

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

William Tindal, Special Referee

Appellate Case No. **2025-002111**
Common Pleas No. **2025-CP-29-00797**

RECEIVED

Nov 20 2025

SC Court of Appeals

BOKF, N.A.,

Respondent

v.

Joshua-William: Ovalle, BENE,

Appellant

**PETITION IN EQUITY FOR
APPROVAL OF SUPERSEDEAS SECURITY**

COMES NOW the Appellant, by and through the JOSHUA WILLIAM OVALLE TRUST as Guarantor and the two duly appointed Trustee-Sureties thereof, and respectfully petitions this Court, sitting as a Court of Equity, for approval of the Supersedeas Security tendered in support of the previously filed Emergency Petition in Equity for Stay and/or Injunction Pending Appeal.

In support of this Petition, the Appellant states:

1. Appellant has tendered a duly executed Supersedeas Bond issued by the Guarantor Trust, joined by two Trustees acting as Sureties, to secure all obligations that may arise during the pendency of the appeal.


From the Desk of: Joshua-William: Ovalle, BENE

2. The Supersedeas Security has been voluntarily undertaken, and is sufficient in form and substance to preserve the rights of all parties while safeguarding the subject property located at:
8866 Ross Hill Rd., Fort Mill, South Carolina 29707.
3. Equity requires that the property be preserved intact pending appellate review, for Equity protects the subject of the litigation, and Equity acts to prevent irreparable harm where legal remedies are inadequate.
4. Approval of the Supersedeas Security will allow this matter to proceed in an orderly and just manner, ensuring protection of the Respondent's alleged interests while preventing unjust loss to the Appellant.

WHEREFORE, Appellant respectfully petitions this Court to:

1. Approve the Supersedeas Security tendered by the Guarantor Trust and Sureties;
2. Fix the amount of security as the Court deems proper and sufficient;
3. Enter the accompanying Order Approving Supersedeas Security and Staying Foreclosure Sale; and
4. Grant any such further Equitable Relief as may be just and proper.

Respectfully submitted in good faith this 20th day of November 2025.


_____, LS
Joshua-William: Ovalle, *In Propria Persona, Sui Juris*
c/o: 8866 Ross Hill Road
Fort Mill, SC 29707
as Implied Surety/Heir/Beneficiary of
JOSHUA WILLIAM OVALLE, Principal Debtor
All Rights Reserved, Without Prejudice

STATE OF SOUTH CAROLINA

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Appellate No. **2025-002111**

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BOKF, N.A,

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v.

Joshua-William: Ovalle,

Appellant

SUPERSEDEAS SECURITY

PENDING APPEAL

AND APPROVAL

(Attachment)

SUPERSEDEAS SECURITY

COME NOW by and through the JOSHUA WILLIAM OVALLE TRUST (Trust), as Guarantor, Joshua-William of the family Ovalle, Executive Trustee, and Steven-Gabriel of the family Santos, Trustee, serving as Sureties, and hereby tender this Supersedeas Security under the inherent jurisdiction of Equity.

This Security is tendered in support of the previously filed Emergency Petition in Equity for Stay and/or Injunction Pending Appeal (attached), regarding the foreclosure sale of the property located at **8866 Ross Hill Rd., Fort Mill, South Carolina 29707**, presently subject to a revised foreclosure sale date of December 01, 2025.

1. PURPOSE OF SECURITY

This Security is tendered for the sole purpose of staying any foreclosure sale, transfer, or conveyance of the subject property by any Creditors, Agents, or Respondents thereof pending the completion of Appellant's appeal.

“Equity preserves property from irreparable loss pending appeal where legal remedies prove inadequate.”

2. OBLIGATIONS AND UNDERTAKING

The Guarantor Trust and the undersigned Sureties, jointly and severally, hereby bind themselves to:

- Indemnify the Respondent for all damages, costs, and loss directly resulting from the granting of the stay during appeal.
- Ensure the protection, preservation, and maintenance of the property, committing no waste, during pendency of the appeal.
- Pay the value of the use and occupation of the property from the time of the approval of the undertaking, to the time of sale, if the judgement be affirmed.
- Satisfy and perform the judgement in full if affirmed, or as modified, according to the final appellate decision.
- Secure the amount as may be determined and approved by the Court.

3. CONDITION

This Security is effective upon the filing of the Notice of Appeal and shall remain in full force and effect until final disposition of said appeal, including any remittitur, unless otherwise discharged by written order of the Court.

Should the Appellant fail to perform the appeal, or should the judgement be affirmed and the Court require performance, the Guarantor Trust and Sureties shall fulfill and satisfy the obligations stated herein.

This Security is submitted under the exclusive jurisdiction of Equity, wherein the principles and maxims empower the Court to require no more security than is necessary to preserve the status quo and prevent irreparable harm during appeal.

