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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY

The Honorable Dale E. Van Slambrook, Circuit Court Judge
The Honorable T.J. Rode, Circuit Court Judge
Civil Action No. 2025-CP-10-03716

Appellate Case No. 2026-001122

Colonial Savings, F.A.,	Respondent,
v.	
Elizabeth M. Dimler and Oak Bluff Homeowners Association, Inc.,	Defendants,
of which Elizabeth M. Dimler is the	Appellant.

APPELLANT'S PETITION FOR REHEARING
PURSUANT TO RULE 221, SCACR

Appellant Elizabeth M. Dimler respectfully petitions this Court for rehearing of its September 8, 2026, Order dismissing this appeal.

This Petition is limited to matters Appellant respectfully submits were overlooked or misapprehended in granting Respondent's July 16, 2026 Motion to Dismiss. Appellant does not seek here to reargue the foreclosure merits presented in her Initial Brief.

The September 8 Order states that Respondent argued: (1) the Notice of Appeal was not correctly formatted; (2) a motion to amend the Notice of Appeal was not timely filed as required

by the Court's deficiency letters; and (3) the orders on appeal were untimely appealed or interlocutory. The Order grants dismissal without identifying which ground or combination of grounds controlled dismissal of the entire appeal.

The May 28 deficiency letter required a Rule 240 motion to amend and a Form 1 amended notice within ten days; on June 2, 2026, Appellant transmitted both documents, expressly identified them as such, expressly stated that they were submitted to cure the May 28 deficiencies, and received written confirmation from this Court that "The Court has received your filing."

I. THE COURT'S OWN JUNE 2, 2026 RECORD ESTABLISHES TIMELY COMPLIANCE WITH THE MAY 28 DEFICIENCY LETTER

The Court's May 28, 2026 deficiency letter directed Appellant, within ten days, to serve and file a motion to amend the Notice of Appeal pursuant to Rule 240, SCACR, and to serve and file a Notice of Appeal substantially in the format shown by Form 1, Appendix C, Part II.

On June 2, 2026, within that ten-day period, Appellant transmitted a filing to this Court under the subject line "Motion to Amend Notice of Appeal and Amended Notice of Appeal — Colonial Savings, F.A. v. Elizabeth M. Dimler — Appellate Case No. 2026-001122 — Rule 240, SCACR."

The transmittal expressly identified two documents: (1) "Defendant/Appellant's Motion to Amend Notice of Appeal pursuant to Rule 240, SCACR" and (2) "Defendant/Appellant's Amended Notice of Appeal (SCACR Form 1, Appendix C, Part II)." It further stated that the documents were submitted "to cure the deficiencies identified in the Court's deficiency letter dated May 28, 2026."

The Court of Appeals replied the same day: "The Court has received your filing. A stamped copy is attached for your records."

Respondent's July 16 Motion to Dismiss characterized the June 2 filing as merely adding a reference to Form 1 and asserted that Appellant failed to file a Rule 240 motion by the prescribed deadline. Appellant respectfully submits that this characterization is contradicted by the Court's own June 2 filing record and acknowledgment.

II. THE JANUARY/FEBRUARY SANCTIONS TIMELINE IS DISTINCT FROM THE MARCH 27 SUBSTITUTION PROCEEDINGS

Respondent separately argued that appellate review of the January 30 and February 17, 2026 sanctions and filing-restriction orders was untimely.

Appellant acknowledged in her July 22, 2026 Return and Opposition that the sanctions orders present a separate appellate-timing question. Her Rule 59(e) motion was directed to the later March 27, 2026 substitution order, not to the January or February sanctions orders.

Accordingly, even if this Court concludes that appellate review of the January/February sanctions orders was untimely, that determination does not by itself establish untimeliness as to the March 27 substitution order or the June 24 disposition of the Rule 59(e) motion. Appellant respectfully requests that the separate timelines not be merged into a single basis for dismissal of the entire appeal.

III. THE RECORD DOCUMENTS APPELLANT'S IMMEDIATE RULE 59(e) ATTEMPT FOLLOWING THE MARCH 27 ORDER

The March 27, 2026 Order granted substitution of Selene Finance LP as party plaintiff. Appellant personally attempted to file her Rule 59(e) motion on April 1, 2026, within the period

she understood to expire on April 10, 2026. The Clerk declined to accept the filing because of the previously imposed $500 bond/attorney-signature restriction.

The contemporaneous Notice of Attempted Filing and Service bears a Charleston County Clerk of Court file stamp dated April 2, 2026. Although the narrative in that Notice refers to March 31, 2026, Appellant clarifies that those March 31 references are a one-day drafting error and that the in-person filing attempt occurred on April 1, 2026. An independent United States Postal Service receipt dated April 1, 2026 at 12:30 PM also documents Appellant's certified-mail transactions that day. The Clerk of Court return receipt/green card is dated April 2, 2026. Thus, the record documents Appellant's filing and service efforts before the April 10, 2026 deadline she understood to govern the Rule 59(e) motion.

