



The South Carolina Court of Appeals

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October 18, 2024

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

Re: T.C. Realty of the Lowcountry, Inc. v. Teresa Brink
Appellate Case No. 2023-001092

Dear Counsel:

The Court received your request for a copy of the appellant's initial reply brief and designation of matter. Enclosed are the requested copies.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Harrison, deputy". The signature is written in a cursive style.

CLERK

cc: Teresa Brink
Steven Brink
Frank Swartz

RECEIVED

Oct 15 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

Case No. 2022-CP-27-00115

Appellant reply to the Respondent's Initial Brief

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

vs.

Teresa Brink, Steven Brink Frank Swartz, Appellants

Regarding Respondent's Statement of the Case

1. This is not the Respondent's second amended compliant. We have revived approximately four to five different compliants from the respondent in which the alleged allegations against us have were either changed, added or removed.
2. At the end of our last court hearing with Judge Price he stated that his decision about the easement would be made when he brought is back into court for our next hearing. Judge Price also stated that he was waiting on the deposition from Lieutenant Wright before he made a decision about the easement. It turned out that the Respondent's layer Russel Keep had the deposition of Lieutenant Wright for months before submitting it to the court. It is stated in the transcripts. I Teresa Brink and Steven Brink asked Judge Price when that would be and Judge Price responded by saying I will give you my decision when I bring you back into court on the next docket. In our last court hearing Judge Price did not make any decision about the easement. Judge Price did not establish the easement on July 19, 2022 instead Judge Mullen established the easement for Judge Price with out being present at any of the court hearings and with out reading any of the documents about the case or having any knowledge about the case.
3. Judge Mullen made the decision of the default of easement with out being

present at any of the court hearings and with out reading any of the documents about the case or having any knowledge about the case. On June 12, 2023 Judge Mullen admitted that she did not know anything about the case. The court hearing with Jude Mullen was not suppose to have anything to do with the easement which is stated in the transcripts. The court case with Judge Mullen was suppose to be about my counter suit that I had filed against the respondent Tim Czura.

4. Neither I Teresa Brink, Steven Brink of Frank Swartz never received any paperwork about any permanent injunction because Judge Price did not make a ruling about the permanent injunction. We do not see anything where Judge Price granted a permanent injunction.

Regarding Respondent's Statement of Facts

1. As far as I know the Respondent's first statement is true.
2. The Respondent's second statement is true.
3. As far as I know the Respondent's third statement I do not know if it is true or false because I am not a layer so I do not know which type of court is allowed to create/handle easement cases,
4. As far as I know the Respondent's fourth statement is true even tho the

Respondent has tried several to sell the land throughout the court case.

5. As far as I know the Respondent did sell Parcel A to the Weston's. As for the alleged easement we have been going to the Deed of Records, the Environmentalist and Building and Planning for four plus years and have found no evidence of an easement.
6. As stated before in my response to the fifth statement the Deed of Records, the Environmentalist and Building and Planning have found no evidence of an easement.
7. As far as I know the Respondent's seventh statement is true
8. As far as I know the Respondent's eighth statement Tom Johnson did sell Parcel C to me. As for the alleged easement as I stated in my response to the Respondent's fifth and sixth statements the Deed of Records, the Environmentalist and Building and Planning have found no evidence of an easement.
9. As far as I know the Respondent's ninth statement the Respondent has had multiple different tenants in both of his properties. For the alleged elderly and poor health tenants he is referring to they are older not elderly and not in poor health, I say this because before the issues started with the Respondent we use to talk to those tenants and one of my sons worked for them for a period of time.

10. As far as I know the Respondent's tenth statement regarding the alleged behavior towards the Respondent and his tenants

- a) Set trash fires along the alleged easement – This is false. We have documents from the Environmentalist and the Department of Health that the only thing that was burned in the fires was yard debris. We have video proof of the Respondent's tenants picking up metal trash off of the Respondent's property and throwing it into my burn piles.
- b) Blow smoke with gas blower onto Respondent's land and into home – This is false. If you were to use a gas blower to blow smoke the smoke would only travel a short distance (about eight feet). It is not possible to blow smoke onto the the Respondent's property and seeing how the Respondent's tenants house is quite a good distance away from where the burn pile was(I would estimate around one hundred yards away give or take) that it is impossible to blow smoke into the Respondent's tenants house with a gas blower or any other type of blower for that matter. The only way for smoke to go onto the Respondent's property or in a very rare case into their house would be caused by the wind and I can not control the wind.
- c) Torn out property markers – This statement is false. First of all I am the one that called out and paid for the survey company to come out and

