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Sep 24 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

The Honorable David P. Caraker, Jr.

Appellate Case No. 2025-001453

Christopher A. Pierce,Appellant

v.

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

RESPONDENT’S RETURN TO APPELLANT’S MOTION
TO REINSTATE APPEAL

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

Appellant has requested that the Court reinstate his appeal after it was dismissed on September 5, 2025 for failure to pay the filing fee as required by Rule 203 of the South Carolina Appellate Court Rules and the Court’s Order of August 19, 2025. The Appellant sent an email to the Court requesting the Court reinstate the appeal on September 11, 2025. However, the Appellant failed to include counsel for the Respondent on the email. Appellant served a copy of the email on Respondent’s counsel by mail that was received on September 18, 2025.

Appellant does not state that he did not understand the Orders of the Court issued on August 19, 2025 and September 5, 2025, he states that he assumed he would not have to pay the filing fee.

The Orders made it clear what action must be taken and the Appellant failed to do so. The Appellant attempts to cite another appellate case he is involved in a precedent in the within case, but that case has no authority in this matter, particularly since there was no Order to that effect in the other case.

Appellant has filed numerous appellate cases in this Court, including 2025-001211 (the case he refers to in his motion, and appellate case 2025-000223. In each of those cases, the Appellant has attempted to proceed *in forma pauperis*. In each case, the Court has denied the requests as 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). The appellant has the burden of showing his entitlement to the relief, but failed to do so in each case. Appellant was fully aware of the requirement that he pay the requisite filing fee and chose not to do so. This delay is prejudicial to the respondent. Appellant was advised that he had to pay the fee by Order dated August 19, 2025 and was given 15 days to do so. The Appellant failed to pay the fee and was the case was dismissed. The Appellant is experienced in pursuing appellate cases and chose not to follow the rules. Appellant likewise fails to cite any authority for his position that his case should be reinstated.

For the reasons explained herein, the Respondent requests that the Court deny the Appellant's
Motion to Reinstate Appeal


/s/John S. Kay
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Columbia, South Carolina

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PROOF OF SERVICE

I hereby certify that I have served the Respondent's Return to Appellants' Motion to Reinstatement Appeal on Christopher A. Pierce by depositing a copy of it in the United States Mail, postage prepaid, on September 24, 2025, addressed to Christopher A. Pierce at 605 White Owl Lane, Seneca, South Carolina 29678


/s/John S. Kay

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