Appellant also sought extraordinary relief while attempting to obtain acceptance of the Rule 59(e) motion. A Petition for Writ of Mandamus directed to the filing issue was received by the South Carolina Supreme Court on April 10, 2026, the deadline Appellant understood to govern the Rule 59(e) motion. Appellant does not contend that the mandamus petition itself constituted filing of the Rule 59(e) motion in the Court of Common Pleas; it is offered only as additional contemporaneous evidence of Appellant's continuing efforts to obtain acceptance of the Rule 59(e) filing before the asserted deadline.

Judge T.J. Rode later directed the Clerk to file the Rule 59 materials and deemed that filing effective as of the April 11, 2026 postmark. Judge Rode expressly made no finding that the Rule 59 motion was timely, proper, or meritorious and left those matters to the judge who entered the March 27 Order. The significance of Judge Rode's May 7 Order for present purposes is therefore not that it adjudicated timeliness, but that it confirms Appellant had attempted to file a Rule 59(e) motion directed to Judge Van Slambrook's March 27 substitution order and that the Clerk

had declined to accept it because of the prior bond restriction. Judge Rode later received Appellant's second submission of the Rule 59 materials on May 13, 2026; Appellant does not rely on that later submission as the original attempted filing date.

IV. THE JUNE 24 ORDER ACTUALLY DISPOSED OF THE RULE 59(e) MOTION WHILE EXPRESSLY LEAVING THE FORECLOSURE MERITS UNADDRESSED

Judge Van Slambrook subsequently considered and disposed of Appellant's Rule 59(e) motion. His June 24, 2026 Order acknowledged the timing issue, but stated: "Notwithstanding the timelines of the Motion, after consideration of the record... the Defendant Motion to Alter, Amend, and/or Reconsider is heard and is respectfully Denied."

The same Order further stated that Appellant's arguments concerned "the merits of the case which were specifically not addressed by the Court" and repeated that the substitution ruling was confined to "the narrow grounds germane to the issue of substitution."

Appellant does not contend that consideration of the Rule 59(e) motion necessarily resolves every appellate-tolling question. She submits, however, that the June 24 disposition is a distinct procedural event and that its effect should be analyzed separately from the January/February sanctions timeline and from the May 28 deficiency issue.

V. APPELLANT PROMPTLY PRESENTED THE JUNE 24 DISPOSITION TO THIS COURT

After the June 24 disposition, Appellant prepared a Second Amended Notice of Appeal under Rule 240, SCACR, adding the June 24 order as a new order in the pending appeal.

The July 1, 2026 filing identifies the new June 24 disposition, explains why it did not exist when the June 2 amended notice was filed, addresses timeliness, and contains proof of service. USPS tracking reflects delivery to the Court of Appeals on July 6, 2026.

Appellant respectfully submits that this later filing should be evaluated as a separate post-disposition event rather than as proof that the earlier June 2 cure of the May 28 deficiencies was untimely.

VI. THE SEPTEMBER 8 DISMISSAL DOES NOT IDENTIFY WHICH DISTINCT GROUND CONTROLLED DISMISSAL OF THE ENTIRE APPEAL

The September 8 Order states that Respondent asserted an incorrectly formatted Notice of Appeal, an untimely motion to amend, untimely appeals from certain orders, and interlocutory status. The Order then grants dismissal without identifying which particular order was untimely, which amendment was considered untimely, or whether dismissal rested upon interlocutory appealability.

Those distinctions matter because each asserted ground concerns a different procedural event and carries a different consequence. A timeliness defect as to the January/February sanctions orders is not the same question as compliance with the May 28 deficiency letter. And interlocutory status of the March 27 or June 24 orders would not adjudicate the underlying foreclosure merits.

Appellant therefore respectfully requests rehearing so that the Court may reconsider the dismissal in light of its own June 2 record and distinguish the separate procedural timelines.

VII. ALTERNATIVELY, ANY DISMISSAL BASED UPON INTERLOCUTORY STATUS SHOULD BE WITHOUT PREJUDICE TO LATER APPELLATE REVIEW

Respondent argued that the March 27 substitution order and the June 24 reconsideration disposition are interlocutory because the foreclosure action remains pending.

Appellant continues to maintain that the March 27 substitution order determined a substantial transfer-of-interest issue by allowing Selene Finance LP to proceed as substituted

plaintiff. Alternatively, if this Court determines that the March 27 and June 24 orders are not presently appealable, Appellant respectfully requests clarification that dismissal on that ground is without prejudice to later appellate review of properly preserved interlocutory rulings following an appealable final judgment.

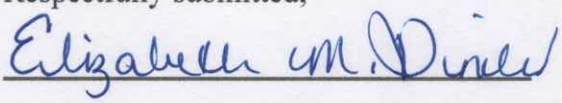
The June 24 circuit-court order expressly states that the broader foreclosure merits were specifically not addressed. Dismissal of the present appeal therefore should not be construed as an appellate adjudication of Colonial's Article 3 enforcement status, the Note and Mortgage transfer history, Rule 17 issues, Rule 19 issues, or other underlying merits.