- d) re-stake my properties. I have video evidence of the Respondent attempting to remove my property markers and I have video proof of the Respondent's tenants removing my property markers and throwing them into the woods.
- e) Cut TV cable to Respondent's land and tenants home – This is true but it was not done intentionally. The reason why it was cut is because we did not know it was there and that is because the cable company ran the cable in the wrong spot. When the cable got cut we called the cable company to send out a tech and when the tech arrived we told him what had happened and he said that we were not at fault.
- f) Shot firearms over the Respondent's tenants home – This is false. The police have been out to my property multiple times about this alleged complaint and every time the police saw where and in what direction the guns were being fired. The police said that the guns were being shot at a safe spot and in a save direction nowhere near the Respondent's properties or over his tenants houses. If the guns were being shot in the direction of the Respondent's properties the police would have found evidence if it was true.
- g) Drive 4 wheelers with no mufflers up and down the alleged easement at all times of day and night – This statement is false. First of all an ATV

- h) will not drive properly without a muffler installed on it. The ATV in question is a child's 90cc ATV so it is not being driven at all times day and night because the child is in school and goes to bed no later than 8:00 PM.
- i) Blocked the alleged easement with trucks and machinery – This statement is false. We don't own and machinery. The only times that people were stopped for coming on the driveway were the times when we were working on the property doing tasks like repairing the driveway, removing vines from the trees, cutting off tree limbs, cutting down trees and similar tasks like that. People were stopped from entering the driveway while those tasks were being preformed to keep us safe and to prevent any harm to the Respondent or his tenants and to prevent any damage from happening to their vehicles or property. We would even stop what we were doing when it was safe enough for them to pass through. I have video proof of the Respondent's tenants stopping in the middle of the driveway and getting out of there car so they were blocking the driveway. I also have video proof of the Respondent's tenants purposefully driving off the driveway onto the grass with their vehicle part way in the drive way driving back and forth on the grass for no apparent reason.

- j) Screamed and yelled at the Respondent's tenants as they drive along their alleged easement – This statement is false. Screaming and yelling did occur but that is only when the Respondent and his tenants would come down to the property line and harass us while we were putting up holiday decorations, fixing the driveway, doing yard work and any time they saw us doing any kind of work on my property. They would even come down just to instigate a fight/argument. The Respondent's tenants would even hide in the woods watching while my family and I did any sort of work on my property before they would harass us and instigate an argument. I have video proof of the Respondent, his workers, his tenants and their dogs trespassing on my property multiple times.
- k) Hung Voodoo dolls up in the trees along the alleged easement – This statement is false. First thing if I hung Voodoo dolls up in trees as a part of my religion there is nothing that can be done about it because there is freedom of religion. Voodoo is not a bad or negative religion. The Voodoo dolls/black magic items the Respondent and his tenants are referring to are the holiday decorations that I buy from the Dollar Tree and other places and these items include but are not limited to signs, foam tomb stones, fall scare crows, hanging foam and cloth ghosts,

plastic and some foam multicolored eggs, solar lights, battery operated lights, a concrete pillar with a concrete flower pot on top and short metal and plastic garden fencing just to name a few items.

- l) Put steel spikes in the road – This statement is false. First thing the “road” that the Respondent is referring to is my driveway. If there was steel spikes in my driveway it would be a hazard that would lead to everyone including myself to receive damage to vehicles including but not limited to body damage, flat tires and more. The steel spikes that the Respondent is referring to is the rebar that is being used as property stakes located on the property line.
 - m) Set fires at night – That statement is false. First of all it is not against the law to have a fire at night. I do not start fires at night. The fires that the Respondent is referring to I start during the day after I call in a burn notice for the day. I tend to the piles of yard debris that I burn and sometimes they do burn into the night from time to time but there is always someone watching them until they are done burning.
11. As far as I know the Respondent's eleventh statement is false. We have never damaged the Respondent's properties because we do not go on his properties for we have no need to unless we are invited onto the properties. We have not depreciated the Respondent's land values. I have

