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Mar 27 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
G.D. Morgan, Jr., Circuit Court Judge

Civil Action No. 2024-CP-23-00312

Appellate Case No. 2024-000731

Christopher Jones
Appellant,
v.

D&B Real Estate Ventures, LLC, Darius Jones, Bradley Robinson
Defendants,

Of D&B Real Estate Ventures, LLC, Darius Jones, and Bradley Robinson are the
Respondents.

**OBJECTION TO RESPONDENTS FILING
UNTIMELY REPLY, FILED OUT OF TIME**

INTRODUCTION

Pursuant to South Carolina Appellate Court Rule 240, Appellant respectfully submits this objection to the Respondents' untimely filed reply, which fails to comply with the procedural requirements set forth in the court rules.

STATEMENT OF FACTS

1. On March 13, 2025, Respondents were served with Appellant's Motion For Extension Of Time.
2. Under Rule 240, Respondents had **Five (5) days** to file their reply.
3. Respondents filed their reply on March 27, 2025, which is Nine (9) days beyond the prescribed deadline.

LEGAL ARGUMENT

I. Strict Compliance with Rule 240 is Mandatory.

The South Carolina Court of Appeals Rule 240 establishes clear and mandatory time limits for filing responsive pleadings. Failure to comply with these time constraints constitutes a procedural default that should result in the following remedies:

- A. Exclusion of Untimely Filing: The court should strike the Respondents' late reply from the record.
- B. Procedural Prejudice: The untimely filing prejudices the Appellant by:
- Disrupting the established timeline for judicial proceedings
 - Potentially introducing arguments or evidence outside the proper procedural window
 - Creating unnecessary delay in case resolution

II. Lack of Good Cause for Late Filing

Respondents have failed to demonstrate:

- Extraordinary circumstances justifying the delay
- Excusable neglect
- Any valid reason for not meeting the prescribed deadline under Rule 240

Respondents are committing the very violations they are complaining of the Appellant. Again, this Appellant is not, and has not undermined the integrity of the Court, nor is this Appellant willfully abusing any process due under the South Carolina Rules of Appellate Court Procedure.

It is important to note the following:

The Appellant and the Respondents entered into a lawful enforceable South Carolina Real Estate Purchase Contract. The Respondents represented to the Appellant that the title to the property was clear and unencumbered. The title was not and is not clear.

*Not only was the title not clear but the purchase contract was executed in a name not related to the property whatsoever. **D&B Real Estate Investments, LLC** and not the Respondents D&B Real Estate Ventures LLC. (South Carolina SOS)

The single contract in the action is one for **PURCHASE** and **NOT** for construction. Pursuant to the language in the South Carolina Statute. Under South Carolina law, if a contractor has not obtained a valid license as required by law, that contractor is prohibited from bringing an action to enforce a contract*. See S.C. Code Ann. § 40-11-370(C) (“An entity which does not have a valid license . . . may not bring an action either at law or in equity to enforce the provisions of a contract.”); S.C. Code Ann. § 40-59-30(B) (“a person or firm who first has not procured a license or registered with the commission and is required to do so by law may not file a mechanics’ lien or bring an action at law or in equity to enforce the provisions of a contract for residential building . . .”).

The repairs to the property was permitted through item #9 of the Real Estate Purchase Contract and not a contractor’s construction contract. The suit filed by Appellant was to recover under breach of the Sales contract and/or quantum meruits.

*This case does not have a construction contract provided for as subject of the suit.

Wherefore, Appellant respectfully requests that the Court:

1. Strike the Respondents' untimely reply from the record
2. Proceed with consideration of the case based solely on timely filed documents
3. Grant such other and further relief as the Court deems just and proper

March 27, 2025

Respectfully submitted,

s/Christopher Jones
Christopher Jones
309 Perry Ave
Greenville, SC 29601

Other Counsel of Record:

M. Stokely Holder
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CERTIFICATE OF SERVICE

NOW Comes the Appellant Christopher Jones, pro se, pursuant to Rule 240 SCACR stating under penalty of perjury that he has caused to be deposited or emailed to Respondents, a copy of the Appellant's Objections to Reply by email at sholder@hplplaw.com and mailed to:

M. Stokely Holder
800 East North Street
Greenville, SC 29601

March 27, 2025

Respectfully Submitted,

s/Christopher Jones
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