RELIEF REQUESTED

1. Grant rehearing of the September 8, 2026 Order;
2. Vacate the dismissal of the appeal in its entirety and reconsider Respondent's Motion to Dismiss separately as to each order and each asserted procedural ground;
3. Recognize that the Court's own June 2, 2026 record reflects timely submission of a Rule 240 Motion to Amend and a Form 1 Amended Notice in response to the May 28 deficiency letter;
4. Recognize that any timeliness defect associated with appellate review of the January 30 or February 17 sanctions orders does not, standing alone, establish untimeliness of appellate review arising from the March 27 substitution order and June 24 disposition;
5. Consider the record documenting Appellant's April 1, 2026 attempted Rule 59(e) filing, the April 1, 2026 USPS receipt, the April 2, 2026 Clerk file-stamped Notice of Attempted Filing and Service and return receipt, the April 10, 2026 receipt of Appellant's mandamus petition by the South Carolina Supreme Court, and the Clerk's refusal to docket the Rule 59(e) motion because of the prior bond restriction;

6. Consider the June 24, 2026 disposition as a distinct procedural event and Appellant's prompt July 1 filing addressing that disposition;
7. Alternatively, if the Court determines that the March 27 and June 24 orders are interlocutory and not presently appealable, clarify that dismissal is without prejudice to later appellate review after final judgment of properly preserved interlocutory rulings and that no underlying foreclosure merits have been adjudicated by the dismissal; and
8. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,



Elizabeth M. Dimler, Appellant, sui juris

8129 Shadow Oak Drive

North Charleston, South Carolina 29406

Telephone: (843) 813-6698

Email: elizabeth5397@att.net

Date: September 8, 2026

EXHIBIT INDEX

The attached Exhibits A-G total 23 pages.

Exhibit	Description	Pages
A	September 8, 2026 Court of Appeals Order dismissing appeal	1 page
B	May 28, 2026 Court of Appeals deficiency letter	1 page
C	June 2, 2026 Rule 240 Motion to Amend / Amended Notice filing and Court acknowledgment	5 pages
D	Notice of Attempted Filing and Service concerning Rule 59(e)	2 pages
E	May 7, 2026 Form 4 Order of Judge T.J. Rode	3 pages
F	June 24, 2026 Form 4 Order of Judge Dale E. Van Slambrook	3 pages
G	July 1, 2026 Second Amended Notice of Appeal - procedural pages, service, and delivery proof	8 pages

The South Carolina Court of Appeals

Colonial Savings, F.A., Respondent,

v.

Elizabeth M. Dimler and Oak Bluff Homeowners Association, Inc., Defendants,

of which Elizabeth M. Dimler is the Appellant.

Appellate Case No. 2026-001122

ORDER

On July 16, 2026, Respondent filed a motion to dismiss this appeal arguing the notice of appeal was not correctly formatted nor was a motion to amend the notice of appeal timely filed as required by this court's deficiency letters and that the orders on appeal were untimely appealed or interlocutory. After careful consideration, we grant the motion to dismiss. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.[1]

_____ J.
FOR THE COURT

Columbia, South Carolina

cc:
Elizabeth M. Dimler
Heidi B. Carey, Esquire
T Lowndes Pope, Esquire
M. McMullen Taylor, Esquire

FILED
Sep 08 2026

[1] In light of our decision to dismiss this appeal, we take no action on Appellant's pending motions.

Exhibit B

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

May 28, 2026

Elizabeth M. Dimler
8129 Shadow Oak Drive
North Charleston SC 29406

Re: Colonial Savings, F.A. v. Elizabeth M. Dimler
Appellate Case No. 2026-001122

Dear Ms. Dimler:

Upon reviewing your amended notice of appeal, filed on May 18, 2026, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and each deficiency must be corrected within ten (10) days of the date of this letter or the Court will not consider the May 18, 2026 filing:

- You must serve and file a motion to amend your notice of appeal pursuant to Rule 240, SCACR.
- The argument provided with your notice of appeal cannot be considered at this time. You must serve and file a notice of appeal substantially in the format shown by Form 1 in Appendix C to part II of the SCACR.

Very truly yours,

Jasmine D. Smith, Deputy
CLERK

cc: Heidi B. Carey, Esquire
T Lowndes Pope, Esquire
M. McMullen Taylor, Esquire

Received 5/30/2026

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Colonial Savings, F.A. (now Selene Finance, LP by substitution),
Plaintiff/Respondent,
v.
Elizabeth Marie Dimler,
Defendant/Appellant,
and
Oak Bluff Homeowners Association, Inc.,
Co-Defendant.

