

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

The Honorable Jane H. Merrill, Circuit Court Judge

Appellate Case No. 2025-002252
Trial Court Case No. 2023-CP-04-01493

T. Cox Builders, LLC,.....Appellant,

v.

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

AFFIDAVIT OF TOWNES B. JOHNSON III

PERSONALLY APPEARED before me Townes B. Johnson III, who, being first duly sworn, deposes and says:

1. I am an attorney licensed in South Carolina (SC Bar No. 75412). I have been counsel of record for Appellant T. Cox Builders, LLC (“T. Cox Builders”) in the circuit court and in this appeal. The facts stated here are within my personal knowledge or are shown by my firm’s file and the record.

2. I make this affidavit under this Court’s Order of September 11, 2026 and Rule 240(c)(3), SCACR, in response to the Affidavit of Tom Scott that Respondents filed on August 18, 2026. It is limited to my communications with Respondents’ counsel and to matters of record. It does not disclose, and T. Cox Builders does not waive, any attorney-client communication or work product.

3. Judgment was entered against T. Cox Builders on September 9, 2025, in the amount of \$149,939.41. T. Cox Builders moved to reconsider, alter, or amend on September 19, 2025. The circuit court denied that motion by Form 4 order entered October 6, 2025, and I received written notice of it that day.

4. On October 7, 2025, the day after the order denying reconsideration, I emailed Respondents' counsel, Lauren Vriesinga, with a copy to her paralegal, Janet Donahue. I wrote: "Would yall be willing to go ahead and execute on the judgment so that I can file a Motion to Stay and get a bond amount set?" A true copy of that email is attached as Exhibit A.

5. On October 22, 2025, at 6:38 p.m., I emailed Ms. Vriesinga and Christopher Ogiba, with copies to Daniel Fuerst and to my client. I enclosed a proposed Consent Motion and Order Staying the Execution of Judgment, under which T. Cox Builders would post a bond in the full amount of the judgment, \$149,939.41, and execution would be stayed "during the time this case is on appeal." I wrote: "I'm planning on filing the Notice of Appeal in the morning." A true copy of that email and its enclosure is attached as Exhibit B. Mr. Scott acknowledges this email in paragraph 4 of his affidavit.

6. Respondents' counsel never responded to my October 22 email and never consented to the proposed order. No order staying execution of the judgment was entered.

7. Shipman Miranda Law LLC never appeared in this action and has never been counsel of record for T. Cox Builders, in the circuit court or in this Court. I was, and remain, T. Cox Builders' only counsel of record. I was not copied on the October 17 through 22, 2025 emails between Shipman Miranda Law LLC and Respondents' counsel, and I did not see them until Respondents filed them as exhibits to their March 23, 2026 Motion to Dismiss.

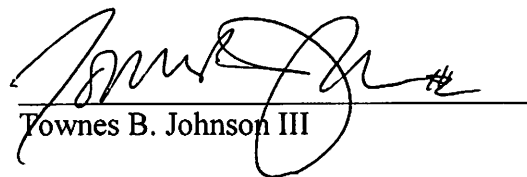
9. At no time did I tell Respondents' counsel, orally or in writing, that T. Cox Builders would not appeal, had decided not to appeal, or was paying the judgment to resolve the case. To the contrary, at all times between October 6, 2025 and October 24, 2025, T. Cox Builders maintained its intent to appeal. Respondents' counsel never proposed, and I never discussed with them, any settlement or compromise of the judgment, any release, or any agreement not to appeal.

10. Respondents' counsel did not contact me before filing the Satisfaction of Judgment on October 27, 2025, and did not ask me whether T. Cox Builders still intended to appeal.

11. On November 3, 2025, I served the Notice of Appeal on Mr. Ogiba and Ms. Vriesinga by email and filed it, appealing the orders of September 9, 2025 and October 6, 2025. That was within thirty days after T. Cox Builders received written notice of the October 6, 2025 order.

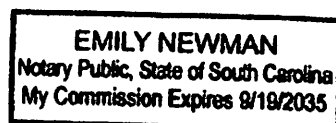
12. Mr. Scott states that he relied on "everything Cox communicated to us" (paragraph 6) and that "[n]othing in our prior communications with Cox" suggested an appeal (paragraph 8) despite my October 7th and 22nd emails.

FURTHER AFFIANT SAYETH NOT.


Townes B. Johnson III

SWORN to and subscribed before me
this 12 day of October 2026.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: 9/19/2035



Submitted by:

TOWNES B. JOHNSON III, LLC

s/ Townes B. Johnson III

Townes B. Johnson III (SC Bar No. 75412)

Post Office Box 9246

Greenville, South Carolina 29604

Telephone: (864) 757-4899

tjohnson@sc.legal

Counsel for Appellant T. Cox Builders, LLC

October 12, 2026

Greenville, South Carolina

EXHIBIT “A”

Townes Johnson

From: Townes Johnson <tjohnson@sc.legal>
Sent: Tuesday, October 7, 2025 12:28 PM
To: Lauren Vriesinga <laurenvriesinga@mvalaw.com>
Cc: Janet Donahue <janetdonahue@mvalaw.com>; Emily Newman <assistant@sc.legal>
Subject: T. Cox Builders, LLC vs. Piedmont Vacant Properties, LLC and Watson Engineering, Inc.

