

A Motion for Reconsideration

Case No 20203-001092

TC Realty of the Lowcountry INC

vs.

Teresa Brink Steven Brink and Frank Swartz

TC Realty of the Low Country  
Plaintiff

Tereas Brink Steven Brink Frank Swartz  
Defendants

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NOV 20 2023

SC Court of Appeals

I Teresa Brink, Frank Swartz and Steven Brink would like to file a motion to be reconsidered and the grounds of there was a huge miss communication miscommunication somewhere along the lines about the transcripts and documents that we have never received. I spoke with someone at the appeals court and they told me that they had sent a letter out on the 6th of September that we never received. She told me a little bit of what was in the documents that they said they sent. We never received the letters so she told me she was resending them but she never told me that the I needed to get the transcripts ordered because I've explained to them over and over again I had to save up the money to get the transcripts. I did not realize getting the transcripts would cost such a big amount of money. I spoke to the court stenographer about the transcripts she kept changing the price and then she told me a price of \$318.75 she sent me an e-mail of an estimate. Then she kept changing the amounts afterwards. She said they would be \$400 and then she said \$500 to be on the safe side. Then she told me she was going to double the money between \$650 and \$800. I told her I can't pay if she doubled it. When I emailed her and asked her to get in contact with me October 21st I never got a reply back until the 23rd of October. When she called me I let her know I

had money. I asked the stenographer if I could Zell her the money and she stated yes. I asked her to send me a text or an e-mail with her Zell information she agreed to do it that day but I never received it that day. So I sent her numerous emails to have her send me her Zell info so I could send her the money. It took almost a week for the stenographer to get back to me to finally get her Zell information. Then I had to verify that the Zell account was hers and it took two more days for her to get back to me. I explained to her I sent the money and we're sending the money. We have also been having major issues with the Postal Service and the carriers issues not getting our mail. We'd like to see about getting the motion to reconsider done so we can come back to court so we can have our say our day in court. I Teresa Brink, Frank Swartz and Steven Brink believe there was a miscommunication somewhere along the lines about the transcripts and documents that we have never received. We have not yet to have our day in court and we don't understand how Mr. Keep and Mr. Ziegler at TC Realty of the Low Country was able to go and put in a Return to Motion for an Emergency Stay a month and a half after the deadline had passed. I did not receive an email from Mr. Keep and the court told me about the Return to Motion for an Emergency Stay. The court even informed him that he had to notify us because he did not in the e-mail the first one. I never formally received them until later in September. I submitted my appeal and my emergency stay order on July 10th and Mr. Keith only had 10 days from the date he was served but it was over a month and a half later that he replied to my emergency stay order and the appeals court never received Mr. Keeps return to motion for emergency stay. On August 21st, 2023. Mr. Keep states that the postage was stamped August 17th when in fact the posted was not dated until August 21st but I never received it until September 17th 2023. This is what we've been going through with Mr. Keep. He states one thing states that he's done it on the date and doesn't do it and holds it until we can't reply to the motion. We found out that this was done and when I got the letter. I called the appeals court that same day I received it and let them know that I just got it. I've been in contact with the courts since August, September and October and was never told about his motion or about needing the transcripts. She told me she had mailed out two letters one on September 6th and the other one on September 20th to me. I explained to someone at the appeals court office that I never got them and she told me what was in them but never once told me about the transcripts. They

knew I was trying to get the transcripts then she told me she was sending me out another copy of the letter which we never got until the end of September beginning of October. When I explained this to the court I was told to write a letter. I did so write 2 letters and I explained that I can prove that in Mr Keeps return to motion for an emergency stay is a lot of errors, lies and false statements against us. I can even prove that some of the statements that the judge stated are not true. When the judge came to my property I Teresa Brink and Frank Swartz were not present when she started the hearing on the property. I have video proof of it and I Teresa Brink was not present at all when she was on the property. The judge did not wait for me and even the stenographer can vouch that I was not present during the hearing on the property. Nowhere ever does it state anything about an easement right. How does someone who doesn't have an easement get granted 4 easements from three different judges when he never had one which I can prove by the surveying company and the deed of records. I can even prove that some of the statements that the judge stated are not true. I have videos and photos of documents verifying what we say is true and verify what they were saying is not true against us. I Teresa Brink was advised by the clerk of court that before this went to court we had to have mediation in order for it to go into the court. We were also instructed to do mediation I had contacted the Mediator that they instructed us to contact. I reached out to the mediator several times but they had stated multiple times the other party has not contacted them yet. So the mediator tried to contact Tim Czura and when he did he stated that he had until a certain date but yet still never did the mediation or contacted them to set it up. I had also spoken to Tom Johnson who also stated he would mediate for us he also tried to reach out to him with no success. I am attaching that document to this however what we really want is to have our day in court to be able to submit and prove are innocence and to be able to present our evidence in this case showing that the statements against us are false. Also be able to provide everything showing that the accusations against us our faults and misleading and to be able to prove the first judge never even brought us back into court like we were supposed to and made the decision on an easement that wasn't even in play. We never went back to court over it and I have documents showing that the judge stated nothing was gonna be determined until we came back to court that never happened. The decision was made without us going back to court and without

