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Apr 15 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

Steven E. Kirven, Master in Equity

Appellate Case No. 2025-000223

Ex Parte: Christopher A. Pierce,Appellant

Foxwood Hills Property Owners Association,.....Respondent,

v.

Michael D. Jewell, Lori Marsengill, and South Carolina Department
of Motor Vehicles, Defendants,

Of which Michael D. Jewell is an Appellant

RESPONDENT’S RETURN TO MOTION TO
EXPAND THE RECORD OF APPEAL

Respondent Foxwood Hills Property Owners Association, (“Respondent”), hereby submits its Return to Appellants’ Motion to Expand the Record of Appeal pursuant to Rule 240 and Rule 210 of the South Carolina Appellate Court Rules and seeks an Order from the Court denying the Appellant’s motion.

BACKGROUND AND PROCEDURAL HISTORY

The within matter concerns an action for foreclosure filed in Oconee County regarding property located at 428 Odessa Avenue Westminster, South Carolina, further described in the Complaint, (“Property”). Respondent obtained a Master’s Order and Judgment of Foreclosure

and Sale on January 2, 2025, (“Judgment”). This appeal followed. Thereafter, Appellant, Michael D. Jewell, filed a Motion for to Expand the Record of Appeal on April 7, 2025.

LAW

The motion to expand the record should be denied as the Appellant is seeking to add matters which were not presented to the lower court in contravention of Rule 210(c), SCACR which prohibits the inclusion of any matter in the Record on Appeal that was not presented in the lower court. “The Record on appeal shall include all matter designated to be included by any party under Rule 209,” but “shall not...include matter which was not presented to the lower court or tribunal.” Rule 210(c) SCACR. Further, parties may not include any matter in his Designation of Matter that is not relevant to the appeal. *Id.*; Rule 209(b), SCACR.

ARGUMENT

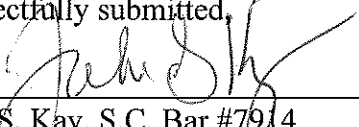
The Appellant was advised of the date, time, and place of the hearing on the Respondent’s motion for summary judgment. The Appellant and did not object to the hearing, nor did he request a continuance of the hearing. The Appellant only requested a jury trial at the final hearing and offered no testimony or exhibits at the hearing, nor did he request that the Court leave the record open for the submission of any photographs. Adding these unknown materials would offend due process. Not only were these items not presented to the trial court, but the Respondent has also not been provided with these materials and has no knowledge as to what they may or may not contain. These materials should also not be allowed as they are not relevant to the issues on appeal. Photographs of the Appellant’s property the day of the final hearing would have no bearing on the condition of his property in the year or more preceding the time the photographs were taken.

CONCLUSION

For the reasons explained herein, the Respondent requests that the Court deny the Appellant's motion to expand the record because the documents he proposes to add were not presented in the proceedings before the trial court and the documents are not relevant to the limited issues on appeal.

Dated: April 16, 2025

Respectfully submitted,



John S. Kay, S.C. Bar #7914
HUTCHENS LAW FIRM
P.O. Box 8237 (29202)
240 Stoneridge Dr., Suite 400
Columbia, SC 29210
803-726-2700

John.kay@hutchenslawfirm.com

*Attorney for Plaintiff-Respondent Foxwood Hills
Property Owners Association*

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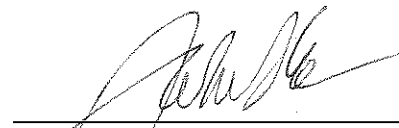
CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on April 16, 2025, I served on the person(s) below a copy of the Return to Motion to Expand the Record of Appeal of Respondent Foxwood Hills Property Owners Association by depositing same in the United States Mail with sufficient postage affixed and addressed as follows:

Mr. Michael D. Jewell
428 Odessa Avenue
Westminster, 29678
Appellant

Christopher A. Pierce
605 White Owl Lane
Seneca, S.C. 29678
Appellant

Dated: April 16, 2025



John S. Kay, S.C. Bar #7914

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P.O. Box 8237 (29202)

240 Stoneridge Dr., Suite 400

Columbia, SC 29210

803-726-2700

John.kay@hutchenslawfirm.com

*Attorney for Respondent Foxwood Hills Property
Owners Association*