4. AFFIRMATIONS

We, the undersigned Trustees, affirm that we are duly authorized to bind the Trust as Guarantor and willingly act as Sureties for the obligations set forth. We affirm under penalty of perjury under the laws of the united States of America, and the laws of the South Carolina Republic, that the foregoing is true and correct to the best of our knowledge and belief, and that the living men autographed this instrument on this 20th day of November 2025.

Guarantor: JOSHUA WILLIAM OVALLE TRUST

Joshua-William: Ovalle

Joshua-William: Ovalle
Executive Trustee / Surety
c/o 8866 Ross Hill Rd.
Fort Mill, South Carolina 29707
A.R.R., Without Prejudice

Steven-Gabriel: Santos

Steven-Gabriel: Santos
Trustee / Surety
c/o 8866 Ross Hill Rd.
Fort Mill, South Carolina 29707
A.R.R., Without Prejudice

5. NOTARY ACKNOWLEDGEMENT

STATE OF SOUTH CAROLINA) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me on this 20th day of November, 2025, by Joshua-William: Ovalle and Steven-Gabriel: Santos, as Trustees of the above Trust.

Renji George
Notary Public for South Carolina

seal

Renji George
Printed Name



My Commission Expires: 03-21-2034

6. APPROVAL

The above Undertaking by Guarantor, who is joined by two Sureties, is hereby approved.

Done this _____ day of _____, 2025

Signature

Printed Name

Title

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

William Tindal, Special Referee

Appellate Case No. **2025-002111**
Common Pleas No. **2025-CP-29-00797**

BOKF, N.A.,
Respondent

v.

Joshua-William: Ovalle,
Appellant

**PROPOSED ORDER APPROVING SUPERSEDEAS SECURITY
AND STAYING FORECLOSURE SALE**

THIS MATTER comes before the Court upon Appellant's filing of a Supersedeas Security (Security) submitted by the JOSHUA WILLIAM OVALLE TRUST, acting as Guarantor and joined by two Trustee-Sureties, and the accompanying Petition in Equity for Approval of Supersedeas Security.

The Court has reviewed the Security, the Emergency Petition in Equity for Stay and/or Injunction Pending Appeal, and the applicable authorities, including:

- S.C. Code § 18-9-170 (Staying judgment for sale or delivery of land),
- SCACR Rule 225 (STAY AND SUPERSEDEAS IN CIVIL ACTIONS), and
- SCRCR Rule 62(d) (Stay Upon Appeal).

Upon due consideration, and for good cause shown,

IT IS HEREBY ORDERED:

1. The Security submitted by the Guarantor Trust and two Sureties is APPROVED pursuant to § 18-9-170, SCACR Rule 225, and SCRCR Rule 62(d).
2. The Court hereby fixes the amount at \$ _____, which shall secure the obligations described in the Security.

3. Upon approval of this Security and the posting of the above amount with the Clerk, all further action to enforce or conduct any foreclosure sale, transfer, or conveyance of the property located at:

8866 Ross Hill Rd., Fort Mill, South Carolina 29707,

is **STAYED IN FULL** pending final disposition of the appeal and issuance of the remittitur.

4. This Stay shall remain in effect unless modified or dissolved by written order of this Court or the South Carolina Court of Appeals.

IT IS SO ORDERED.

Signature of Judge / Court Official

Date

Printed Name

Title

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In the Court of Appeals
APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

William Tindal, Special Referee

Appellate No. **2025-002111**

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SC Court of Appeals

BOKF, N.A.,

Respondent

v.

Joshua-William: Ovalle, as Implied Surety

Appellant

and Beneficiary of the Estate of

JOSHUA WILLIAM OVALLE

EMERGENCY PETITION IN EQUITY

FOR STAY AND/OR INJUNCTION OF PROPERTY PENDING APPEAL

COMES NOW the Appellant, Beneficiary, and man on the land, Joshua-William of the Family Ovalle (“Beneficiary”), visiting in propria persona, and respectfully petitions this Court for an order staying and enjoining the foreclosure sale of **8866 Ross Hill RD, Fort Mill, South Carolina 29707**, scheduled for **November 3, 2025, at 11:00 a.m.**, or any conveyance thereof, pending final determination of this appeal.

This Petition concerns the “Special Referee’s Order and Judgement of Foreclosure and Sale” (received by SC Court of Appeals with “Notice of Appeal” on October 13, 2025) filed on September 17, 2025, in the Lancaster County Court of Common Pleas, from which the

Beneficiary filed a timely Notice of Appeal on **October 13, 2025**. Because the foreclosure sale is imminent, it is impractical to first seek a stay in the trial court without risk of irreparable loss and potential mootness of the appeal.

