

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

Case No. 2022-CP-27-00115

RECEIVED

AUG 27 2024

SC Court of Appeals

T.C. Reality of the Lowcountry, Inc. Respondent

vs.

Teresa Brink, Steven Brink Frank Swartz, Appellants

I Teresa Brink Steven Brink and Frank Swartz are being sued by TC Realty of the Lowcountry. We can show that everything that's happened in court has been one-sided against us very biased and unfair to us. Mr Tim Czura of TC Realty of the Lowcountry made the threat that he was going to ruin us because he's a millionaire and got money and we don't. So far it has been working because we can't find an attorney to help us because every time I do is either conflict of interest or they don't do that kind of case or he finds out and the lawyer drops us. We have been to court with judge Price in May of 2022. We are being sued and our first court hearing went good. Price stated that we failed to reply within the 30 days to the temporary restraining order and a permanent injunction. No where did it ever stay that anything about the easement not even in the lawsuit or anything and everything that is in that lawsuit is either false or things that Tim and his tenets have done to us. We have all the proof we have videos we have documents we have other paperwork to prove his accusations against us our false. When we were into court the judge said that he had to be able to prove that I was not replied within the 30 days. I proved that I replied within the 30 days and I asked judge Price about our evidence being brought into court. He says when we come back to court we would be able to bring our evidence then. We were never brought back into court to determine whether Tim

had an easement or not and we were never able to bring our evidence to court on the May Hearing in 2022. We were never brought back into court so are evidence was never brought into court at that time. On July 17 of 2022 I'm in Upstate New York visiting family and I get a phone call that court documents came in and stated that we were in default of an easement but yet we never went back to court for this decision. We had a new court date in August so I left my vacation early to come home and be here in time for the court date. Then I get told that it's been postponed but then I was told to show up anyway by an attorney so we did show up. It was supposed to be postponed do a to a murder case that was being taken place. The court date was never rescheduled and we had never received any documents for the hearing or anything. Nothing about it being postponed or anything. I don't understand how this can be happening to us but I know it's not just us they're doing this to. They were taking other people's properties and I don't think it's fair that this is a one-sided hearing. We want to be brought into court in front of a judge so the judge can see everything that we have the videos the pictures the documents the plot papers everything and even show that the things that he claimed in his lawsuit are false and they are doing it to us. They even tried to submit pictures in court stating that I had voodoo dolls all up and down my property but yet they were never able to prove it. They took pictures of my decorations and none of our stuff was blocking any

of the so called easement. All I want is to be heard and have the evidence brought in to show that this is just to try to destroy us and harm us that's all he's trying to do to us because I spoke up to him and told him if you think you have an easement prove that you have an easement. I spoke to Tom Johnson the attorney for Jasper County, the records for building and planning and the Surveying Company Assessor's Office and all have stated he does not have an easement and I would be crazy to even give him any type of easement. I've been going to the records office for 5 years. The last 3 years they've told me if it's not in your deed he doesn't have an easement. It's not in my deed and it's not on the plot papers. Everybody has stated to me that he does not have an easement so how can I be in default of an easement that he doesn't even have. Eastman and Court does not show he has an easement but still whoever has an easement has to pay a road maintenance agreement fee. I didn't put this in place this was in place before we bought the property and it cannot be broken. Anyone that has legal us of the driveway has to pay a road maintenance fee to help maintain the driveway. I have the transcripts showing that judge Price said that he would bring us back into court before he made any decisions and that never happened. Myself and my son Steven Brink ask the judge if he was going to bring his back into court because I advise the judge that I had decisions photos, videos and surveying papers that I paid for. The Price stated when we

come back into court it'll be able to submit all of my evidence and have your voice heard. He said yes he would be bringing us back into court but yet that did not happen. My son Steven Brink asked if he had any idea when the next court date would be so he could get the day off from work. The judge stated he did not know and he said probably the next court docket. While we were waiting for a new court date T.C. Realty of the Lowcountry Tim Czura destroyed our property. He was caught on camera purposely driving his vehicle into our wooden fence that we had on our property for my protection because I had to T.C. Realities tenant purposely drive off the side of the driveway and try to hit me with his vehicle while I was doing maintenance on the property and the police were called out saw the videos. Then Jasper County Sheriffs department issued a warrant for his arrest and two weeks later he came back to the property and decided to rip out all the fencing that he hit. My son caught him as he was leaving the property and it was all caught on camera. I was in Upstate New York when I got the phone call. I was on the phone with Jasper County Sheriff's and my son had spoken to my other son who was with me. Jasper County didn't go after him but they watched the videos and and issued a second warrant for his arrest for that destruction of property and malicious damage to properties with the second one. I got a phone call from Frank Swartz my husband a couple days later stating that Tim Czura was on the property. My husband was out

