

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable George M. McFaddin, Jr.
Circuit Court Judge

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Jul 07 2023

SC Court of Appeals

Appellate Case No. 2023-001043

Megan Scott,

Appellant

v.

Estate of Jonathan Bruner,

Respondent.

REPLY TO RESPONDENT’S RETURN TO PETITION FOR SUPERSEDEAS

Pursuant to Rule 241(c), SCACR, Appellant Megan Scott hereby respectfully submits this brief Reply to Respondents Return. Contrary to Respondent’s contention, Appellant has a legitimate claim to ownership of the subject property. “A person who signs a contract or other written document cannot avoid the effect of the document by claiming he did not read it.” *Regions Bank v. Schmauch*, 582 S.E.2d 432, 354 S.C. 648 (Ct. App. 2003), citing *Sims v. Tyler*, 276 S.C. 640, 643, 281 S.E.2d 229, 230 (1981). A person signing a document is responsible for reading the document and making sure of its contents. *Id.*

Here, the Decedent *signed* a document, wherein he *expressly identified Ms. Scott as the co-owner of the dog*. (Exhibit #6 to Magistrate’s Return, New Client Form, attached hereto as Exhibit A). Respondent has contended throughout this litigation that “there is no way to truly determine

Decedent's intentions." This assertion is completely undermined by Decedent's own hand-written entries on the subject form. The form specifically asks: "Please list the individuals whom you authorize to make medical decisions for your pet." The Decedent then—in his own handwriting—wrote: "Ownersg" [Plural, Emphasis Added]. Megan Scott is expressly identified as the dog's *co-owner* on the form. This Court need not speculate as to what Decedent's intentions were, because they are expressly stated in his own handwriting in a document that he signed and filed with the dog's veterinary clinic.

Additionally, the New Client Form is competent evidence, which was properly admitted at trial. Respondent's return wrongly intimates that the New Client Form, properly admitted as evidence by the Magistrate Court, is not competent evidence. This is also incorrect. As the Magistrate Court properly determined at trial, the form is admissible under Rules 804(a)(4) and 804(b)(3) of the South Carolina Rules of Evidence. Rule 804, SCRE addresses hearsay exceptions where the declarant is unavailable. Rule 804(a)(4) states, "'Unavailability as a witness' includes situations where the declarant is unable to be present to testify at the hearing because of death or then existing physical or mental illness or infirmity." Clearly, Decedent could not be present at trial because of his untimely death. Rule 804(b)(3) sets forth the applicable exception to the Hearsay Rule, stating that a statement which is at the time of its making contrary to the declarant's pecuniary *or proprietary* interest, that a reasonable person in declarant's position would not have made unless believing the statement to be true, is not excluded by the hearsay rule if the declarant is unavailable as a witness:

Hearsay Exceptions. The following are not excluded by the hearsay rule if the declarant is unavailable as a witness. (4)
Statement Against Interest. A statement which was at the

time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject the declarant to civil or criminal liability, or to render invalid a claim by the declarant against another, that a reasonable person in the declarant's position would not have made the statement unless believing it to be true.

Rule 804(b)(3). [Emphasis added]

Accordingly, it was proper for the trial court to admit the New Client Form as evidence at trial because Decedent was unavailable because of death; because the statements were against his proprietary interest in the dog; and because a reasonable person in declarant's position would not have made the statement unless believing it to be true.

CONCLUSION

Based on the foregoing, Appellant respectfully requests that this Honorable Court grant Ms. Scott's Petition for Supersedeas, and stay the Circuit Court's *Order on Appeal from Final Order of Magistrate*, entered on June 27, 2023, while this case is on appeal. An Order of Supersedeas is necessitated to preserve jurisdiction of the appeal and to prevent a contested issue from becoming moot. Appellant further requests that this Court enter its decision on the instant Petition *ex parte* prior to Friday, July 7, 2023, the deadline set forth in the Order to avoid irreparable harm to Appellant and loss of this Court's jurisdiction over the property. Alternatively, Appellant respectfully requests that this Court issue an order staying the Circuit Court Order and holding the instant matter in abeyance until further determination by this Court.

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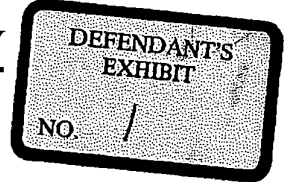
Attorneys for Appellant Megan Scott

Mount Pleasant, South Carolina

July 7, 2023

Exhibit # 6

EXHIBIT A TO REPLY



NEW CLIENT FORM

CLIENT INFORMATION

Name Jonathan Bruner Co-Owner Name Megan Scott
 Address 45 Sycamore drive Apt 477 City Charleston State SC Zip 29407
 Email Address jonl.bruner@outlook.com Owner's Phone # 702-465-9263
(We request your email for important reminders and communications from our clinic only)
 Co-Owner's Phone # 843-926-5479 Alt. Phone # _____
 Place of Employment: NWCC
 Preferred method of contact for reminders: email post
 How did you hear about us? Facebook Business review site Clinic sign Yellow Pages Doctor
 Whom may we thank for the referral? Dr. Ryan Andrews
 Please list the individuals whom you authorize to make medical decisions for your pets:
owners

Signature of Authorizing Owner(s) [Signature]

PATIENT INFORMATION	PET #1	PET #2	PET #3
Name	<u>EVIE</u>		
Breed	<u>Golden-doodle</u>		
Date of Birth or Age	<u>4/9/2022</u>		
Male or Female? Spayed or Neutered?	<u>Female / Spayed</u>		
Has your pet ever had a reaction to vaccines or medications? If yes, please note.	<u>None</u>		
Is your pet on any special diets or medications? If yes, please list.	<u>None</u>		
Has your pet had any previous surgeries or illnesses? Please explain.	<u>None</u>		
Does your pet have any behavior issues/ special concerns we should know about?	<u>pure breed good girl</u>		
Is your pet on heartworm preventative? What product?	<u>heartworm/ Plus Nexgard 3 Spectrum</u>		
Is your pet microchipped?	<u>Yes</u>		