

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM YORK COUNTY  
Master in Equity

S. Jackson Kimball, Master in Equity  
2014-CP-46-03819

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Appeal Case No. 2016-001696

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SC Court of Appeals

Knightsbridge Property  
Owners Association, Inc.,

Respondent,

v.

Paul A. Nadeau,

Appellant.

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[INITIAL] REPLY BRIEF OF APPELLANT

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## TABLE OF CONTENTS

Table of Authorities	2
Argument	
NADEAU DID NOT WAIVE KNIGHTSBRIDGE'S FAILURE TO COMPLY WITH ITS OWN RULES.	3
Conclusion	4

TABLE OF AUTHORITIES

CASES

<i>Janasik v. Fairway Oaks Villas Horizontal Property. Regine</i> , 307 S.C. 339, 344; 415 S.E.2d 384, 387 (1992)	3
<i>Satcher v. Woodmen of the World Life Ins. Soc.</i> , 199 S.C. 59, 18 S.E.2d 523 (1942)	3

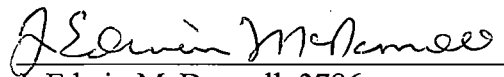
## ARGUMENT

Nadeau testified that one of the reasons he failed to pay the assessments was because he was not given proper notice of the assessments. (Transcript from trial page 86 Line 11 through line 21; page 87 line 5 through line 17; page 113 lines 15 through 21; page 113 line 25 through page 114 line 13; page 115 line 2 through line 17) The other reason was because he did not have the money. (Transcript from trial line 84 through page 85 line 1) Nadeau did not testify that he refused to pay the assessments because Knightsbridge did not properly set the assessments. “A waiver is a voluntary and intentional abandonment or relinquishment of a known right.” *Janasik v. Fairway Oaks Villas Horizontal Property. Regine*, 307 S.C. 339, 344; 415 S.E.2d 384, 387 (1992). Nadeau did not lull Knightsbridge into any course of conduct that lead Knightsbridge to alter its actions. *Satcher v. Woodmen of the World Life Ins. Soc.*, 199 S.C. 59, 18 S.E.2d 523 (1942). Knightsbridge sent bills to Nadeau, filed a lien on Nadeau’s home, and sued for foreclosure. Knightsbridge was not lulled. Nadeau did not waive Knightsbridge’s failure to set the assessments as required by its own charter.

CONCLUSION

Nadeau did not waive Knightsbridge's failure to follow its own charter. The foreclosure should be reversed and Nadeau found to owe nothing to Knightsbridge for prior assessments.

Respectfully submitted,



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February 5, 2017

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CERTIFICATE OF SERVICE

Appellant's Initial Reply Brief was served by mailing a copy of the same, on the  
date below, postage pre-paid, to the attorney stated below at the address given:

Stephanie C. Trotter, Esq.  
McCabe, Trotter & Beverly, P.C.  
PO Box 212069  
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\_\_\_\_\_  
J. Edwin McDonnell

February 5, 2017



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February 5, 2017

Clerk of Court  
S.C. Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

Re: Knightsbridge Property Owners Association, Inc. v Paul Nadeau  
2016-001696 (2014-CP-46-03819)

Dear Clerk:

Enclosed is the following: Appellant's initial reply brief and certificate of service of initial reply brief on attorney for Respondent.

Please return a clocked copy of the documents.

Sincerely Yours,

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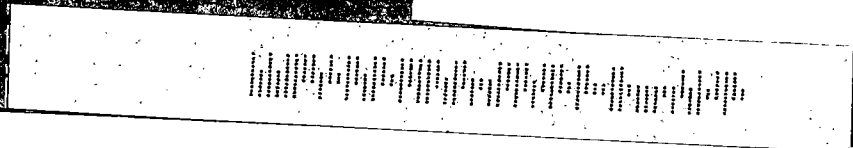
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