



The South Carolina Court of Appeals

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V. CLAIRE ALLEN
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May 07, 2020

The Honorable Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: Seabrook Island v. Charles Kelley
Lower Court Case No. 2016CP1006750
Appellate Case No. 2018-000260

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen

CLERK

cc: Jonathan Scott Altman, Esquire
Kristen Nicole Nichols, Esquire
Hal Eugene Cobb, Esquire
Stephanie Carol Trotter, Esquire
Louise Myers Johnson, Esquire
R. Hawthorne Barrett, Esquire

Enclosure

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Seabrook Island Property Owners Association,
Respondent,

v.

Charles Kelley a/k/a Charles E. Kelley; Deborah Kelley
a/k/a Deborah L. Kelley; Mortgage Electronic
Registration Systems, Inc., its successors and assigns, as
nominee for Chase Mortgage Company, its successors
and assigns, a Delaware Corporation; and Spinnaker
Beach House Owners Association, Defendants,

Of whom Charles Kelley a/k/a Charles E. Kelley and
Deborah Kelley a/k/a Deborah L. Kelley are the
Appellants,

And of which Mortgage Electronic Registration Systems,
Inc., its successors and assigns, as nominee for Chase
Mortgage Company, its successors and assigns, a
Delaware Corporation; and Spinnaker Beach House
Owners Association are also Respondents.

Appellate Case No. 2018-000260

Appeal From Charleston County
Mikell R. Scarborough, Master-in-Equity

Unpublished Opinion No. 2020-UP-075
Submitted January 1, 2020 – Filed March 18, 2020

AFFIRMED

Jonathan Scott Altman, of Derfner & Altman, LLC, of Charleston, for Appellants.

R. Hawthorne Barrett, of Turner Padget Graham & Laney, PA, of Columbia, and Kristen Nicole Nichols, of Turner Padget Graham & Laney, PA, of Charleston, both for Respondent Seabrook Island Property Owners Association.

Stephanie Carol Trotter, of McCabe, Trotter & Beverly, P.C., of Columbia, for Respondent Spinnaker Beach House Owners Association.

Hal Eugene Cobb, of Cobb, Dill & Hammett, LLC, of Mt. Pleasant, for Respondent 749 Spinnaker, LLC.

Louise Myers Johnson, of Scott and Corley, P.A., of Columbia, for Respondent Mortgage Electronic Registration Systems, Inc.

PER CURIAM: Charles and Deborah Kelley appeal the master-in-equity's denial of their motion to set aside the entry of default and vacate the judgment of foreclosure sale and master's deed, arguing the master erred by finding (1) it was undisputed they were properly served with the complaint and (2) the omission of the complaint from two affidavits of the process server was not a scrivener's error. Because the amended service affidavits include the complaint in the list of documents served on the Kelleys, we affirm pursuant to Rule 220(b), SCACR, and the following authorities: *BB&T v. Taylor*, 369 S.C. 548, 551, 633 S.E.2d 501, 502 (2006) ("Whether to grant or deny a motion under Rule 60(b)[, SCRCPP] lies within the sound discretion of the [Master]."); *id.* at 551, 633 S.E.2d at 502-03 ("[An appellate court's] standard of review, therefore, is limited to determining whether there was an abuse of discretion."); *id.* ("An abuse of discretion arises where the [Master] issuing the order was controlled by an error of law or where the order is based on factual conclusions that are without evidentiary support.").

AFFIRMED.¹

HUFF, WILLIAMS, and MCDONALD, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.