doing work on the driveway and Tim had started an argument and tried to impale my husband with a steel rod and started throwing other things at my husband. Jasper County Sheriffs were called out and Tim was arrested that day. That took place in July of 2022. He decided to come tear out the fencing after he had gotten the notice stating that we were in default of an easement. He went to court for destroying the fence and use the easement against us to get out of the case. Also the judge and Tim both had the same lawyer. I told law enforcement I did not want that judge to hear the case but my words went unheard and he got away with destroying our property. I even stated and tried to speak up about not having the judge hear the case and every time I spoke Tim's attorney kept telling the judge to tell me to shut up or I could be in contempt of court. I said well I see how this is going to go and it went exactly how I thought. Then that judge also granted him more easement rights which I don't understand how two different judges at that time could grant him two different easements. I tried to tell the judge and showed the judge that where the fence was was not on the easement he claimed he got granted. It was on a different piece of property that we own but yet they would not listen to us and I showed her right on the plot papers where the fence was that he destroyed. Yet it didn't make no difference but we were not allowed to bring any evidence into that court hearing either. I had everything with me in the car and I was told by the officer and by the judge that it

wasn't relevant to the case. So once again none of our evidence was ever brought into court on that case either and the judge in that case said oh you can appeal it but good luck and I found out why. For a month straight I tried to appeal it and get the transcripts and everything. Within less than 24 hours after the hearing the court records and everything was gone as if the hearing never happened. Everything from the court hearing and the videos where I stated to the police officer that I did not want that judge to hear the case everything was gone. When I tried to appeal judge Price's decision and this judge's decision I was basically told that we didn't go to court so I couldn't appeal the decision on the easement. The clerk of court told me for the other hearing for the destruction of property and malicious damage to property she told me that I didn't appeal it at that Courthouse when I was in fact told at the smaller court that's where I had to go. When I proved it that there was no court hearing and how could a decision be made if we were not brought into court. Ms Bostic banned me from the courthouse and refused to take my appeal. She also refused to take my change of venue papers and refused to take the appeal for the smaller court. She also refused to do my counter suit against Tim. She told me I had to do this and that and that I had to wait 120 days. I did everything but yet she banned me from the court house and refuses to take any of my paperwork and denied it all just like she said something that didn't go to court that came right out of Miss Bostic's

own mouth her exact words. Mr Keep which is TC Realty of the low Countries attorney stated that I couldn't appeal something that didn't go in front of a judge.

We were served lawsuit papers from TC Realty of the Lowcounty on April 21st 2022. We then receive court papers stating we had to be in court on May 17th 2022 and it was for a temporary restraining order, a permanent injunction and failure to reply within 30 days. They claim that Lieutenant Right served us so the judge stated that he wanted a statement from Lieutenant Right in writing and that we would be able to present our evidence in the next hearing. My son asks if there will be no decision until we come back to court and that judge said yes I will have you back on the next court docket after I receive the deposition from Lieutenant Right. Judge Price ordered a deposition from lieutenant right on July 17th 2022 on that same day a different judge granted Tim easements and stating that we were in default of an easement. How can we be in default of something he did not have and how can a different judge make that decision without knowing anything about the case. The judge's name is Sharon Hardoon. We found out that she made the decision without even looking at any of the paperwork or documents or knowing anything about the case. She admitted it in a court hearing we had in June 8th 2023. Then she's like oh yes whispering we have to discuss something and then never did well that never happened. I chose

to bring the transcripts from the May 17th hearing and 2022 I have the transcripts from the court hearing

