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Aug 21 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 APPELLANT’S MOTION  
TO CORRECT RESPONDENT’S BRIEF

Respondent Foxwood Hills Property Owners Association, (“Respondent”), hereby submits its Return to Appellant’s Motion to Correct Respondent’s Brief and seeks an Order from the Court denying the Appellant’s motion.

Appellant has requested that the Court require the Respondent to correct its initial brief or forfeit its case, based on several alleged factual inconsistencies. Appellant is correct that the filing date of the summons and complaint was misstated in the first paragraph of the brief: the correct date for the filing of the summons and complaint in this case is August 17, 2023. This error does not prevent the Appellants from being able to prepare their brief in this case.

However, the remaining claims in Appellant's motion is just a commentary regarding Respondent's brief with no evidence to support the claims. First, Appellant claims that "Mr. Jewell did serve the court but cannot explain why his correspondence was not clocked..." There is no record of proper service in this instance to support this claim, and the Answer does not appear in the Court records. Nevertheless, appellant Jewell was never treated as being in default by the Respondent or its counsel. This is confirmed by the statements made by the trial court on several occasions.

Appellant claims that there were a multitude of false affidavits filed by Respondent but does not present any evidence of any of these alleged affidavits, other than the affidavit of default filed by Respondent on October 12, 2023, which Respondent addressed and corrected with the Court, as stated on page 3 of its brief. Next, Appellant claims he was prevented from asking for a jury trial because the case was referred to the Master in Equity, but provides no proof of his allegation. The case was referred to the Master in Equity because the cause of action in the case was of an equitable nature and not a legal nature. Appellant Jewell did not request a jury trial timely, and even if he had done so in a timely fashion, he was not entitled to one under South Carolina law. Appellants fail to provide any statutory or case authority to support their claim.

Lastly, and more concerning, Appellants question the ethics of the counsel for the Respondent in numerous instances in their motion – again with no proof. Appellants fail to inform the Court that Appellant Jewell has previously filed a bar complaint against counsel for the Respondent in 2024 over these same issues. The Office of Disciplinary Counsel file number is 24-DE-L-0451. That bar complaint was dismissed by the Office of Disciplinary Counsel and the undersigned was informed of that by letter dated November 5, 2024. For reasons unknown, the

Appellants decided to omit that information from their motion and just made general accusations regarding counsel's ethics.

The Appellants motion states that there were three motions where Appellant Jewell requested a jury trial. However, the motion fails to provide copies of those documents or state the date these motions were filed and served. Respondent can only find two motions on the record, neither of which were timely filed. Even if there were three motions, none were filed timely under Rule 38, SCRCP and under South Carolina law, Appellant Jewell was still not entitled to a jury trial. The Appellants do not provide case law or statutory authority to support any of their claims. For the reasons explained herein, the Respondent requests that the Court deny the Appellant's Motion to Correct Respondent's Brief.



/s/John S. Kay

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John S. Kay (S.C. Bar No. 7914)

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Attorney for Respondent Foxwood Hills Property  
Owners Association.

August 21, 2025  
Columbia, South Carolina

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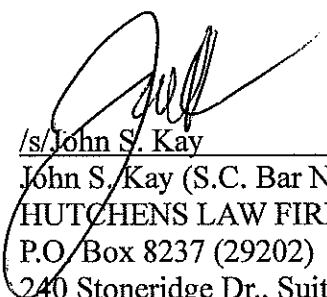
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PROOF OF SERVICE

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I hereby certify that I have served the Respondent's Return to Appellants' Motion to Correct Respondent's Brief on Michael D. Jewell and Christopher A. Pierce by depositing a copy of it in the United States Mail, postage prepaid, on August 21, 2025, addressed to Michael D. Jewell at 428 Odessa Avenue, Westminster, South Carolina 29693 and on

Christopher A. Pierce at 605 White Owl Lane, Seneca, South Carolina 29678



/s/John S. Kay

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