

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Aug 18 2026

SC Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

Jane H. Merrill, Circuit Court Judge

Appellate Case No.: 2025-002252

T. Cox Builders, LLC Appellant,

v.

Piedmont Vacant Properties, LLC and Watson Engineering, Inc. Respondents.

AFFIDAVIT OF TOM SCOTT

Personally appeared before me, the undersigned officer duly authorized to administer oaths, Tom Scott, who under oath states as follows:

1. I am the General Manager of Watson Engineering, Inc. and have worked for the company for more than thirty-five years. I am familiar with the facts of this case and make this affidavit based on my personal knowledge.

2. On September 9, 2025, the trial court entered judgment in favor of Piedmont Vacant Properties, LLC and Watson Engineering, Inc. ("Respondents") against T. Cox Builders, LLC ("Cox") in the amount of \$149,939.41

3. Following the trial, Cox's counsel, Shipman Miranda Law, LLC ("Shipman"), contacted Respondents' counsel, asking about the payoff amount on the judgment, including how quickly a satisfaction of judgment could be recorded.

4. On or around October 22, 2025, Cox's trial counsel, Townes Johnson ("Mr. Johnson"), informed Respondents' counsel that he planned to file a notice of appeal on Cox's behalf and sent over a proposed consent order for posting a bond.

5. Following Mr. Johnson's email on October 22, 2025, Cox did not follow through with filing a notice of appeal, as stated. Instead, on October 24, 2025, Cox wired payment in the amount of \$152,065.21, which represented the full judgment plus post-judgment interest.

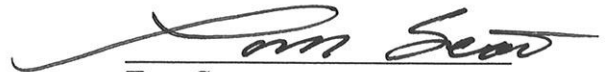
6. Based on everything Cox communicated to us—requesting the payoff figure, asking how fast the satisfaction could be recorded, and then making the payment without any reservation or condition—we understood the case to be over. We relied on Cox's conduct as a clear signal that the litigation was finished, and we accepted the payment on that basis.

7. Accordingly, on October 27, 2025, three days after receiving the payment, we filed a Satisfaction of Judgment with the court.

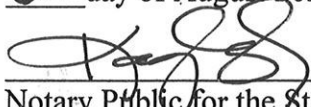
8. It was only after we had filed the Satisfaction of Judgment that Cox filed its Notice of Appeal on November 3, 2025, which came as a surprise. Nothing in our prior communications with Cox gave us any reason to expect that it would seek to revive a dispute it had already paid to resolve. We accepted Cox's payment, recorded the satisfaction, and moved forward with our lives and business believing there was nothing left to litigate.

9. Had Cox told us, or even hinted, that it intended to pay the judgment and then turn around and appeal, we would not have accepted the payment which, among other things, extinguished our lien rights and created uncertain and complicated tax implications surrounding the judgment monies.

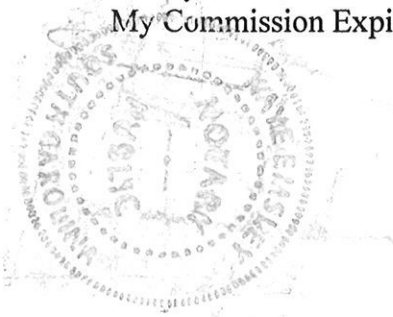
FURTHER AFFIANT SAYETH NOT.


Tom Scott

Sworn to before me this
6th day of August 2026



Notary Public for the State of SC
My Commission Expires: 5/31/2027





The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

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April 13, 2026

Mr. Townes Boyd Johnson, III, Esquire
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Greenville SC 29604

Mr. Daniel Richard Fuerst, Esquire
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Mr. Christopher A. Ogiba, Esquire
78 Wentworth Street
Charleston SC 29401-1428

Mrs. Lauren Nicole Vriesinga, Esquire
78 Wentworth Street
Charleston SC 29401

Re: T. Cox Builders, LLC v. Piedmont Vacant Properties, LLC
Appellate Case No. 2025-002252

Dear Counsel:

Enclosed is the decision of the Court. Appellant's counsel must provide this Court with a status update regarding the transcript within ten (10) days of the date of this letter.

Very truly yours,

Jasmine D. Smith, Deputy

CLERK

The South Carolina Court of Appeals

T. Cox Builders, LLC, Appellant,

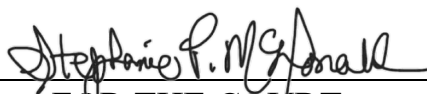
v.

Piedmont Vacant Properties, LLC and Watson
Engineering, Inc., Respondents.

Appellate Case No. 2025-002252

ORDER

On March 23, 2026, Respondents moved to dismiss this appeal because Appellant paid the judgment and Respondents filed a satisfaction of judgment. Respondents argue the appeal is now moot and Appellant has waived his right to appeal. Appellant did not file a return. After careful consideration, we deny Respondents' motion to dismiss. *See Montgomery Holdings, LLC v. Merlo*, Op. No. 6135 (S.C. Ct. App. Feb. 11, 2026) (Howard Adv. Sh. No. 6 at 11) ("Nothing in the record addresses the mindset of the parties in paying or accepting the judgment monies, but circumstances imply Merlo was seeking to avoid the sale of his property and pursue an appeal of the judgment. In the absence of South Carolina case law to the contrary, we believe the federal law on point precludes our deciding the case based on waiver, mootness, or estoppel."). However, nothing in this order prohibits the parties from presenting argument on this point in their briefs.


FOR THE COURT

J.

Columbia, South Carolina

cc:

Townes Boyd Johnson, III, Esquire
Daniel Richard Fuerst, Esquire

FILED
Apr 13 2026

Christopher A. Ogiba, Esquire
Lauren Nicole Vriesinga, Esquire

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The Honorable Jane H. Merrill Circuit Court Judge

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Case No.: 2023-CP-04-01493

T. Cox Builders, LLCAppellant,

v.

Piedmont Vacant Properties, LLC and Watson Engineering, Inc.Respondents.

PROOF OF SERVICE

This is to certify that I have this day served counsel in the foregoing matter with a copy of
***Respondents Piedmont Vacant Properties, LLC's and Watson Engineering, Inc.'s Affidavit of
Tom Scott*** via electronic mail only, addressed as follows:

Townes B. Johnson, III
Townes B. Johnson, III, LLC
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Greenville, SC 29604
tjohnson@sc.legal
filing.sc.legal@gmail.com

Counsel for Appellant

Respectfully submitted,

s/ Lauren N. Vriesinga

Christopher A. Ogiba (SC Bar No. 70666)

Lauren N. Vriesinga (SC Bar No. 100658)

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Attorneys for Respondents

August 18, 2026

Charleston, South Carolina