1. EQUITABLE AND PROCEDURAL BASIS

Foreclosure is an equitable action, and the trial court “has discretion to ensure equity is done between the parties.” *Wachovia Bank, N.A. v. Player*, 379 S.C. 386, 390, 665 S.E.2d 667, 669 (2008). Even after entry of decree, “foreclosure proceedings are subject to the sound discretion of the chancellor, where justice requires intervention.” *Antrum v. Hartsville Prod. Credit Ass’n*, 298 S.C. 106, 108, 378 S.E.2d 239, 240 (1989).

“The essence of equity jurisdiction lies in the power of the court to mould its decree to the necessities of the case.” *Hecht Co. v. Bowles*, 321 U.S. 321, 329 (1944). Because the sale would **unlawfully** divest title and attempts to moot the pending appeal, Equity and law authorize this Court to preserve the status quo.

2. IRREPARABLE HARM AND PUBLIC INTEREST

“Injunctive relief is appropriate where the plaintiff has no adequate remedy at law and will suffer irreparable harm.” *Peek v. Spartanburg Reg’l Healthcare Sys.*, 367 S.C. 450, 454, 626 S.E.2d 34, 36 (2006). Loss of one’s home is an injury “irreparable in character and incapable of exact pecuniary compensation.” *Id.* Without a stay, the Beneficiary will suffer permanent deprivation and the appeal could be rendered moot. See *Dick v. Colorado Hous. Enters., LLC*, 872 F.3d 709 (5th Cir. 2017).

Preserving the property serves the public interest in lawful and equitable foreclosure procedures and avoids potential irreversible transfer before judicial review.

3. SERIOUS QUESTIONS AND LIKELIHOOD OF SUCCESS

Substantial questions exist as to the validity of the underlying obligation and the fairness of the foreclosure process. The Respondent(s) have not provided a verified accounting or demonstrated lawful consideration. These deficiencies raise serious issues on the merits and support a substantial likelihood of success on appeal. See *Cauthen v. Rogers*, 195 S.C. 362, 372, 11 S.E.2d 764, 768 (1940).

4. INJUNCTIVE RELIEF AND PRESERVATION

Equity favors preserving property rather than allowing its loss through swift unlawful sale and seizure. “Equity regards as done that which ought to be done.” Immediate relief is necessary to maintain the status quo and to ensure this Court’s appellate jurisdiction remains effective.

5. PRAYER FOR RELIEF

WHEREFORE, the Beneficiary respectfully prays that this Court:

1. Grant an immediate stay and injunction restraining any foreclosure sale or conveyance of the subject property pending appellate review of the “Special Referee’s Order and Judgement of Foreclosure and Sale”;
2. Direct the Respondent to provide a verified accounting and demonstrate lawful consideration for the alleged debt;
3. Order that the property be preserved and maintained without waste or injury until further order of this Court; and
4. Grant such other and further equitable relief as justice and conscience may require.

From the Desk of: Joshua-William: Ovalle, BENE

I affirm under God and declare under penalty of perjury that the foregoing is true and correct.

Done in good faith on this 01 day of November 2025.

 _____, LS

Joshua-William: Ovalle, *In Propria Persona, Sui Juris*
c/o: 8866 Ross Hill Road
Fort Mill, SC 29707

As Implied Surety, Heir, Beneficiary of
JOSHUA WILLIAM OVALLE, Principal Debtor
All Rights Reserved, Without Prejudice

CERTIFICATE OF SERVICE

I affirm that I have served this Emergency Petition in Equity for Stay and/or Injunction of Property Pending Appeal by electronically filing with the South Carolina Court of Appeals, and mailing a copy to each other party via USPS certified mail. A copy served on BOKF, N.A., addressed to its Attorneys of record, Brook Dangerfield and Kevin Brown and Chad Burgess, 3800 Fernandina Road, Suite 110, Columbia, South Carolina 29210 (9589 0710 5270 2625 9995 51); a copy served on William C. Tindal, Special Referee, 312 North Main Street, Lancaster, South Carolina 29720 (9589 0710 5270 2626 0031 89); and a copy served on Mike Watkins, Lancaster County Clerk of Court, 104 North Main Street, Lancaster, South Carolina 29720 (9589 0710 5270 2625 9995 44).

I affirm under God and declare under penalty of perjury that the foregoing is true and correct.

Done in good faith on this 01 day of November 2025.

Joshua-William: Ovalle, LS

Joshua-William: Ovalle, *In Propria Persona, Sui Juris*
c/o: 8866 Ross Hill Road
Fort Mill, SC 29707

As Implied Surety, Heir, Beneficiary of
JOSHUA WILLIAM OVALLE, Principal Debtor
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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

William Tindal, Special Referee

Appellate No. **2025-002111**

BOKF, N.A, Respondent

v.

