

THE STATE OF SOUTH CAROLINA  
In The Court of  
Appeals

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**RECEIVED**  
MAY 23 2025  
SC Court of Appeals

APPEAL FROM OCONEE COUNTY  
Court of Common Pleas

Steven C. Kirven, Master in  
Equity

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Appellate Case No. 2025-00223

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Ex Parte: Christopher A. Pierce, Appellant

Foxwood Hills Property Owners Association, Respondent,

v.

Michael D. Jewell, Lori Marcengill, South Carolina Department of Motor Vehicles,  
Defendant's,

of which Michael D. Jewell is an Appellant.

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RETURN TO MOTION TO DISMISS APPEAL  
FROM RESPONDENT

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Christopher A. Pierce  
605 White Owl Ln  
Seneca, SC 29678  
864-557-1258  
Self Represented

Michael D. Jewell  
428 Odessa Ave.  
Westminster, SC 29693  
864-614-2016  
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## RETURN TO RESPONDENT'S MOTION TO DISMISS APPEAL

Appellant Ex Parte Christopher A. Pierce ("Pierce") and Appellant Michael D. Jewell ("Jewell") mailed the Initial Brief on April 6, 2025 to Respondent and Appeals Court. It was filed on April 29, 2025 with South Carolina Appeals Court. Appellants cannot explain the lengthy time delay between when it was sent and when the Initial Brief was actually filed. However, with that said, the Respondent, Foxwood Hills Property Owners Association filed a Motion to Dismiss on May 7, 2025. The Motion was received by Appellants May 10, 2025.

Respondent seems to have a concern as to the Appellants introduction and Statement of the Case. The Appellants prepared the Initial Brief based on the Appellants Rules of Court. However, they used a brief from 10 years ago as a template. Unfortunately they were unaware the headings had changed. As result the introduction was less than accurate. Both Appellants are committed to making any corrections to the appeal brief to meet the standards of the Appeals Court. They would wait until their case worker at South Carolina Appeals Court contacts them specifically with details of modifications necessary for compliance rather than take legal advice from opposing counsel. Their commitment for accuracy remains, however and any deficiency will be corrected. Additionally Pierce and Jewell are not lawyers and have never filed an appeal before. They both therefore ask for leniency normally afforded self represented individuals and recognized by the US Supreme Court. The corrections will be made timely and in accordance with Appellate Court rules and guidelines established by our case worker at the South Carolina Appeals Court.

Respondent additionally brings up concerns as to the standard of review. Appellant are unclear as to precisely what this means and have attempted to the best of their knowledge to meet the requirements

for standard of review. If however they have failed to establish accurate criteria they will correct the deficiencies as needed at the direction of the South Carolina Appeals Court.

There was also a concern as to Ex Parte Pierce's discussion about judicial abuse of discretion relating to the issue of his Motion for Joinder under South Carolina Rules of Civil Procedure ("SCRPC"), Rule 19.

Pierce uses Rule 19 as his authority. He does not bring forward any specific case law or other citations as he did not find any that he believed would be helpful. He believes that SCRPC 19 is sufficient to prevail on that particular issue.

The issue as to jury trial relates to Jewell's request to move the case back to master-in equity where he could then ask for a jury trial. He was moved improperly to Master-in-equity court based on Plaintiff's false affidavit in November, 2024. The trial judge should not have moved Jewell to Master-in-equity based on Plaintiff's attorney false affidavit. He further cites the US Constitution, 7th Amendment as a basis for his challenge to lack of a jury trial. He references abuse of judicial discretion.

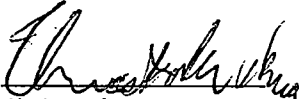
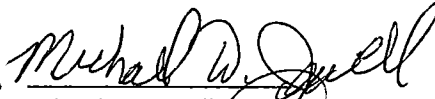
The issue as to "Failure of Judge to Table Motion to Compel" relates to abuse of judicial discretion as it relates to Judge Kervin not bringing forward this Motion prior to the Summary Judgment Motion. The failure to do so denied Jewell his right of due process by not having all issues of fact available to him. Without those issues of fact Jewell could not be reasonably expected to have a Summary Judgment hearing as all the facts were not available to him.

Lastly, the initial brief focusses on the Motion for Summary Judgment and does provide case law references as there were many available and applicable. The "self serving affidavit" citation obviously

refers to Jewell that provided a self serving affidavit and it was ignored by the trial judge, Kervin. The affidavit, if recognized, is clearly grounds to defeat the Respondent's Summary Judgment Motion. There are references to additional material, however that material may not be used since the Motion to Expand the Record was not pursued.

Respondent references a case called Henning vs Kay. Appellants can find no such case, however they do find Henning vs Kaye a South Carolina Appellate case. In that case appellant was given 15 days to make the necessary and essential corrections. Appellants are committed to following the same path as Kaye and make the necessary corrections to be fully compliant with South Carolina Appeals Court Rules. Appellants had various challenges being new to appeals and also being self represented and ask that those issues be considered. Appellants may also have their appeal reviewed by an appellate lawyer to provide for further accuracy, assuming they can afford it. Designation of Matter will also be corrected to remove references to matters that would be expansions of the record that were since abandoned.

Thank you for your consideration,

	
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May 19, 2025

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Steven C. Kirven, Master in

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Case No. 2023-CP-37-00620

Ex Parte: Christopher A. Pierce, Appellant

Foxwood Hills Property Owners Association, Respondent,

v.

Michael D. Jewell, Lori Marcengill, South Carolina Department of Motor Vehicles,  
Defendant's,

of which Michael D. Jewell is an Appellant.

CERTIFICATE OF SERVICE

I have deposited in first class mail a copy of RETURN TO MOTION TO DISMISS

APPEAL FROM RESPONDENT to: John Kay, Hutchens Law Firm,

P.O. Box 8237 Columbia, SC 29202 on below date.



Chris Pierce  
605 White Owl Ln.

May 19, 2025

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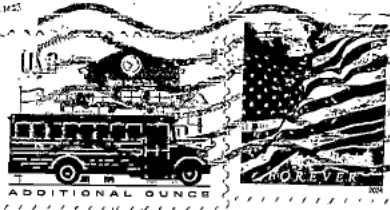
May 1, 2025

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SC Court of Appeals

South Carolina  
appeals court  
1220 Senate street  
Columbia, SC  
29201-378999  
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