

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas
Steven Kirven, Master in Equity
Case No. 2023-CP-37-00620

RECEIVED

AUG 14 2025
SC Court of Appeals

Court of Appeals
Case No. 2025-000223

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.

APPELLANTS' MOTION TO CORRECT
RESPONDENT'S BRIEF

Appellants provided an amended initial brief to the South Carolina Court of Appeals on June 30, 2025. Respondent provided his response to the Appeals Court, Appellant's Brief on July 29, 2025 and subsequently served Appellants on August 1, 2025,

Respondents brief contained a variety of errors which included misleading, erroneous, and factually incorrect information, inconsistent with South Carolina Court of Appeals Appellate Court Rules with the appearance to try to demonize and distort actual record of Appellants. Additionally the false information Respondent provided about Appellants appears to be a violation of Attorney Code of Ethics. Appellants request the court require Respondent to either remove the entries that are inconsistent with Appellate Court Rules and Ethics Rules or forfeit his case and allow Court of Appeals to grant Appellants the relief requested relating to the three Motions under appeal.

Respondent's first sentence on page 3 of his appeal is factually incorrect. He starts by stating, " Respondent, Foxwood Hills Property Owners Association ("Respondent"), filed a summons and complaint on January 2, 2025 in the Court of Common Pleas for Oconee County..." However he did not file a summons and complaint on January 2, 2025, but this was the date that an order was issued in this case granting foreclosure. The actual filing date of summons and complaint was on August 17, 2023. He goes on to discuss that the actual Answer provided by Michael Jewell Appellant ("Jewell") was filed timely with Respondent but implies that he did not serve the court, another erroneous assumption. Mr. Jewell did serve the court but cannot explain why his correspondence was not clocked and

recorded by the Oconee County Clerk of Court. However, Hutchens Law Firm was properly served with Appellant's Answer and in fact was actively engaged in correspondence regarding his Answer when Hutchens Law Firm then filed a a false Affidavit of Default. Jewell had properly served Hutchens Law Firm and this law firm and was engaged in active correspondence with Jewell involving his Answer. It would seem incredible for the Respondent to then say, "On October 12, 2023, Respondent inadvertently filed an affidavit of default..." when Hutchens Law Firm was engaged in active correspondent with Jewell at this time. The facts speak for themselves that an affidavit of default was sent to the court while at the very time Hutchens Law was discussing settlement and his Answer at the same time. Additionally, Hutchens Law Firm was apparently made aware of the false affidavit only after Jewell had contacted the Clerk of Court at Master in Equity and she apparently notified Mr. Kay of the false affidavit. Mr. Kay did not independantly correct his error but had to be made aware of it. Additionally several other affidavits were prepared stating other erroneous information such as Appellant Jewel having Loans and Mortgages with the Respondent when no such loans or mortgages existed. And there were other discrepancies of facts in the affidavit which were misleading. So the concept of false affidavits was regularly occuring throughout the case by the Respondent. It should also be noted as to the initial false affidavit on October 12, 2023 that Jewell believes he was referred to Master in Equity Cout prematurely because of

the false affidavit preventing him from asking for a jury trial while in Common Pleas Court where he had a right to one (as opposed to Master in Equity where he had none). This is one of three requested Motions under appeal that Jewell be given a right to a jury trial. Based on this information the "Statement of the Case" as provided by the Respondent is factually incorrect and needs to be corrected.

On page 9 of Respondents Brief, paragraph 1, Respondent states that the case was filed August 17, 2023 but claims on page 3 "Statement of Case" that the summons and complaint was filed January 2, 2025. August 17, 2023 appears to be the correct date for initiation of the circuit court foreclosure action. Next Respondent goes on to state that, "Pierce had been assisting Jewell in this case from the beginning." This statement is false and factually misleading and is of ethical concern. It appears to be an obvious attempt to demonize Pierce and cast ethical issues on him, but the statement is flat out false and should not appear anywhere in Respondent's Brief because it is not true. Pierce did not know Jewell at the beginning of this legal action only meeting him sometime after the legal action was commenced. Respondent then proceeds to engage in some kind of forensic analysis of type font both Pierce and Jewell used as if some conspiracy was involved because they used the same computer software to prepare their documents. This statement is inconsistent with what is allowed in a Respondent Brief as to Rule 208. As such, it should be removed. Lastly,

Respondent questions the timing of Pierce's Motion to join in the case under SCRCP 19. However, Pierce obtained a Quit Claim deed October 29, 2024 and then immediately filed a motion to join on November 11, 2024 in order to protect his property interest under SCRCP 19. The actual hearing was December 5, 2024 and included the Summary Judgment Motion from Respondent and Jury Trial Motion by Jewell. The implication of the sentence by Respondent is that Pierce somehow filed this a month before the Final Hearing is false. The actual hearing that was scheduled was because of the Motion filed by Pierce and the other motions were simply presented at the same time as his hearing. In fact Pierce went first at the hearing date December 5, 2024 because his filing of that motion triggered a scheduling of that hearing date. So the other motions were incidental to his not the other way around. Respondent attempts to confuse and mislead the court as if Pierce deviously tried to slip into the case before the Final Hearing and that is simply not true and false.

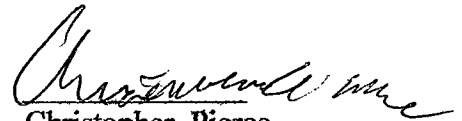
On page 10 Respondent states in paragraph 1 that, "Pierce was aware of the foreclosure since the inception of the lawsuit in 2023 and appeared in court with Mr. Jewell on several occasions." This statement is factually false. Pierce was not aware of the lawsuit since the beginning of the lawsuit and only found out about the lawsuit many months later.

Respondent needs to correct this false and misleading information so the court can get an accurate picture of the facts in the case. Appellants cannot complete their Reply Brief until such time as these corrections are made. Respondent needs to either correct the deficiencies or forfeit the case and let the court grant Appellants relief requested for the three motions being challenged.

Thank you for your consideration.



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August 7, 2025

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of which Michael D. Jewell is an Appellant.


CERTIFICATE OF SERVICE

I have deposited in first class mail a copy of Appellants' Motion to Correct

Respondent's Brief to: John Kay, Hutchens Law Firm, P.O. Box 8237

Columbia, SC 29202 on August 13, 2025

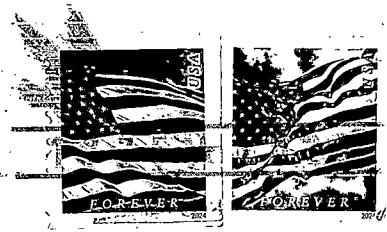

Michael D. Jewell Christopher Pierce

August  2025

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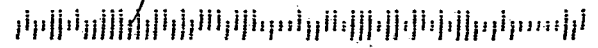
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