Joshua-William: Ovalle, Appellant

PROPOSED ORDER

Upon consideration of Appellant's Emergency Motion in Equity for Stay and/or Injunction Pending Appeal under Rule 225, SCACR, the Court finds good cause to preserve the subject property pending appeal

IT IS HEREBY ORDERED that the foreclosure sale scheduled for November 3, 2025 is STAYED pending further order of this Court.

SO ORDERED this _____ day of _____, 2025


Judge, South Carolina Court of Appeals

CERTIFICATE OF SERVICE

I affirm that I have served this Proposed Order by electronically filing with the South Carolina Court of Appeals, and mailing a copy to each other party via USPS certified mail. A copy served on BOKF, N.A., addressed to its Attorneys of record, Brook Dangerfield and Kevin Brown and Chad Burgess, 3800 Fernandina Road, Suite 110, Columbia, South Carolina 29210 (9589 0710 5270 2625 9995 51); a copy served on William C. Tindal, Special Referee, 312 North Main Street, Lancaster, South Carolina 29720 (9589 0710 5270 2626 0031 89); and a copy served on Mike Watkins, Lancaster County Clerk of Court, 104 North Main Street, Lancaster, South Carolina 29720 (9589 0710 5270 2625 9995 44).

I affirm under God and declare under penalty of perjury that the foregoing is true and correct.

Done in good faith on this 01 day of November 2025.

 , LS
Joshua-William: Ovalle, *In Propria Persona, Sui Juris*
c/o: 8866 Ross Hill Road
Fort Mill, SC 29707
As Implied Surety, Heir, Beneficiary of
JOSHUA WILLIAM OVALLE, Principal Debtor
All Rights Reserved, Without Prejudice

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Nov 20 2025

SC Court of Appeals

CERTIFICATE OF SERVICE

I affirm that I have served a Proposed Order Approving Supersedeas Security and Staying Foreclosure Sale, Petition in Equity for Approval of Supersedeas Security, Supersedeas Security, Notice of Filing of Supersedeas Security, a copy of the recorded Emergency Petition in Equity for Stay and/or Injunction Pending Appeal, and proof of filing fee via electronically filing with the SOUTH CAROLINA COURT OF APPEALS (ctappfilings@sccourts.org), addressed to Jenny Abbott Kitchings, and by mailing a copy to each subsequent party via USPS certified mail. A copy served on:

- BOKF, N.A., addressed to its Attorneys of record, Kevin Brown / Brook Dangerfield / Chad Burgess, 3800 Fernandina Road, Suite 110, Columbia, South Carolina 29210 (**9589 0710 5270 2626 0031 72**)
- William C. Tindal, Special Referee, 961 North Main Street #117, Lancaster, South Carolina 29720 (**9589 0710 5270 2626 0031 96**)
- LANCASTER COUNTY COURTHOUSE, addressed to Mike Watkins, Clerk of Court, 104 North Main Street, Lancaster, South Carolina 29720 (**9589 0710 5270 2626 0032 26**).

November 20, 2025

Joshua-William: Ovalle, LS

Joshua-William: Ovalle, *In Propria Persona, Sui Juris*
c/o: 8866 Ross Hill Road
Fort Mill, SC 29707

as Implied Surety/Heir/Beneficiary of
JOSHUA WILLIAM OVALLE, Principal Debtor
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LETTER TO THE APPELLATE COURT CLERK

November 20, 2025

Jenny Abbott Kitchings, Clerk of Court
SOUTH CAROLINA COURT OF APPEALS
1220 Senate Street
Columbia, SC 29201

RECEIVED

Nov 20 2025

SC Court of Appeals

Re: BOKF, N.A. v. Joshua-William: Ovalle, BENE
Appellate Case No. 2025-002111

Dear Ms. Kitchings:

Enclosed for filing is a Proposed Order Approving Supersedeas Security and Staying Foreclosure Sale. Also enclosed are the following:

- Petition in Equity for Approval of Supersedeas Security,
- Supersedeas Security,
- Notice of Filing of Supersedeas Security,
- Emergency Petition in Equity for Stay and/or Injunction Pending Appeal,
- Cashier's Check to be applied as the filing fee, and
- Certificate of Service of all above documents on the respondents.

With Gratitude,

 , LS

Joshua-William: Ovalle, *In Propria Persona, Sui Juris*
c/o: 8866 Ross Hill Road
Fort Mill, SC 29707
as Implied Surety/Heir/Beneficiary of
JOSHUA WILLIAM OVALLE, Principal Debtor
All Rights Reserved, Without Prejudice

Cc: Chad Burgess, Attorney
Kevin Ted Brown, Attorney
Brook Dangerfield, Attorney
William Tindal, Special Referee
Mike Watkins, Lancaster Clerk of Court