Appellate Case No.: 2026-001122
Lower Court Case No.: 2025-CP-10-03716
Court of Common Pleas, Charleston County, Ninth Judicial Circuit

DEFENDANT/APPELLANT'S AMENDED NOTICE OF APPEAL
(SCACR Form 1, Appendix C, Part II)

1. ORDER BEING APPEALED — NO. 1

The Order of the Honorable T.J. Rode, Court of Common Pleas, Charleston County, entered January 30, 2026, denying Defendant's motions and imposing filing restrictions. A true and correct copy is attached as **Exhibit A**.

Appellant received written notice of entry of this Order on **February 25, 2026**, via first-class mail from the Charleston County Clerk of Court pursuant to Rule 77(d), SCRCP.

2. ORDER BEING APPEALED — NO. 2

The Order of the Honorable Dale E. Van Slambrook, Court of Common Pleas, Charleston County, entered March 27, 2026, granting Plaintiff's Motion to Substitute Selene Finance, LP as party plaintiff. A true and correct copy is attached as **Exhibit B**.

Appellant received written notice of entry of this Order on or about **April 1, 2026**, via first-class mail from the Charleston County Clerk of Court pursuant to Rule 77(d), SCRCP.

3. ORDER BEING APPEALED — NO. 3

The Order of the Honorable T.J. Rode, Court of Common Pleas, Charleston County, entered May 6, 2026, directing the Clerk to file Appellant's Rule 59(e) Motion with a deemed effective date of April 11, 2026. A true and correct copy is attached as **Exhibit C**.

Appellant received written notice of entry of this Order on **May 7, 2026**, via the court's electronic filing notification system.

4. ISSUES ON APPEAL

Issue 1. Whether the trial court erred in ruling on motions not calendared on the hearing roster for January 7, 2026.

Issue 2. Whether the trial court erred in imposing a permanent filing restriction requiring a $500 bond or attorney review as a condition precedent to filing.

Issue 3. Whether the trial court erred in imposing sanctions without adequate findings regarding Appellant's good faith.

Issue 4. Whether the filing restriction was unconstitutionally applied to bar Appellant's Rule 59(e) Motion directed to a subsequent order by a different judge on a different issue.

Issue 5. Whether Rule 11 sanctions were proper where the motions raised legitimate legal issues regarding standing, holder status, and assignment validity not yet resolved on the merits.

Issue 6. Whether the trial court erred in granting substitution without first ruling on whether the original plaintiff established standing at inception as of July 1, 2025.

Issue 7. Whether the trial court erred in granting substitution where the record did not establish that Colonial Savings, F.A. held a legally enforceable interest in the Note and Mortgage as of the filing date.

Issue 8. Whether the trial court erred in granting substitution based upon an assignment executed by an entity whose name does not match the named Plaintiff and does not appear in South Carolina Secretary of State records.

Issue 9. Whether the trial court erred in granting substitution where the assignment was dated after Colonial Savings, F.A.'s own records reflected the account as transferred or closed.

Issue 10. Whether the trial court erred in granting substitution without requiring compliance with South Carolina Rules of Evidence 901, 803(6), and 602 as to the documents relied upon.

Issue 11. Whether the trial court erred in granting substitution where pre-filing correspondence established that Colonial Savings held only servicing rights and Freddie Mac was the owner, precluding Colonial Savings from qualifying as Lender with foreclosure authority.

Issue 12. Whether Rule 25(c), SCRCP, can supply standing at inception that did not exist when the action was filed, or cure a jurisdictional defect in the original plaintiff's standing.

5. PARTIES AND COUNSEL OF RECORD

Appellant: Elizabeth Marie Dimler, Defendant below, appearing sui juris
8129 Shadow Oak Drive, North Charleston, South Carolina 29406
Telephone: (843) 813-6698 | Email: elizabeth5397@att.net

Respondent/Counsel: Selene Finance, LP (substituted Plaintiff below)
M. McMullen Taylor, Esquire | Heidi B. Carey, Esquire | T. Lowndes Pope, Esquire
Riley Pope & Laney, LLC | 2838 Devine Street, Columbia, SC 29205

Co-Defendant/Counsel: Oak Bluff Homeowners Association, Inc.
Derek Dean Farrell, Esquire | 147 Wappoo Drive, Charleston, South Carolina 29412

Respectfully submitted,

Elizabeth Marie Dimler

Elizabeth Marie Dimler, Sui Juris
8129 Shadow Oak Drive
North Charleston, South Carolina 29406
Telephone: (843) 813-6698
Email: elizabeth5397@att.net
Date: **June 2, 2026**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Amended Notice of Appeal was served upon the following parties on June 2, 2026, by United States Certified Mail, return receipt requested:

M. McMullen Taylor, Esquire / Heidi B. Carey, Esquire / T. Lowndes Pope, Esquire
Riley Pope & Laney, LLC | 2838 Devine Street, Columbia, SC 29205
Certified Mail Tracking No.: **9589 0710 5270 3733 0696 17**

