

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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

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Apr 06 2026
SC Court of Appeals

BOKF, N.A.,
Respondent

v.

Joshua-William: Ovalle, BENE,
Appellant

APPELLANT'S BRIEF

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STATEMENT OF THE CASE

This appeal arises from a foreclosure action in the Lancaster County Court of Common Pleas. A hearing was conducted on September 2, 2025, after which the Special Referee entered an Order of Foreclosure and Sale on or about September 17, 2025.

Appellant participated in the hearing, presenting testimony and documentary evidence, including notices and materials asserting equitable interests and efforts to address the alleged debt.

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Appellant filed a Notice of Appeal which was filed on October 13, 2025. Thereafter, Appellant sought to preserve the subject property through supersedeas proceedings and related filings.

This appeal follows.

ISSUES PRESENTED

1. Whether the Special Referee erred in entering judgment of foreclosure without requiring Respondent to provide a full and complete accounting of the alleged debt.
2. Whether the Special Referee erred in entering judgment of foreclosure after Appellant tendered a special deposit and set-off intended to satisfy the alleged obligation.
3. Whether the foreclosure proceedings failed to reflect the equitable nature of such actions, including consideration of Appellant's efforts to address the alleged debt.
4. Whether the Special Referee erred in treating Appellant as in default despite Appellant's appearance and participation in the hearing.

STATEMENT OF FACTS

A foreclosure hearing was held on September 2, 2025. Appellant appeared in *propria persona* and participated in the proceedings.

During the hearing, Appellant presented testimony and multiple exhibits, including notices and communications relating to equitable interests, opportunity to cure, and efforts to address the alleged debt. These materials were admitted into evidence.

Following the hearing, the Special Referee entered an Order of Foreclosure and Sale on or about September 17, 2025.

Appellant filed a Notice of Appeal on October 16, 2025.

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Subsequent proceedings included efforts by Appellant to obtain a stay and address supersedeas requirements, while foreclosure-related activity continued.

ARGUMENT

1. The Court failed to properly consider Appellant's Evidence and Defenses.

Appellant presented evidence and defenses during the hearing, which were admitted into the record. However, the foreclosure judgment was entered without meaningful consideration or analysis of those materials. As a foreclosure action is equitable in nature, the court was required to consider all relevant evidence and defenses before entering judgment.

2. The Court Erred in treating Appellant as in Default.

Although Respondent asserted that Appellant was in default, Appellant appeared at the hearing, participated in the proceedings, and presented testimony and evidence. Under these circumstances, entry of judgment based on default was improper.

3. The proceeding did not reflect proper exercise of Equitable Discretion.

Foreclosure is an equitable proceeding requiring the court to consider fairness and the totality of circumstances. Appellant presented evidence of efforts to address the alleged debt and resolve the matter. The court's failure to consider these efforts reflects a lack of proper equitable discretion.


CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court reverse the Order of Foreclosure and Sale, or in the alternative, remand the matter for further proceedings consistent with proper consideration of Appellant's evidence and defenses.

“Equity looks to the Intent rather than to the Form”

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

Respectfully submitted in good faith this 5th day of April, 2026.


Joshua-William: Ovalle, *In Propria Persona, Sui Juris*, LS
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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