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

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LANCASTER COUNTY
William Tindal, Special Referee

Appellate Case No. **2025-002111**

RECEIVED
Oct 07 2026
SC Court of Appeals

BOKF, N.A., Respondent

v.

Joshua Ovalle, Appellant

MOTION FOR LEAVE TO FILE APPELLANT'S RECORD ON APPEAL

AND FINAL BRIEF OUT OF TIME

COMES NOW the Appellant, Joshua-William of the family Ovalle, a living soul appearing in his own right, to respectfully move this Court for leave to file Appellant's Record on Appeal and Final Brief out of time. The motion is sought in good faith and in the interest of justice, to ensure a full and fair presentation of the complex equitable issues central to this appeal. The Appellant states:

1. The Clerk of Court issued a correspondence dated September 23, 2026, advising that the time for serving the Appellant's record on appeal had expired and granting ten (10) days to comply together with a motion to file out of time.
2. Appellant has remained actively engaged in the proceedings throughout the pendency of this appeal, including responding to filings and obliging with orders and correspondence of this court, demonstrating continued efforts to preserve the appellate rights in this matter.

3. Appellant's delay was not the result of abandonment or disregard of this appeal, but arose from a good faith effort to navigate the procedural requirements for preparation and filing of the Record on Appeal and Final Brief while proceeding in propria persona. Upon receiving the court's September 23, 2026 correspondence advising that the time for serving the Record had expired, Appellant acted to bring the required filings into compliance with the court's instructions.
4. The issues on appeal are substantial and involve issues of constitutional magnitude, due process, exclusive equity jurisprudence, and trust law, and question whether the lower court properly considered all of the Appellant's statements and evidence on record before entering judgment.
5. Preparation of the Record on Appeal and Final Brief required a thorough review of the trial record to accurately identify and present the matters relevant to the issues preserved on appeal.
6. Appellant has consistently sought a full and complete accounting of the alleged debt, complete proof of chain of title, and the original signed promissory note in question. These matters have not been adequately addressed, requiring careful review of the Record to accurately identify where such requested documents were, or were not, presented below.
7. No prejudice will result to Respondent by granting leave to file out of time, whereas denial would result in substantial prejudice and irreparable harm to Appellant by preventing a full and fair presentation of the issues preserved on appeal.
8. Good cause therefore exists for leave to file Appellant's Record on Appeal and Final Brief out of time.

MEMORANDUM IN SUPPORT

Rule 263(b), SCACR, provides that the time prescribed by the South Carolina Appellate Court Rules for performing any act, except the time for serving a notice of appeal under Rules 203 and 243, may be extended by the appellate court or by any judge or justice thereof.

The relief requested here concerns the filing of Appellant's Record on Appeal and Final Brief, rather than the time for serving the Notice of Appeal. As set forth above, Appellant has continued to prosecute this appeal, has acted to bring the required filings into compliance following the Court's September 23, 2026 correspondence, and seeks leave in good faith rather than as a result of abandonment of the appeal. Appellant further submits that permitting the filings will allow the appeal to be considered on the record presented without prejudice to Respondent.

Accordingly, pursuant to Rule 263(b), SCACR, Appellant respectfully submits that good cause exists to permit the Record on Appeal and Final Brief to be filed out of time.

WHEREFORE, Appellant respectfully requests that this Court grant:

1. Leave to file the Record on Appeal and Final Brief out of time;
2. Such other and further relief as this Court deems just and proper.

This motion is made without waiver of any rights, remedies, or defenses, either jurisdictional or on the merits, all of which are expressly reserved now and forever.

Respectfully submitted in good faith this 7th day of October 2026.

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

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
All Rights Reserved, Without Prejudice

CERTIFICATE OF SERVICE

I affirm that I have served a true and correct copy of this Motion for Leave to File Appellant's Record on Appeal and Final Brief Out of Time, as well as proof of filing fee (Western Union Money Order **19-741440052**), via electronically filing with the SOUTH CAROLINA COURT OF APPEALS email (ctapp) and attorney on file, Chad Burgess, chad.burgess@brockandscott.com and by mailing a copy to each party via USPS certified mail. The original addressed to Jenny Abbott Kitchings, 1220 Senate Street, Columbia, South Carolina 29201 (**9589 0710 5270 3861 3219 46**). 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 3861 3219 53**)

October 07, 2026

_____, 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

RECEIVED
Oct 07 2026
SC Court of Appeals