Derek Dean Farrell, Esquire
147 Wappoo Drive, Charleston, South Carolina 29412
Certified Mail Tracking No.: **9589 0710 5270 3733 0695 94**

Elizabeth Marie Dimler

Elizabeth Marie Dimler, Sui Juris
Date: June 2, 2026

RE: Motion to Amend Notice of Appeal and Amended Notice of Appeal — Colonial Savings, F.A. v. Elizabeth M. Dimler — Appellate Case No. 2026-001122 — Rule 240, SCACR

From: Court Of Appeals Filings (ctappfilings@sccourts.org)

To: elizabeth5397@att.net; ctappfilings@sccourts.org

Date: Tuesday, June 2, 2026 at 04:03 PM EDT

The Court has received your filing. A stamped copy is attached for your records.

Thank you!

From: elizabeth dimler <elizabeth5397@att.net>
Sent: Tuesday, June 2, 2026 3:29 PM
To: Court Of Appeals Filings <ctappfilings@sccourts.org>
Subject: Motion to Amend Notice of Appeal and Amended Notice of Appeal — Colonial Savings, F.A. v. Elizabeth M. Dimler — Appellate Case No. 2026-001122 — Rule 240, SCACR

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Dear Clerk of Court:

Please find attached the following documents filed in response to the Court's deficiency letter dated May 28, 2026, in the above-referenced matter:

1. Defendant/Appellant's Motion to Amend Notice of Appeal pursuant to Rule 240, SCACR

2. Defendant/Appellant's Amended Notice of Appeal (SCACR Form 1, Appendix C, Part II)

   — Exhibit A: Order of the Honorable T.J. Rode, January 30, 2026

   — Exhibit B: Order of the Honorable Dale E. Van Slambrook, March 27, 2026

   — Exhibit C: Order of the Honorable T.J. Rode, May 6, 2026

These documents are submitted to cure the deficiencies identified in the Court's deficiency letter dated May 28, 2026, received by Appellant on May 30, 2026, within the ten (10) day deadline. Certified mail receipts reflecting service on opposing counsel are attached showing service date of June 2, 2026.

Appellant is appearing sui juris. If there is any deficiency with this submission or if additional information is required, please contact me at the information below.

Respectfully submitted,

Elizabeth Marie Dimler, Sui Juris

8129 Shadow Oak Drive

North Charleston, South Carolina 29406

Telephone: (843) 813-6698

Email: elizabeth5397@att.net

Date: June 2, 2026

Electronic Signature:

/s/ Elizabeth M. Dimler
Date: June 2, 2026

CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

Colonial Savings v. Dimler - Amended NOA.pdf
1 MB

Colonial Savings v. Dimler - OR.pdf
277.5 kB

Colonial Savings v. Dimler - OR (2).pdf
275.1 kB

Colonial Savings v. Dimler - OR (3).pdf
277.2 kB

Exhibit D

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

FILED
2026 APR -2 AM 10: 22
JULIE J. ARMSTRONG
CLERK OF COURT
BY

Colonial Savings, F.A., Plaintiff

v.

Elizabeth Marie Dimler, Defendant,

and Oak Bluff Homeowners Association, Inc., Co-Defendant

Case No.: 2025-CP-10-03716

NOTICE OF ATTEMPTED FILING AND SERVICE
(Rule 59(e) Motion and Related Filings)

COMES NOW the Defendant, Elizabeth Marie Dimler, and provides notice to the Court of the following:

I. ATTEMPTED FILING

1. On **March 31, 2026**, Defendant attempted to file the following documents with the Charleston County Clerk of Court:

a. Defendant's Rule 59(e) Motion to Alter or Amend;

b. Defendant's Motion to Waive $500 Bond Requirement;

c. Affidavit of Inability to Pay (SCCA405);

d. Attachment A — Preservation of Error Summary;

e. Exhibits A–C.

2. The filing was accompanied by a Motion to Waive Bond Requirement and an Affidavit of Inability to Pay.

3. Defendant was informed that the filing would not be accepted without payment of the $500 bond required by prior Order of the Court.

4. Defendant requested that the filing be submitted to the Court for determination in light of the Affidavit of Inability to Pay.

5. The filing was not accepted for docketing at that time.

II. TIMELY SERVICE AND MAILING

6. On **March 31, 2026**, Defendant timely served a true and correct copy of the Rule 59(e) Motion and all attachments upon counsel of record via United States Certified Mail, return receipt requested.

7. On **March 31, 2026**, Defendant mailed a complete copy of the Rule 59(e) Motion and all accompanying documents to the Clerk of Court via United States Certified Mail for delivery and submission to the Court.

8. The mailing was made within the time period required under Rule 59(e), SCRCP.

III. PURPOSE OF NOTICE

9. This Notice is submitted to:

a. Document Defendant's timely attempt to file the Rule 59(e) Motion;

b. Demonstrate compliance with the procedural requirements of Rule 59(e), SCRCP;

c. Establish that any inability to obtain a file-stamped copy was due to the application of the bond requirement, not lack of diligence by Defendant; and

d. Preserve all issues raised in the Rule 59(e) Motion for appellate review.