all the evidence. They were never able to prove their allegations against us. I have proof that a document was ordered by the judge it was sent to Mr. Keep and he withheld it from the court for months. The document that Lieutenant Right sent to Mr. Keep they withheld it because it stated and proved that we were not served by Lieutenant Right and that's what the judge ordered. The judge never received it because Mr. Keep withheld it from the courts from August 2022 to January of 2023. We are the victims here and we would really want to be able to prove the allegations against us are false. We have video proof, documents and other things proving that we're innocent that we haven't done any of this. All we want is to have our day in court. Every time we go to court we were never able to give our evidence. The judge stated in June 2023 that we would be able to present our evidence and the next thing I know she's asking to go to our property when she stated the easement had nothing to do with this court hearing. Then all of a sudden it became all about the easement again. We even have hospital records and documents showing that some of the allegations that was stated in by his witnesses in court that my husband and son were not present when they claimed certain things happened. We even proved beyond a shadow of a doubt that his two witnesses perjured themselves on the stand and the judge also caught them in multiple lies. We called them out on their lies but they were still able to continue and we weren't able to finish cross examining them because the judge suggested going to our property. We are really hoping that this is can be reconsidered so we can have our day in court to present all of our proof and evidence. I tried to get my counterclaim against him in court and the clerk of court has refused me any opportunity to be able to. The clerk of court stated that I had to wait so many days I had to go to mediation before I could get my case into court but she would not take any of my paperwork to file anything even my paperwork to file a motion to relocate the case. She even refused to take the deposition from Lieutenant Right that I had that the judge requested. When I was attempting to submit the deposition from Lieutenant Right that the judge ordered the clerk of court then told me that I was banned from the court house and that I could not enter to try to submit any of my paperwork. Please reconsider so we can go forward and get this taken care of because it is literally affecting my health because of all the stress I'm under from this.

Thank you sincerely  
Teresa Brink, Steven Brink and Frank Swartz

Teresa Brink Steven Brink  
Frank Swartz  
4649 Firetower Rd.  
Ridgeland S.C 29936

Russ Keep keep the Law Office  
PO Box 5877  
Hilton Head SC 29938

Handwritten signature of Teresa Brink in cursive script.Handwritten signatures of Frank Swartz and Steven Brink in cursive script, stacked vertically.

NOTICE OF ADR

T.C. Realty Of The Lowcountry, Inc.

2022CP2700115

PLAINTIFF(S)

Filing Date: March 14, 2022

Vs

Teresa Brink  
Frank D Swartz  
Steven Brink Jr.

DEFENDANT(S)

Pursuant to the South Carolina Alternative Dispute Resolution Rules (SCADR), you are required to participate in the following methods of Alternative Dispute Resolution (ADR): mediation or arbitration (binding or non-binding); on or before 300 days from the date of filing of this action. The parties have a right to mutually agree upon the form of ADR and a neutral person(s) to conduct that ADR process. In the event the parties are unable to agree upon the form of ADR, the court hereby designates mediation as the default process of ADR. In the event the parties are unable to agree upon a mediator, the court hereby appoints

John Arthur Jones, PO Box 22768, 40 Calhoun Street, Suite 315, Charleston, SC 29413, Phone: (843) 735-7600

to serve as mediator. In the event the aforementioned mediator has a conflict of interest or is unable to serve, the alternate mediator is

Darrell T. Johnson Jr., PO Box 1125, 300 Main Street, Hardeeville, SC 29927, Phone (843) 784-2142

The parties and/or their lawyers shall contact the court-appointed mediator directly regarding scheduling and payment of the court-mandated fee.

A Rule to Show Cause why sanctions should not be imposed may be issued in all cases that fail to file a Proof of ADR or Exemption form indicating evidence of participation in or exemption from an ADR process within 300 days from the date of filing of the action or 90 days from the date of this notice 04/12/2023.

Date: January 12, 2023

Notice of this Order was given by First Class Mail, E-mail, Fax or by the E-Filing Notice of Electronic Filing (NEF). Pro-Se parties were notified by first class mail on 01/12/2023

Plaintiff Attorney:

Charles Russ Keep III  
PO Drawer 5877  
Keep Law Firm  
Hilton Head Island, SC 29938

Defendant Attorney:

Teresa Brink  
4649 Firetower Rd  
Pineland, SC 29934

Frank D Swartz  
4649 Firetower Rd  
Pineland, SC 29934

Steven Brink Jr.  
4649 Firetower Rd  
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ADR Coordinator

Quatray Truesdale  
(843) 726-7710  
qtruesdale@jaspercountysc.gov

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SC Court of Appeals

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