

RECEIVED

May 22 2026

SC Court of Appeals

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

---

BOKF, N.A.,

Respondent,

v.

Joshua Ovalle,

Appellant,

---

RESPONDENT'S REPLY TO APPELLANT'S RETURN IN OPPOSITION TO  
RESPONDENT'S MOTION TO DISMISSAL APPEAL

---

Chad W. Burgess, Esq.  
(S.C. Bar No.: 72520)  
BROCK & SCOTT, PLLC  
1400 Browing Road, Suite 160  
Columbia, South Carolina 29210  
(803) 454-3540  
*Attorney for Respondent*

**NOW COMES** Respondent, BOKF, N.A. (“Respondent” or “BOKF”), by and through its undersigned attorney, and pursuant to Rule 240(e) of the South Carolina Appellate Court Rules, hereby submits its Reply to Appellant’s Return in Opposition to Respondent’s Motion to Dismiss untimely filed on May 18, 2026 of Joshua Ovalle (“Appellant” or “Ovalle”) averring as follows:

**BRIEF PROCEDURAL HISTORY**

This matter is an action to foreclose a mortgage on real property in Lancaster County, South Carolina. Appellant initiated his appeal on October 13, 2025.

On or about December 29, 2020, Appellant was loaned the sum of \$261,250.00 by Thrive Mortgage, LLC, which is evidenced by a promissory note (“Note”) secured by a mortgage on real property owned by Ovalle commonly known as 8866 Ross Hill Road, Fort Mill, SC 29707 (“Mortgage”). The Note and Mortgage were signed by Appellant on December 29, 2020 (the Note and Mortgage shall hereinafter be referred to collectively as the “Loan”). The Mortgage was recorded in the Lancaster County Registry on December 30, 2020, in Book 4248 at Page 253.

The Note and Mortgage were subsequently transferred to Respondent. The installments of principal and interest falling due from and after September 1, 2024, have not been paid, thereby placing Ovalle in default under the terms of the Loan. As a result of Ovalle’s default, Respondent filed the subject foreclosure action on June 23, 2025.

Ovalle was personally served with the foreclosure Summons and Complaint on June 30, 2025. The case was referred to William C. Tindal, as Special Referee for Lancaster County on July 8, 2025. On July 28, 2025, Ovalle filed a document titled “Plea in Abatement, Notice of Liability and Praecipe” which can only be described as a sovereign citizen filing. This filing did not

constitute an answer or other legally cognizable pleading responsive to Respondent's complaint. As a result, counsel for Respondent filed an affidavit of default on August 13, 2025.

A foreclosure hearing was held on September 2, 2025, attended by Ovalle and counsel for Respondent. On September 17, 2025, the Special Referee entered an order awarding Respondent judgment of foreclosure and setting a judicial sale for November 3, 2025. This appeal followed.

On January 13, 2026, this Court notified Ovalle that his initial brief and designation of matter were overdue. On January 22, 2026, Ovalle filed a request for a 60-day extension of time to submit his initial brief and designation of matter to which Respondent submitted a return in opposition. Respondent's opposition to Ovalle's request for an extension centered around the sovereign citizen nature of Ovalle's pleadings coupled with the Ovalle having effectively been given a 60-day extension beyond the time his initial brief and designation of matter were due. On March 4, 2026, this Court granted Ovalle's request for an extension and allowed Ovalle 30 days within which to file and serve his initial brief and designation of matter.

On April 6, 2026, Ovalle submitted his initial brief and designation of matter along with a notification that he had a pending Chapter 13 Bankruptcy action. Respondent acknowledges that Ovalle filed a Chapter 13 bankruptcy petition in the United States Bankruptcy Court for the District of South Carolina on March 2, 2026 (Bankruptcy Court Case Number 26-00925-jd). Ovalle's Bankruptcy case was dismissed by an order entered May 1, 2026 noting, "various deficiencies with his documents and failure to obtain pre-petition credit counseling". A copy of the order dismissing Ovalle's Bankruptcy case is attached hereto and incorporated herein as **Exhibit "1"**. On May 5, 2026 the Respondent filed a Motion to Dismiss Ovalle's appeal based on Ovalle's failure to follow the South Carolina Rules of Appellate procedure. On May 18, 2026 Appellant

untimely filed his Return in Opposition to Respondent's motion to Dismiss. The Respondent now Replies to Appellant's Return in Opposition to Respondent's Motion to Dismiss.