IV. RESERVATION OF RIGHTS

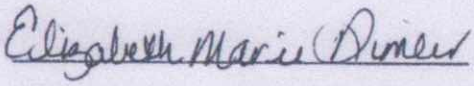
10. Defendant expressly reserves all rights, including but not limited to:

a. The right to seek appellate review of the Court's **March 27, 2026,** Order.

b. The right to assert that the bond requirement, as applied, impaired Defendant's ability to obtain a ruling on issues necessary for preservation; and

c. All objections previously raised and incorporated in the Rule 59(e) Motion.

Respectfully submitted,



Elizabeth Marie Dimler, Defendant, Sui Juris

8129 Shadow Oak Drive

North Charleston, South Carolina 29406

Telephone: (843) 813-6698

Exhibit E

ELECTRONICALLY FILED - 2026 May 07 12:23 PM - CHARLESTON - COMMON PLEAS - CASE#2025CP1003716

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2025CP1003716

Colonial Savings Fa et al
PLAINTIFF(S)

Elizabeth M Dimler et al
DEFENDANT(S)

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.

☐ **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:

See below

ORDER INFORMATION

This order ☐ ends ☑ does not end the case. ☑ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 05/06/2026 .

Elizabeth M Dimler for Elizabeth M Dimler
Elizabeth M Dimler for Elizabeth M Dimler

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: 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 judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

On January 30, 2026, the below-signed issued an order which among other things found Defendant Dimler has filed repeated frivolous motions and as sanctions ordered that no further filings would be accepted from Defendant Dimler without a bond or signature of licensed attorney. Subsequently, on March 27, 2026, the Hon. Judge Vanslambrook issued an order granting Plaintiff's Motion to Substitute a Party. It appears that the Defendant attempted to file a motion pursuant to Rule 59(e), regarding Judge Vanslambrook's order, but that pursuant to the January 30, Order the Clerk of Court properly declined to accept any filings without the bond required by that Order. The below-signed is in receipt of correspondence sent by Defendant Dimler in this matter. This correspondence was accompanied by many pages of exhibits, and by the face of the correspondence these exhibits purport to include the following: (1) Defendant's Motion pursuant to Rule 59(e), SCRCP, concerning an order issued by the Hon. Judge Vanslambrook on March 27, 2026; (2) Emergency Motion to Clarify Bond Order which bears a file stamp date of filed April 3, 2026; (3) Protective Notice of Appeal Filed April 9, 2026, and (4) Petition for Writ of Mandamus Filed with the Supreme Court of South Carolina seeking to order the Clerk to Accept Defendant's Rule 59 motion.

To the extent Defendant's correspondence seeking to clarify the bond order concerns the Order entered on January 30, 2026, by the below-signed, the Court has delivered to the Clerk of Court the correspondence with all enclosed exhibits/materials, received from Defendant; and the Court hereby directs the Clerk of Court to file the same in the record of this case as a Rule 59 motion—without assessing any filing fee—and with said filing to be deemed effective as of the post-mark date of April 11, 2026. Except as explained herein, the January 30, 2026, Order remains in full force and effect. This Order makes no finding that the aforementioned Rule 59 motion is timely, proper, or otherwise has any merit, which shall be left to be determined by the appropriate circuit court judge who issued the order to which the motion is directed.
END OF ORDER

ELECTRONICALLY FILED - 2026 May 07 12:23 PM - CHARLESTON - COMMON PLEAS - CASE#2025CP1003716

ELECTRONICALLY FILED - 2026 May 07 12:23 PM - CHARLESTON - COMMON PLEAS - CASE#2025CP1003716

Charleston Common Pleas

Case Caption: Colonial Savings Fa VS Elizabeth M Dimler , defendant, et al

Case Number: 2025CP1003716

Type: Order/Electronic Form 4

So Ordered

s/ T.J. Rode (#2792)

Exhibit F

ELECTRONICALLY FILED - 2026 Jun 24 9:47 AM - CHARLESTON - COMMON PLEAS - CASE#2025CP1003716

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2025CP1003716

Colonial Savings Fa et al
PLAINTIFF(S)

Elizabeth M Dimler et al
DEFENDANT(S)

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.

☐ **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:

This matter came before the Court on the Defendant Dimler Motion to Alter, Amend, and/or Reconsider, filed on May 18, 2026. The Defendant asks the Court to Reconsider its Order, filed on March 27, 2026. The Court received a copy of the Motion for Reconsideration from Defendant twenty one (21) after the entry of its Order. The Amendment to SCRCP 59(e), effective April 30, 2026, extending the time for filing a motion to amend from ten days to twenty days, was not in effect when the Order was entered.
-CONTINUED -

ORDER INFORMATION

This order ☐ ends ☑ does not end the case.