In July of 2022 Tim Czura proceeded to destroy our property by running into a wooden fence that was put up for my protection because of Tim's tenant trying to run me over on the side of my driveway when he come up off the driveway onto the side of the driveway trying to hit me and that's also on video. The police were called out seen the videos of Tim running into the fence with his vehicle and issued the police issued a warrant for his arrest July 9th 2022. On July 17th 2022 shortly after the decision was made that we were in default of the easement which I don't understand how they can make that determine without going to court and him not having an easement on record. I have Tom Johnson former attorney for Jasper County and the surveying company who did the survey all stating he does not have an easement. On July 25th Tim Czura then proceeded to pull out all the fencing and destroy it and it's all on video. My son Steven brink was arriving home as he just got done tearing the fence out and leaving the property. My son called me in New York to tell me to contact the police and told me he was following him so the police could get him for what he had done. The police didn't get him then but they did issue a warrant out for his arrest from what they saw on the video . A couple days later my husband Frank

Swartz was working on the property at the bottom of the driveway and trying to see what damages was done and tried to clean it up when Tim Czura came back on the driveway and then proceeded to harass my husband. Tim then decided then to take a steel rod and a pitchfork and try to impel my husband with them. My husband called me and I called the police. I told him also to call the police. The police arrived while Tim was on the property. The police arrested him for the two warrants and for the harassing he did to my husband that day. Tim used that easement against us when we went to court. We were advised buy the judge that there was possibly a conflict of interest she didn't know why and then proceeded to tell us that her and Mr Czura's have the same lawyer. The judge asked the officer to go with us to the hallway to see if we wanted her to be the judge that handled the case. We told the officer that we did not want that judge to handle the case. We returned back into court room but the officer went against our wishes and told the judge she could hear the case. I tried to speak out to tell the judge that we did not want that judge to handle this case but every time I tried to speak their lawyer told the judge to tell me to shut up or I can be in contempt of court and the judge did so. That is when we knew the case wasn't going to go well because we told the officers we did not want that judge hearing the case. Then I was in New York when the decisions were made by judge Price on the other case. There's no way we went to court over the

easement of us being in default. Tim has no proof that he has any easement rights. He submitted a paper stating that he sold easement rights years ago but did not give himself any easement rights. We were supposed to have a new court date in August. I cut my vacation short because I was told that we were supposed have a court date to be able to submit our evidence in court and we were told that the hearing was canceled. Tim got what he wanted basically and I tried to appeal the decision of us being in default of the easement and I was told I couldn't file the appeal on something that did not go to court and that came from Miss Bostic at the clerk of court. She told us that I was told that decision cannot be legal because we were never brought to court over it when the judge stated in court that we would be brought back into court before any decisions would be made. I could not get any court documents or transcripts from the decision of the judge stating he wanted a deposition from lieutenant right and stating that we were in default of an easement because we never went to court. I don't see how that is legal. We were also told that the hearing for August would be rescheduled and it never was rescheduled.

I tried to go to the clerk of court and file a change of venue request documents and to file my counterclaim against Mr Czura and I was refused by miss Bastic the clerk of court. Miss Bostic then stated that she banned me from

the courthouse and that I could not come back to the courthouse. Then I tried the security guard at the door and he told me that I could not come in and that I was not allowed to be on the premises. So I could not file any appeals and I could not file a change of venue. Miss Bostic refused to take any of my paperwork. We have never been able to present any of our evidence to any of the judges. Not judge Price, not the judge at the Magistrate Court not even in our hearing in 2023. I can prove all the items Tim's got in this deposition against us is faults. I have video proof and I have paper documents proving they are faults and I have the deposition from Lieutenant Right stating that he did not serve me. When I went to the clerk of court in April 21 of 2022 the lady at the clerk of courts office stated yes you have time to get your counter claim and response in. So I did put my response in within the amount allowed for me. Nowhere in any of the documents that we've ever received have been about an easement. Never once was an easement in any court documents presented to us to go to court over. I don't understand how this can be turned around against us and the easement when it never was about the easement. We can prove beyond a shadow of a doubt that he has done nothing but harass us, threaten us and do damage to our property that's all on video. I have 5 years worth of videos of Tim and his multiple tenants doing things to our property, destroying it and doing whatever they want to it. Trying to claim that they own my property.

