

The South Carolina Court of Appeals

Ex Parte: Christopher A. Pierce, Appellant,

Foxwood Hills Property Owners Association,
Respondent,

v.

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

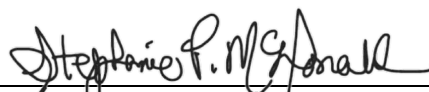
of which Michael D. Jewell is an Appellant.

Appellate Case No. 2025-000223

ORDER

Appellants filed an appeal from an order of foreclosure and sale. On February 5, 2025, Appellants filed a motion to proceed *in forma pauperis*, on April 7, 2025, Appellants renewed their motion to proceed *in forma pauperis*, and on April 22, 2025, Appellants cured the deficiency for their motion. The right to proceed *in forma pauperis* must rest upon a statute or a fundamental constitutional right. *See Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). Appellants have the burden of showing their entitlement to this relief, but they have not done so. Therefore, Appellants' motion is denied. The filing fee must be paid within fifteen days of the date of this order. Failure to provide the filing fee will result in dismissal of the appeal.

On April 7, 2025, Appellants move to "expand [the] record on appeal," to include photographs and an affidavit that were not presented to the master-in-equity. On April 15, 2025, Respondent filed a return opposing the motion. After careful consideration, we deny Appellant's motion to include the affidavit and photographs in the record on appeal because these matters were not presented to the master-in-equity. *See* Rule 210(a), SCACR (explaining the record shall not include matter that was not presented to the lower court).



FOR THE COURT

Columbia, South Carolina

FILED
May 22 2025

cc:

Michael D. Jewell

Christopher A. Pierce

John Sanford Kay, Esquire

Sarah Oliver Leonard, Esquire

Kenneth Gregory Wooten, III, Esquire