☑ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/23/2026 .

Elizabeth M Dimler for Elizabeth M Dimler
Elizabeth M Dimler for Elizabeth M Dimler

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: 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 judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

Notwithstanding the timelines of the Motion, after consideration of the record, as well as the various interests balanced by the Court at the time of the ruling, the Defendant Motion to Alter, Amend, and/or Reconsider is heard and is respectfully Denied. This motion is disposed of without the necessity of a hearing and decided on the record and briefs.

"The purpose of Rule 59(e), SCRCP, to alter or amend the judgment is to request the trial judge to reconsider matters properly encompassed in a decision on the merits." Arnold v. State, 309 S.C. 157, 172,420 S.E.2d 834,842 (1992). "A party may wish to file such a motion when she believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it. A party must file such a motion when an issue or argument has been raised but not ruled on, in order to preserve it for appellate review." Elam v. South Carolina Dept. of Transp., 361 S.C. 9,24, 602 S.E.2d 772, 780 (2004)(emphasis in original). "A party cannot use a motion to reconsider to present an issue he could have raised prior to judgment but did not." Anderson Memorial Hosp., Inc., v. Hagen, 313 S.C. 389, 434S.E.2d 268 (1993; See also Arnold v. State, 309 S.C. 157, 172-173, 420 S.E.2d 834,842 (1992).

Defendant has not articulated any basis for the reconsideration of the Order. The issue before the Court was strictly limited to the amendment to substitute party plaintiff. The arguments set forth in the motion to reconsider have bearing on the merits of the case which were specifically not addressed by the Court. The Order unequivocally stated - "Nothing in this ruling shall be construed as the Court speaking outside the narrow grounds germane to the issue of substitution. . ."

Defendant Motion to Reconsider is DENIED.

AND IT IS SO ORDERED.

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Charleston Common Pleas

Case Caption: Colonial Savings Fa VS Elizabeth M Dimler , defendant, et al

Case Number: 2025CP1003716

Type: Order/Electronic Form 4

And It Is So Ordered!

s/Dale E. Van Slambrook S.C. Circuit Court Judge #2781

Exhibit G

STATE OF SOUTH CAROLINA

COURT OF APPEALS

Appellate Case No. 2026-001122

Trial Court Case No. 2025-CP-10-03716

Charleston County Court of Common Pleas

Ninth Judicial Circuit

COLONIAL SAVINGS, F.A.,

Plaintiff-Respondent,

vs.

ELIZABETH M. DIMLER,

Charleston, South Carolina 29406,

Defendant-Appellant,

and

OAK BLUFF HOMEOWNERS ASSOCIATION, INC.,

Co-Defendant.

FILED
2026 JUL -6 AM 11:04
JULIE J. ARMSTRONG
CLERK OF COURT
BY

SECOND AMENDED NOTICE OF APPEAL

Rule 240, SCACR

STATE OF SOUTH CAROLINA

COURT OF APPEALS

Appellate Case No. 2026-001122

Trial Court Case No. 2025-CP-10-03716

Charleston County Court of Common Pleas

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COLONIAL SAVINGS, F.A.,

Plaintiff-Respondent,

vs.

ELIZABETH M. DIMLER,

Charleston, South Carolina 29406,

Defendant-Appellant,

and

OAK BLUFF HOMEOWNERS ASSOCIATION, INC.,

Co-Defendant.

SECOND AMENDED NOTICE OF APPEAL

Rule 240, SCACR

PLEASE TAKE NOTICE that Defendant-Appellant Elizabeth M. Dimler, appearing sui juris, hereby files this Second Amended Notice of Appeal pursuant to Rule 240, SCACR, to amend the Amended Notice of Appeal previously filed on June 2, 2026 in the above-captioned appellate proceeding, Appellate Case No. 2026-001122, to add a fourth order entered by the Charleston County Court of Common Pleas.

I. ORDERS BEING APPEALED

Defendant-Appellant appeals from the following four orders of the Charleston County Court of Common Pleas, Ninth Judicial Circuit, the Honorable Dale E. Van Slambrook, presiding, all of which are incorporated herein by reference:

Order 1: Order Denying Defendant Dimler's Motions to Dismiss and Granting Plaintiff's Motion for Sanctions, entered February 17, 2026, signed by the Honorable T.J. Rode (the "February 17 Order").

Order 2: Order Granting Plaintiff's Motion to Substitute Party Plaintiff, entered March 27, 2026, signed by the Honorable Dale E. Van Slambrook (the "March 27 Order").

Order 3: Order Granting Defendant's Emergency Motion to Deem Rule 59(e) Motion Timely and to Waive Bond Requirement, entered May 7, 2026, signed by the Honorable T.J. Rode (the "May 7 Order").