Tim keeps telling his tenants that they own the driveway and that they own our property when they do not. I should not have to continue to fight for my land that's mine that we pay for and pay taxes on. Tim's tenants think they can come and try to claim our land because Tim tells him they have rights to it when they don't.

In August of 2022 we went to court on the charges of destruction of property by Tim Czura. When we went to court I tried to explain to the judge and Tim Tyler's attorney, the same attorney that the judge was using, I tried to state I did not want to the judge to hear the case. My words were unheard and we were not allowed to bring any of our evidence into that case either so it was an unfair case all the way around just like the last ones. We don't feel that we are getting justice in the system here in Jasper County because none of our evidence has ever been brought to court and meanwhile between August 2022 to the court hearing on June 8th 2023 that was another fiasco in that hearing.

We were served court papers to appear in court for June 8th 2023. I Teresa Brink, Steven Brink and Frank Swartz went to the court hearing and they brought on one of Tim's witnesses. We proved that the witness was not telling the truth, lying and saying untrue things about my son Steven Brink and my

husband. We have hospital bills showing that my son was nowhere around when the witness was on my property threatening me, telling me he was a cop and that he was going to have me arrested and all this. Then he lied and said that my husband and my son were on the property when they were not. They were out an hour past Charleston to the children's hospital with my grandson who had fallen into an oyster bed and cut his foot open. We have the proof even the judge caught Tim's witness lying on the stand. He claimed that I had a gun when I did not. I don't own a gun, I don't handle guns and I don't like guns. He told the judge he never got out of his car but he stated that saw a gun on my driver side seat which was not true. He told the judge that I had either a 9 mm or a 40 Glock sitting on the driver's seat in my car. The judge said that if you never got out of your car then how did you see a gun on the seat of her car. Then he said that my husband and my son came down the driveway and a blue pickup truck with guns out. That did not happen because my son and my husband were over an hour away at the hospital with my grandson. They got away with all of that and every time I would speak to the witness he would just Ramble on not answering my questions and would not stop talking. The judge is like the easement is off the table when I would say something about the easement. I did not speak about the easement but Tim and his witness would speak about the easement and the judge allowed it. Then the judge said well how far away is his

property. I explained about 15 minutes away. This court case was not even supposed to be about the easement but it ended up being all about the easement. The judge then decided to continue the hearing on our property. She said she wanted to arrive at the property alone so she could look around by herself then she would have the rest of us come on the property to discuss the issues. We have video proof that instead of arriving alone the judge entered our property with Tim and his lawyer and the judge and Tim and his lawyer were walking down Tim's drive talking with each other before we even arrived on the property. She told everybody do not come to the property until she gets there. Tim Czura and his lawyer went to his property with the judge. Went up to Tim's property and they were talking. I have that also on video. Nobody was supposed to be there with the judge but he was. I have it on video showing that me and my husband Frank Swartz we're not present when she started the court hearing and I have the transcriber also as a witness to the fact that we were not at that hearing at the time she had started. We had not made it there yet and then I had to go to my home because I hadn't been feeling good. I went to go get my migraine medicine and by the time I came back down the hearing was over. I was not at that hearing at all but she states that I was there and I was not. I have the video proof showing I was not at that court hearing and I don't know how she can make a decision about the easement when she said in transcripts

that I do have the transcripts that easement was off the table. She is the third judge made the decision about the easement when she stated that it was off the table and then all of a sudden this court hearing was all about the easement when it was not supposed to be. This is affected my life severely it has affected my health and is affected my grandson's health and his state of mind because now at school he has had issues with handling the negativity from all the things that they are doing to us. To this day I have multiple videos of this man Tim Czura and his tenants including his new tenants harassing us, threatening us, telling us that we don't own the driveway. That they own it and I'm being told that I have to go to court to prove that I own the land but I have the deed, I have the surveying papers, I have the tax papers showing this property belongs to us and the easement that he is saying that he got was for parcel C not parcel A. The driveway that he has goes through parcels A and C. Tim's original easement to get access to his properties is off the back of his furthest back property which is not even on my properties and he needs to continue to use it and leave us alone. we want this taken off the table. We want this brought to court so we can bring in our evidence and prove beyond the shadow of a doubt that what he is saying about us is 100% false and we have the proof to prove it. We just want this guy to leave us alone. We don't want him having an easement. We have never stopped anybody from using the driveway but he needs to have it taken