### **ARGUMENT AND CITATION OF AUTHORITY**

The Appellant's Return is untimely pursuant to Rule 240(e) SCACR. Per Rule 240(e) SCACR "Any party opposing a motion or petition shall have ten (10) days from the date of service thereof to file a return with the clerk and serve on all parties a copy of the return," and that "failure of a party to timely file a return may be deemed a consent by that party to the relief sought in the motion or petition." The Respondent filed their Motion to Dismiss the Appeal on May 5, 2026 and included a certificate of Service stating that "on May 5, 2026, the Respondent's Motion to Dismiss Appeal was served on the below-listed parties by depositing a copy thereof in the United States Mail, first Class, postage prepaid addressed to: . . . Joshua Ovalle 8866 Ross Hill Road, Fort Mill, SC 29707." A copy of Respondent's Motion to Dismiss is attached and hereto incorporated as **Exhibit "2"**. Per SCACR Rule 240(e) Appellant only had 10 days from the date of service (May 5, 2026), to file a Return and to serve the Return upon all Parties.

Appellant was served with Respondent's Motion to Dismiss on May 5, 2026, and his Return was due to be filed and served on May 15, 2026. No Return was filed on May 15, 2026, instead Appellant untimely filed his Return on May 18, 2026 and did not include any proof of service as required by Rule 240(e) SCACR.

As Appellant's Return was untimely, pursuant to SCACR Rule 240(e), Appellant should be deemed to have consented to the Motion to Dismiss.

Additionally as laid out in Respondent's Motion to Dismiss, Appellant's purported issues are nonsensical and revolve around Ovalle's sovereign citizen belief system and they shed no light

on any possible issue for appellate review. Further, Ovalle’s initial brief is devoid of any authority relied upon in support of his appeal and completely omits any reference to standard of review or citations to an eventual record on appeal. But for a few headings, Ovalle’s initial brief fails entirely to comply with SCACR, Rule 208. Some of these deficiencies were noted in this Court’s April 15, 2026 deficiency letter.

“[T]he Appellate Court Rules ‘are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State. It is incumbent upon counsel to provide material that complies with the Rules and facilitates appellate review.’” *Forner v. Butler*, 319 S.C. 275, 276 n.1, 460 S.E.2d 425, 426 n.1 (1995) (quoting *Henning v. Kaye*, 307, S.C. 436, 436, 415 S.E.2d 794, 794 (1992)). “Whenever it appears that an appellant . . . has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court.” Rule 260(a), SCACR. All litigants, whether pro se or represented by counsel, are held to the same standards and are expected to adhere to the Rules of the Court. See *State v. Barnes*, 407 S.C. 27, 31, 753 S.E.2d 545, 547 (2014) (“Appellant [who moved to be allowed to proceed pro se] acknowledged he understood he would be held to the same standards as an attorney regarding the rules of court and of evidence.”).

In Appellant’s Return, he incorrectly states that “Respondent relies heavily upon the April 15, 2026 deficiency letter,” while ignoring the *prima facie* fact that Initial Brief and Designation of Matter do not comply with the SCACR and are marred with deficiencies.

### **CONCLUSION**

Appellant’s Return in Opposition to Respondent’s Motion to Dismiss is untimely, and was not properly served upon the Respondent. Appellant’s Return did not sufficiently address any of

the issues Respondent Brought out in the Motion to Dismiss. Based on the foregoing, Respondent respectfully requests that Appellant's Reply be denied, and the appeal be dismissed based upon Appellant's failure to abide by and comply with the SCACR, and requests such other relief this Court deems just and proper.

Respectfully submitted,

BROCK AND SCOTT, PLLC

s/Chad W. Burgess  
S.C. Bar No.: 72520  
3800 Fernandina Road, Suite 110  
Columbia, South Carolina 29210  
(803) 454-3540  
Chad.Burgess@BrockandScott.com  
*Attorney for Respondent BOKF, N.A.*

Dated: May 22, 2026

**RECEIVED**

**May 22 2026**

**SC Court of Appeals**

**CERTIFICATE OF SERVICE**

The undersigned certifies that, on May 22, 2026, the RESPONDENT'S REPLY TO APPELLANT'S RETURN IN OPPOSITION TO RESPONDENT'S MOTION TO DISMISS APPEAL was served on the below-listed parties by depositing a copy thereof in the United States Mail, first Class, postage prepaid, addressed to:

Joshua Ovalle  
8866 Ross Hill Road  
Fort Mill, SC 29707

Served By:

*s/Chad W. Burgess*  
Chad W. Burgess, Esq.  
Brock and Scott, PLLC  
3800 Fernandina Road, Suite 110  
Columbia, SC 29210  
(803) 454 3540  
Chad.Burgess@BrockandScott.com  
*Attorney for Respondent BOKF, N.A.*

Date: May 22, 2026