

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Master in Equity

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

Appeal Case No. 2016-001696

Knightsbridge Property
Owners Association, Inc.,

Respondent,

v.

Paul A. Nadeau,

Appellant.

REPLY BRIEF OF APPELLANT

J. Edwin McDonnell, 3786
South Carolina Legal Services
148 East Main Street
Spartanburg, SC 29306
864-699-0303
864-582-0302 (fax)
eddiemcdonnell@sclegal.org
Attorney for Appellant

RECEIVED
MAR 14 2017
SC Court of Appeals

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. (R. p. 56 lines 11-21; p. 57 lines 5-17; p. 83 lines 15-21; p. 83 line 25 – p. 84 line 13; p. 85 lines 2-17) The other reason was because he did not have the money. (R. p. 54-p. 55 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,

J. Edwin McDonnell, 3786
South Carolina Legal Services
148 East Main Street
Spartanburg, SC 29306
864-699-0303
864-582-0302 (fax)
eddiemcdonnell@sclegal.org
Attorney for Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Master in Equity

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

Appeal Case No. 2016-001696

RECEIVED
MAR 14 2017
SC Court of Appeals

Knightsbridge Property
Owners Association, Inc.,

Respondent,

v.

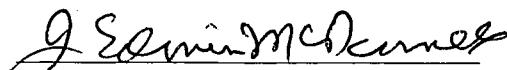
Paul A. Nadeau,

Appellant.

CERTIFICATE OF COUNSEL

The undersigned certified that Appellant's Final Reply Brief complies with Rule 211(b), SCACR.

March 9, 2017


J. Edwin McDonnell, 3786
South Carolina Legal Services
148 East Main Street
Spartanburg, SC 29306
864-699-0303
864-582-0302 (fax)
eddiemcdonnell@sclegal.org
Attorney for Respondent