Order 4 (NEW): Order Denying Defendant's Motion to Alter, Amend, and/or Reconsider, electronically signed June 23, 2026 at 7:11 PM by the Honorable Dale E. Van Slambrook, electronically filed June 24, 2026 at 9:47 AM, Case No. 2025-CP-10-03716 (the "June 23 Order"). This order denied Defendant's Rule 59(e), SCRCP Motion to Alter, Amend, and/or Reconsider filed May 18, 2026, directed to the March 27 Order.

II. BASIS FOR AMENDMENT

Rule 240, SCACR authorizes a party to amend a previously filed Notice of Appeal. The June 23 Order is a new final order, entered after the Amended Notice of Appeal was filed on June 2, 2026, that disposes of Defendant-Appellant's pending Rule 59(e) motion directed to the March 27 Order. Amendment is necessary to add this fourth order to the pending appeal and to ensure all orders arising from the March 27 substitution ruling are before this Court in a single proceeding.

The June 23 Order is directly related to the orders already pending before this Court. The trial court's statement in the June 23 Order that the arguments in the motion to reconsider "have bearing on the merits of the case which were specifically not addressed by the Court" confirms that no court has yet ruled on the substantive defects in the chain of title, the validity of the Assignment of Mortgage recorded at Book 1273, Page 317, or the standing-at-inception arguments raised by Defendant-Appellant. Those issues are preserved for appellate review.

III. TIMELINESS

The June 23 Order was served on Defendant-Appellant by first-class mail on June 24, 2026, as confirmed by the Notice of Electronic Filing reflecting that Elizabeth M. Dimler, as a non-EFS party, "must be served by traditional means." Under Rule 203(b)(1), SCACR, Defendant-Appellant has thirty (30) days from the date of service to file a Notice of Appeal of this order. This Second Amended Notice of Appeal is timely filed within that period.

IV. PRIOR APPEAL HISTORY IN THIS PROCEEDING

The original Protective Notice of Appeal was filed April 9, 2026. The Court of Appeals issued deficiency letters which Defendant-Appellant timely addressed. The Amended Notice of Appeal was filed June 2, 2026, before the June 7, 2026 deadline established by the Court, incorporating three orders as set forth in Section I, Orders 1 through 3 above. This Second Amended Notice of Appeal adds a fourth order as set forth in Section I, Order 4.

V. ISSUES PRESERVED FOR APPEAL

Defendant-Appellant preserves all issues raised in the prior Notice of Appeal and Amended Notice of Appeal, including but not limited to: (1) the validity of the substitution of Selene Finance, LP as plaintiff under Rule 25(c), SCRCP, which requires a valid transfer of interest as a predicate — the threshold question of whether any valid transfer of interest occurred is inseparable from the question of whether the Assignment of Mortgage recorded at Book 1273, Page 317 is void, which the trial court has expressly left unaddressed; (2) Colonial Savings, F.A.'s standing at the inception of the action filed July 1, 2025, under Rule 17(a), SCRCP, S.C. Code Ann. § 36-3-

I hereby certify that on the date indicated below, I served a true and correct copy of the foregoing Second Amended Notice of Appeal upon the following parties by United States Mail, first-class postage prepaid, and/or by electronic mail:

M. McMullen Taylor, Esq. T. Lowndes Pope, Esq. Heidi B. Carey, Esq. Riley Pope & Laney, LLC 2838 Devine Street Columbia, South Carolina 29205 Counsel for Plaintiff-Respondent Colonial Savings, F.A. / Selene Finance, LP Via U.S. Certified Mail, Tracking No. 9589 0710 5270 3733 0696 62

Derek Farrell Dean, Esq. Counsel for Oak Bluff Homeowners Association, Inc. 147 Wappoo Creek Drive Charleston, South Carolina 29412 Via U.S. Certified Mail, Tracking No. 9589 0710 5270 3733 0696 55

Charleston County Court of Common Pleas Clerk of Court 100 Broad Street Charleston, South Carolina 29401 Via U.S. Certified Mail, Tracking No. 9589 0710 5270 3733 0696 24

South Carolina Court of Appeals Clerk of Court 1220 Senate Street Columbia, South Carolina 29201 Via U.S. Certified Mail, Tracking No. 9589 0710 5270 3733 0696 31

Elizabeth Marie Dimler

Elizabeth Marie Dimler

Date: July 1, 2026

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Appellant's Petition for Rehearing Pursuant to Rule 221, SCACR, together with Exhibits A-G, was served upon counsel for Respondent and counsel for Oak Bluff Homeowners Association, Inc., on the date indicated below by United States Certified Mail, Return Receipt Requested.

RECEIVED
Sep 08 2026
SC Court of Appeals

M. McMullen Taylor, Esquire

Heidi B. Carey, Esquire

T. Lowndes Pope, Esquire

Riley Pope & Laney, LLC

2838 Devine Street

Columbia, South Carolina 29205

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Counsel for Oak Bluff Homeowners Association, Inc.

Certified Mail Tracking No.: 9589 0710 5270 3361 4945 08

Elizabeth M. Dimler, Appellant, sui juris

Date: September 9, 2026