

(FINAL) BRIEF OF APPELLANT*

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas,

Michael G. Nettles, Circuit Court Judge

Appellate Case No. 2023-000488

Robert Belle, Appellant

v.

William Leach, Respondent

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Feb 16 2024

SC Court of Appeals

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MAR 13 2024

SC Court of Appeals

[FINAL] BRIEF OF APPELLANT

STATEMENT OF ISSUES ON APPEAL

1. Complaint filed against me from respondent was initiated after a stop work order was issued due to non payment from respondent when due upon written agreement.
2. Original written Agreement and Revisions with owners requests for additional work (change orders) is a comprehensive and clearly explained outline of Appellant and Respondents agreement of work scope (with clarifications & exclusions) and the (terms) for payment requests when due which Respondent failed to comply with albeit work was completed or in the progress of completion as shown per highlighted breakout costs presented to the court.

3. Respondent's breach of contract per nonpayment also includes additional nonpayment for diesel fuel reimbursement for machinery usage.
4. As outlined in Appellants initial response to Respondents complaint and counterclaim, factual accurate specific explanations to Respondents basis for the complaint are clearly shown and defined per Appellants documents presented to the court.
5. How can it be that a comprehensive written agreement from Appellant to Respondent and daily conversations and work flow directives from Respondent to Appellant and also being inundated with change orders requests from Respondent, and purposefully having constant open communications and meetings concerning these matters, doesn't show the obvious, that to avoid Respondents responsibility of making a payment which became due for work completed, a complaint is filed against Appellant to simply create a diversion to avoid the very specific point of the matter, Respondent failed to render payments due when appropriately requested?

STATEMENT OF THE CASE

On September 3, 2021, Plaintiff, William Leach filed a complaint in the Magistrates Court alleging Defendant, Robert Belle was given monies in draws to grade his yard, build a retaining wall, erect a fence, install an in yard drainage system and a in ground irrigation system. Alleging only his grading was done.

Requesting a Judgment in the amount of \$7,500.00 Plus \$80.00 Court cost.

On December 27, 2021, the issues in this action were tried in the North Greenville Summary Court, and Robert Belle presented his answer to the complaint and counterclaim, at which time a Judgment for the Plaintiff, William Leach, was rendered in the amount of \$5,720.00 and \$80.00 Court cost.

On December 17, 2021 Robert Belle filed an Appeal in the Court of Common Pleas, Greenville at which time

On December 7, 2022 Robert Belle argued that issues with documents that were submitted as well as to show that a comprehensive signed written agreement was in place and that the Magistrates Court appeared to not base its decision on the facts that were clearly outlined and agreed upon. Robert Belle expressed this fact and emphasized this crucial element that would of shown accurate and relevant information apparently not considered. Therefore limited to err of law only the Court had no choice but uphold the Magistrates Courts decision.

On March 24, 2023 Robert Belle files an Appeal to the Order/Judgment of the Honorable Michael G. Nettles dated March 1, 2023 having received written notice of entry on March 3, 2023.

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ARGUMENTS

1. Magistrates Court, Greenville having been provided by Robert Belle, Defendant, an answer to William Leach, Plaintiff, complaint and with additional (highlighted) documents for clarity, including a signed written agreement and with verbal explanations that were not apparently included in the Courts decision is the absolute point for appeal.
2. Court of Common Pleas, Greenville was provided by Robert Belle, Appellant, relevant documents and agreement and verbal explanations per appeal basis and as a result due to the Courts limited abilities, we are looking for the justice due that the facts actually show in the South Carolina Court of Appeals, Columbia therefore our Appeal has been filed.

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the Circuit Court and Magistrates Court and award the monies noted with our counterclaim. The documentation provided including transcripts and the signed written agreement with additional verbal facts to be expressed by Robert Belle, Appellant clearly and specifically will show that William Leach, Respondent filed a frivolous claim including false statements about the facts of this case, to avoid his obligation and responsibility to pay for services rendered.

Respectfully submitted,

February 16, 2024

Robert Belle, Appellant

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CERTIFICATE OF COUNSEL IN FINAL BRIEF

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Appellant,

v.

William Leach

Respondent.

CERTIFICATE OF COUNSEL

The undersigned certified that this Final Brief complies with Rule 211(b), SCACR.

March 12, 2024

/s/ Robert Belle (Appellant)
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