never know your neighbors land value to depreciate from you cleaning/maintaining your property and driveway. We deprive the Respondent and his tenants of their quiet enjoyment of the Respondent's land. I don't know how my family and I doing yard work and maintaining my property disturbs them. Were they disturbed at the places they previously lived at prior to living in the Respondent's properties because everyone does yard work and maintains their properties. I don't know how my family disturbs them by riding ATVs on my property especially when their house is quite a good was away from my driveway. About my family shooting guns what I have to say is that this is the county and a lot of people shoot guns on their property but people should not go around making up stories about people shooting guns at there properties over there house. Actually the tenants that the Respondent are referring to moved out of the Respondent's properties onto a property that is even closer to mine and I have not heard them complain since they moved into their new property.

Regarding the Respondent's Argument and Citation of Authority

1. We do not know what three orders the Respondent is referring to. As to

2. why there were no motions to reconsider or anything else like that the Clerk of Court Ms. Bosteck would not allow me to submit anything and she said that I was banned from the court house..
3. About the alleged easement on my property the Respondent claims to have we have been going to the Deed of Records, the Environmentalist and Building and Planning for four plus years and have found no evidence of an easement. The only easements that I found the Respondent to have are on plot papers of his properties. One easement is on his property line that grants him access between his properties and the other easement is on the back side of his one property the opposite side of my property which connects the Respondent's property to his other neighbors property that gives the Respondent access to the main road. For the Respondent's claim of all the alleged obstructions to the alleged easement I would like to see any evidence they have claiming these allegations because the steel rebar stakes are property markers on my property line, the wooden limbs and yard debris were put where they were because the Respondent blocked off one of his illegal driveways that was connected to my driveway with rope and fence posts, we never had any sort of cement blocks or bricks along my driveway, None of the fencing that we had up ever obstructed any vehicles private, on foot or emergency I even have video

evidence of the Respondent's tenants walking up and down my driveway.

Regarding the Respondent's Conclusion

1. I am not sure what two judges that found ruled against us that the Respondent is referring to because according to the transcripts that I have the first judge (Judge Price) stated that he was not going to make any decision about the easement until he first received the deposition from Lieutenant Wright and second Judge Price stated that he would not make a decision about the easement until he brought us back into court on the next docket and the second judge (Judge Mullen) stated that the easement was off the table because that court hearing was suppose to be about my counterclaim against the Respondent.
2. We are not making life a misery for my neighbors, the Respondent, EMS, the Clerk of Court or Jasper County Sheriff's Office by maliciously blocking the alleged easement because I do not block my driveway with malicious intent. When my driveway is blocked is when I am maintaining my property and it is dangerous for other vehicles and people to be in the area where my maintenance is being done. Emergency vehicles have never had an issue using my driveway. The only time that the Respondent

and his tenants may be miserable that include me or my family is when the Respondent and his tenants decide tat they want to instigate and harass my family and I. Nowhere in any of the Respondent's photos or proof does it show anything blocking my driveway.

FORM 7

PROOF OF SERVICE OF APPELLANTS REPLY TO THE RESPONDENT'S 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 reply to the Respondent's initial brief to the court for court hearing against T .C REALTY OF THE LOWCOUNTRY on October 14, 2024. I am notifying T .C REALTY OF THE LOWCOUNTRY by sending this notice in the United States Mail, postage prepaid, on October 14, 2024, addressed to his attorney of record, Russell Keep 19 shelter cove Ln Hillton Head Island, South Carolina 29928.

Attorney for Appellant

RECEIVED
Oct 15 2024
SC Court of Appeals

FORM 7

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Attorney for Appellant

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FORM 14
DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

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Oct 15 2024

SC Court of Appeals

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

APPEAL FROM JASPER COUNTY
Court of Common Pleas

Case No. 2022-CP-27-00115

T.C. Realty of the Lowcountry, Respondent,

v.

Teresa Brink, Steven Brink Frank Swartz, Appellant.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellants' Reply to the Respondent's Initial Brief the following be included in the Record on Appeal:

1. Second Amended Complaint dated March 23, 2022
2. Regarding Judge Price's Order Establishing Easement July 19, 2022
3. Regarding Judge Mullen's Order of Default Judgment May 23, 2023
4. Regarding Judge Mullen's Order of Permanent Injunction June 12, 2023

I certify that this designation contains no matter which is irrelevant to this appeal.

October 14, 2024