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**May 18 2026**

**SC Court of Appeals**

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

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM LANCASTER COUNTY  
Court of Common Pleas

William C. Tindal, Special Referee

Appellate Case No. **2025-002111**

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BOKF, N.A.,

Respondent V.

Joshua-William: Ovalle,

Appellant

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APPELLANT'S RETURN IN OPPOSITION  
TO RESPONDENT'S MOTION TO DISMISS

Joshua-William: Ovalle, BENE  
%: 8866 Ross Hill Road  
Fort Mill, SC 29707

COMES NOW the Appellant, Joshua-William of the family Ovalle, respectfully proposes this Return in Opposition to Respondent's Motion to Dismiss.

Respondent seeks dismissal primarily upon allegations that Appellant's filings are "sovereign citizen" pleadings and upon procedural deficiencies noted within the Clerk's April 15, 2026 deficiency letter. However, the Clerk did not reject, strike, or dismiss Appellant's Initial Brief or Designation of Matter, but instead expressly stated that "any deficiency must be corrected when filing the appellant's final brief."

Equity regards substance rather than form. The present appeal was timely initiated, docketed, and actively pursued through the filing of an Initial Brief, Designation of Matter, and Transcript. The record reflects participation in the legal process rather than avoidance of it.

Respondent's Motion largely avoids the substantive appellate issues preserved by Appellant and instead relies upon broad characterizations, generalized associations, and procedural conclusions unsupported by the Clerk's own deficiency notice.

Accordingly, dismissal is neither required nor warranted under the present circumstances.

### **BRIEF PROCEDURAL HISTORY**

1. Appellant initiated the present appeal on October 13, 2025.
2. Following notice from the Court that the Initial Brief and Designation of Matter were overdue, Appellant sought an extension of time, which this Court granted on March 4, 2026.
3. On April 6, 2026, Appellant served:
  - a. Initial Brief;
  - b. Designation of Matter;
  - c. Transcript Documents; and

- d. Notice regarding pending Chapter 13 proceedings.
4. On April 15, 2026, the Clerk issued a deficiency letter.
5. The Clerk did not reject the filing, strike the filing, dismiss the appeal, or state that the appeal failed to invoke appellate review.
6. On May 5, 2026, Respondent filed the present Motion to Dismiss.

### **ARGUMENT AND CITATIONS**

#### **I. RESPONDENT MISCHARACTERIZES THE EFFECT OF THE DEFICIENCY LETTER**

Respondent relies heavily upon the April 15, 2026 deficiency letter while omitting its operative language stating that: “any deficiency must be corrected when filing the appellant’s final brief.” The Clerk therefore contemplated continuation of the appeal and future corrective filing rather than dismissal.

The deficiency notice did not:

- a. reject Appellant’s filing;
- b. strike the appeal;
- c. declare the filing void; or
- d. state that appellate review had failed to attach.

Rather, the Court accepted and recorded the filing while directing future correction of format-related deficiencies.

Respondent improperly attempts to elevate a curable matter into a dispositive basis for dismissal.

Equity follows the law, yet equity also regards substance rather than form where rigid adherence to form would defeat substantial justice. Here, the appeal was filed, docketed, and actively pursued. The alleged deficiencies were expressly identified as curable by the Clerk.

## II. RESPONDENT RELIES UPON GENERALIZED CHARACTERIZATIONS RATHER THAN SPECIFIC FACTS

Respondent repeatedly relies upon vague and generalized language including:

- a. “loosely associated and diverse groups,”
- b. “generally anti-government or anti-authority,”
- c. “generally interposed,”
- d. “often voluminous,” and
- e. “[typically] fail.”

Respondent further states that Appellant’s filings “can only be described as a sovereign citizen filing,” while simultaneously acknowledging that Appellant’s “initial brief is not lengthy.” Such language is descriptive and inferential rather than specific to the actual conduct and filings presently on the record. The Motion therefore relies substantially upon characterization by association rather than concrete demonstration that Appellant denied the authority of this Court, refused participation in the appeal, or obstructed judicial administration.

To the contrary, Appellant has attended and participated below, properly sought extensions, recorded required documents with the Court, and served the same to the Respondent. Such conduct reflects participation rather than denial of it.

## III. EQUITABLE AND JURISDICTIONAL ARGUMENTS ARE NOT FRIVOLOUS PER SE

Respondent characterizes Appellant’s filings as “not legally cognizable” based substantially upon equitable and jurisdictional assertions raised below and within the Initial Brief. However, foreclosure proceedings are historically equitable in nature, and the Appellant is questioning the following:

- a. Standing;

- b. Contract enforcement authority;
- c. Accounting;
- d. Specific performance
- e. Transfer of interests; and
- f. Equitable treatment of obligations

These questions are not frivolous merely because they are presented through unconventional or equitable framing.

Appellant has consistently sought verification regarding the transfer of the Note and Mortgage, validity of the standing and authority of the enforcing party, and the equitable administration of the foreclosure proceedings. Such questions directly concern the identity of the real party in interest entitled to enforce the instrument under applicable law, including Uniform Commercial Code Article 3.

The raising of equitable defenses, jurisdictional objections, or questions concerning enforcement authority does not, by itself, establish anti-government ideology or sovereign citizen conduct.

#### IV. DISMISSAL WOULD IMPAIR MEANINGFUL APPELLATE REVIEW

Respondent seeks dismissal primarily upon procedural and character-based assertions while largely avoiding the substantive equitable concerns preserved within the Initial Brief and Designation of Matter.

The Fourteenth Amendment guarantees civilian due process and meaningful opportunity to be heard. Appellant timely initiated appellate review, recorded the required appellate materials, and responded to the directives of the Court. Where the Clerk has already

contemplated corrective filing, dismissal would elevate form over substance and prematurely terminate appellate review before the recording of the Final Brief.

Equity will not suffer a wrong without a remedy. Under the present circumstances, continuation of appellate review and correction of any curable formatting deficiencies is the more appropriate and proportionate course.

### **CONCLUSION**

WHEREFORE, Appellant respectfully requests that this Court deny Respondent's Motion to Dismiss, permit continuation of appellate review, allow correction of any curable deficiencies through the recording of the Final Brief as requested by the Clerk's April 15, 2026 notice, and grant such other relief as this Court deems just and proper.

Respectfully submitted in good faith on the 18th day of May, 2026.

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