away and use his original easement to his land out the back of his property. We want to put up a fence and protect ourselves from him and his tenants from them harassing us, threatening us, harming us, messing with our property and that's the bottom line. We want this brought to court so you all can see the videos, the documents and everything that we have. We do not feel that he should just walk away with a free easement and everybody else had to pay for one. Tim does not have an easement and I have the proof. I am not the one that did not give myself an easement he did not give himself an easement to the property. It is not my fault and that's not my problem we do not want him having an easement because he uses it against us and for him to use it against us is not fair. We have shown Tim that he doesn't have an easement and he has not tried to talk to us like a civil person to get access to his properties from our land. Like I said please do not allow him to have this easement and have this case heard or taken care of so we can have peace of mind. My doctor's tell me for the last 3 years I need to leave my house and go to New York so I don't end up dying because of the stress from all of this. I should not have to leave my home and go away for a month because of these people harassing us. It's not fair to me. I do go home to visit every year but it is suppose to be for a vacation not to escape the stress and harassment from my neighbors and their landlord. My doctor advises me to leave for a month every year to escape the stress that is

causing me health issues and that's not right to me. We just want peace of mind, we want them to leave us alone and stop using our land against us. Tim keeps telling everybody that he rents to that he owns the driveway to our front door and he does not own it. He has not owned it in years. He lost the one part of the property to back taxes and that's when the former attorney for Jasper County Tom Johnson obtain the property. We bought the property from Tom Johnson. so we're just begging and pleading that this stops. Like I said we would really love to be in court to be able to present our evidence for once and get everything straitened out. We have never been able to provide the evidence I'm talking about with judge Price or the other two judges. We don't understand how three different judges can give him three different easements when the easement was never on the table and he did not have an easement in the first place. Legally this judge had no right to give him an easement without knowing anything or even saying that we're in default of an easement. She never looked at the case or nothing and judge Price was not the one who granted it Sharon G Hardoon - CSR is the one who granted the note the default in the easement without knowing anything about this case. She even admitted it in court when we went to court on June 8th of 2023

We do have the transcripts from the two hearings that we did have one

from judge Price and one from judge Haroon. We do have video of everything that they've done to us we also have paperwork from the d hack, environmentalist and health department showing the accusations against us about burning trash metals and etc are faults. We even have the fire department as a witness who have been here multiple times about the fires and has seen what is being burnt in the fires. The fires are not all up and down the driveway they were in two spots because we are trying to clean up the property. I should not have a problem doing this without being harassed. I have witnesses to the fact that where we were working on the property and decorating for the holidays. They harass me, my family and my neighbors but we would like to be able to have our day in court to show the accusations against us are faults and we can prove that beyond he of a shadow of a doubt with all the evidence that we are not doing anything wrong. A judge should not tell us that we have to take down our decorations that come from the dollar store and put on my trees for my grandson because he is high functioning autism, take down our fences, remove all the plants we planted then we have to take them down because they claim they are inhibiting the driveway and they are not. None of my stuff has ever blocked the driveway not my gate, not the wooden fence nothing.

John 304
John 304
John 304

FORM 7

PROOF OF SERVICE OF INITIAL BRIEF

THE STATE OF SOUTH CAROLINA

In The Court of Appeals
[In The Supreme Court]

FROM JASPER COUNTY
Court of Common Pleas
Carmen T. Mullen, Fourteenth Judicial Circuit

Case No. 2022-CP-27-0011

T.C REALTY OF THE LOWCOUNTRY INC., Respondent

v.

TERESA BRINK, STEVEN BRINK, FRANK SWARTZ, Appellant

PROOF OF SERVICE

I certify that I have submitted my initial brief to the court for court hearing against T.C REALTY OF THE LOWCOUNTRY on August 15, 2024. I am notifying T.C REALTY OF THE LOWCOUNTRY by sending this notice in the United States Mail, postage prepaid, on August 16, 2024, addressed to his attorney of record, Russell Keep 19 shelter cove Ln Hillton Head Island, South Carolina 29928.

Attorney for Appellant

Frank Swartz
Steven Brink
Teresa Brink

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SC Court of Appeals

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