidence of the case in neglecting the fact that Plaintiff failed to produce a complete payment history on the issue of interest on the loan and lacked the credibility sufficient to prove their case for foreclosure?

Petitioner craves reference to the Petition for Certiorari in addition to these counterarguments to Respondent's Return. Respondent does not address the merits of this argument. It relies solely on its position that the Master in Equity lost the subject matter jurisdiction to make his ruling on the Form 4 Order. Respondent argues that in their return that the

trial judge lacked the subject matter jurisdiction to issue the Form 4 Order. While Petitioner does not agree, if true, then this case should return to where it was after the Summary Judgment Order of 2022 with Petitioner owing Respondent $207,389.66, which he is still ready, willing and able to pay.

III. Did the Court of Appeals fail to properly find that Waterfall failed to preserve the appeal of the Sua Sponte Form 4 Order and Master's Lack of Jurisdiction?

Petitioner craves reference to his arguments on this topic to the Petition for Certiorari previously filed with this Court. Waterfall did timely file a Rule 59-e Motion from the 2022 Summary Judgment Order. **But they did not file a Rule 59 Motion for Relief from the Form 4 Order issued by the Master of March 28, 2023.** Therefore, the rulings from this Order are not appealable and are binding to Waterfall.

Petitioner re-craves reference to *In Re: Estate of Timmerman*, 331 S.C. 455, 502 S.E.2d 920 (S.C. Ct. App. 1998). Petitioner and the Court of Appeals rely on *Van Ness v. Eckerd Corp.*, 350 S.C. 399, 566 S.E.2d. 193 (S.C. Ct. App. 2002) to hold that the Master lost subject matter jurisdiction for his 2023 Order after 10 days. They also rely on *Heins vs. Heins*, 344 S.C. 146, 543 S.E.2.d 224 (S.C. Ct. App. 2001). However, this precedent is limited to **Family Court cases only.** *Heins*, 344 S.C. at 157, 543 S.E.2.d at 229.

Family Courts have terms of courts for judges. On the other hand, in this foreclosure case before the Master, Judge Chellis has retained constant jurisdiction over this case since he was appointed Master for Dorchester County in 2013. In *Ness v. Eckerd Corp.*, the court noted in a concurring opinion that, "[T]he question of whether the trial court retains jurisdiction for ten days if no Rule 59(e) motion is filed remains an open question in South Carolina." *Ness*, 350 S.C. at 404, 566 S.E.2.d at 196.

While the issue may be settled with regards to Family Court, this issue is one that has not

been resolved with regards to the instant case. Petitioner re-asserts *Timmerman* and argues that Respondent lost the right to preserve this issue for appeal. With this uncertainty, this is why Petitioner argues for Certiorari before this Court.

CONCLUSION AND PRAYER FOR RELIEF

The decision of the Court of Appeals is based on facts which support the decision of the Master-in-Equity in part yet also results in an improper reversal of the ultimate findings of the trial court via the principles of equity via a foreclosure accomplished through actions constituting unclean hands and lack of credibility of the evidence. Petitioner respectfully requests the Court to grant this Petition for a Writ of Certiorari pursuant to SCRAP 242(a) and direct that full appeal on the merits proceed.

Respectfully submitted,

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