Lauren -

Would yall be willing to go ahead and execute on the judgment so that I can file a Motion to Stay and get a bond amount set?

Thanks,

Townes

EXHIBIT “B”

Townes Johnson

From: Townes Johnson <tjohnson@sc.legal>
Sent: Wednesday, October 22, 2025 6:38 PM
To: Lauren Vriesinga <laurenvriesinga@mvalaw.com>; Chris Ogiba <chrisogiba@mvalaw.com>
Cc: Daniel Fuerst <danielfuerst@mvalaw.com>; Chris Cox <chriscoxrealtor@gmail.com>
Subject: Case 2023CP0401493- T Cox Builders Llc VS Piedmont Vacant Properties Llc , defendant, et al added to Court Roster for period 2025-07-08 through 2025-07-11.
Attachments: Consent Order for Posting Bond.docx

Lauren and Chris -

Attached, please find a consent Order for posting a Bond in the full amount for your review and consideration. Per SC Code 18-9-130, the judgment amount is the max the bond can be.

I'm planning on filing the Notice of Appeal in the morning.

Townes

Smokeball Reference V3: 46080c0b-e019-49b3-bee8-cbf886530dff_1fa6e00b-6918-4913-a635-53c1e5d931cd_55495f94-c36e-4cde-8e93-84c6b213e503.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE TENTH JUDICIAL CIRCUIT
COUNTY OF ANDERSON	)	
	)	CIVIL ACTION NO. 2023-CP-04-01493
T. Cox Builders, LLC,	)	
	)	
Plaintiff,	)	
	)	CONSENT MOTION AND ORDER
v.	)	STAYING THE EXECUTION OF
	)	JUDGMENT
Piedmont Vacant Properties, LLC and	)	
Watson Engineering, Inc.,	)	
	)	
Defendants.	)	
	)	

On September 9, 2025, this Court entered judgment against Plaintiff in the amount of \$149,939.41. Plaintiff herewith is moving the Court to stay execution of this judgment pending the appeal thereof. Pursuant to S.C. Code Ann. § 18-9-130, this Court may stay the execution of judgment and require Plaintiff to post a bond not exceeding the amount of the judgment.

Plaintiff is willing to post a bond in the amount of the judgment of \$149,939.41 to stay the execution of judgment. Plaintiff is willing to consent to a stay of execution upon the posting of the bond in that amount.

Therefore, upon consent of the parties, upon the filing of the above-described bond with the Clerk of Court for Anderson County, South Carolina, execution of the judgment in this case is stayed during the time this case is on appeal and until such time as the Court of Appeals or the Supreme Court finally determines the appeal such that Defendants are allowed to recover damages against the Plaintiff. If following the final appeal, Defendants are allowed to recover damages, such recovery shall first be made against the bond prior to the Defendants' seeking post-judgment interest. If the determination of the final appeal reverses Defendants' right to recover damages against Plaintiff, the bond shall be returned to Plaintiff or their counsel of record in this case.

IT IS SO ORDERED.

[The Court's Electronic Signature will follow]

WE SO MOVE AND CONSENT:

Townes B. Johnson III (SC Bar No. 75412)
P.O. Box 9246
Greenville, SC 29604
Telephone: (864) 757-4899
E-mail: tjohnson@sc.legal

Counsel for Plaintiff

WE SO CONSENT:

Christopher A. Ogiba (SC Bar No. 70666)
Lauren N. Vriesinga (SC Bar No. 100658)
Daniel R. Fuerst (SC Bar No. 102522)
MOORE & VAN ALLEN, PLLC
78 Wentworth Street
Post Office Box 22828
Charleston, SC 29413-2828
Telephone: (843) 579-7000
Facsimile: (843) 579-8749
Email: chrisogiba@mvalaw.com
laurenvriesinga@mvalaw.com
danielfuerst@mvalaw.com

Counsel for Defendants

RECEIVED

Oct 12 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
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PROOF OF SERVICE

I hereby certify that on October 12, 2026 a copy of the Affidavit of Townes B. Johnson III, with Exhibits A and B, and the Affidavit of Tony Christopher Cox has been duly served on Respondents by sending a copy via electronic mail addressed to Respondents' attorneys of record at the addresses set forth below:

Christopher A. Ogiba
chrisogiba@mvalaw.com
Lauren N. Vriesinga
laurenvriesinga@mvalaw.com
Daniel R. Fuerst
danielfuerst@mvalaw.com
Moore & Van Allen PLLC
78 Wentworth Street
Charleston, SC 29401-1428
Counsel for Respondents

TOWNES B. JOHNSON III, LLC

s/ Townes B. Johnson III

Townes B. Johnson III (SC Bar No. 75412)

Post Office Box 9246

Greenville, South Carolina 29604

Telephone: (864) 757-4899

tjohnson@sc.legal

Counsel for Appellant T. Cox Builders, LLC

October 12, 2026

Greenville, South Carolina