

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

**RECEIVED**

APPEAL FROM GREENVILLE COUNTY

AUG 05 2025

Court of Common Pleas

SC Court of Appeals

Perry H. Gravely, Circuit Court Judge

Case No.: 2023-CP-2302780

Armando Despaigne Zulveta, Appellant

v.

Augusta Lawn Care of Greenville, LLC, Respondent

REQUEST FOR WAIVER OF COURT FEES.

TO CHIEF JUSTICE H. BRUCE WILLIAMS.

The Plaintiff /Appellant in the above-mentioned matter pursuant Rule 240(d) of South Carolina Court of Appeals: "In extraordinary cases, the appellate court may relieve a party from paying the filing fee.", hereby requests permission for the waiver of court fees on the following grounds: That it is in the interests of ensuring access to justice that court fees be waived as detailed in the attached affidavit.

For the foregoing exposed, the Plaintiff requests are to be allowed to proceed In Forma Pauperis as the original Complaint was. There is no

basis for the Lower Court inviting the Plaintiff to re-file the Complaint and then dismiss it under the Court's lack of legal base.

Orders of May 01, May 09, June 10, and July 07 of 2025, each single one is an unconstitutional Order that has no legal force inside a courtroom and the Plaintiff request is to be allowed continue with the case In Forma Pauperis.

I declare that to the best of my acknowledgment and beliefs, the information here is true, correct, and complete.

On this day the 21<sup>st</sup> of July, 2025.

Armando Despaigne Zulveta 07/21/2025  
Armando Despaigne Zulveta Requesting party

FOR COURT USE ONLY: The Request is hereby granted / denied.

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

\_\_\_\_\_ Chief Justice

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

AFFIDAVIT.

The undersigned Armando Despaigne Zulveta, being duly sworn, hereby deposed says:

- That I am over 18 years old of age.
- That I am a party to Case No.: 2023-CP-2302780
- That Augusta Lawn Care of Greenville, LLC known as "Augusta" has Defaulted this Case.
- That "Augusta" original Complaint was filed In Forma Pauperis June 02, 2023.
- That With no avail, "the Plaintiff" tried to serve Augusta Lawn Care of Greenville, known as ("Augusta") through The United States Postal Service's Certified Mail return receipt dated June 06, 2023. See Court's record from original Complaint filed Notice/Notice of Acceptance, p.1(e). As well as with no avail in another case that originated this one, He tried to serve "Augusta" owner James R. Richards through Pickens County Magistrate Court to its last known address. See Court's record from original Complaint filed Notice/Notice of Acceptance, p.1(f)-2(f).
- That on May 01, 2025, the civil suit was dismissed because according to Court: "...lack of prosecution..." and "...the actual basis for dismiss should have been that Plaintiff has never filed Proof of Service documenting that Service of the Summons and Complaint as required by Rule 4..." and the Court invited Plaintiff to re-file the case. See enclosed Court's Order dated May 01, 2025.
- That there is no legal base the Court issuing an Order against the civil suit for lack of prosecution since in South Carolina, an entry of default

can occur after 2 years of service if the defendant ignores the complaint or otherwise fails to answer it on time, the plaintiff can move for entry of default under Rule 55 of the South Carolina Rules of Civil Procedure.

- That there is no legal base the Court pursuant to S.C. Code Section 33-33-111 (a) and (b) issuing an Order of Dismissal against the civil suit that has no relation to it. See Court's Order dated May 09, 2025.
- That an appellate court has jurisdiction to review an order affecting a substantial right when the order has the effect of discontinuing the action or preventing an appealable judgment. See S.C. Code Ann. § 14-3-330(2)(a) (Supp.1997).
- That Dismissing the Plaintiff from proceed In Forma Pauperis based on Ex parte Martin, 321 S.C. 533, 471 S.E.2d 134(1995) while at the same time the Court overlooked "SC" Supreme Court rule on same case which clearly ruled that: "Further, where certain fundamental rights are involved, the Constitution requires that an indigent be allowed access to the courts." See Court's Order of Dismissal dated June 10, 2025. The Plaintiff claim has a fundamental constitutional right, and fundamental right is a special type of right that is considered essential for individuals to live freely and with dignity. These rights are protected by the Constitution, which is the highest law of the land. The point is that certain rights are so crucial that they should not be just taken away or limited by the government. For example, rights like freedom of speech which is in this civil suit are fundamental because they allow people to express themselves and participate in their government.

It is safeguarded under the First Amendment of the State's and United States Constitution guarantees that people can express their opinions and participate in public forums. This right is fundamental for democracy because it carries an environment where people can participate in meaningful discussions and contribute to the development of governments. The interpretation of this right by the United States Constitution reflects the significance in American law.

- That in Prescott McCurdy v. State of Maine, The Supreme Court of the United States have explained that: "The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law." This is applicable to this court by application of Article VI of the United States Constitution and Stone v Powell, 428 US 465, 483 n. 35, 96 S. Ct. 3037, 49 L. Ed. 2d 1067 (1976).
- That is where certain fundamental rights are involved in the Constitution requires that an indigent be allowed access to the courts." 321 S.C. at 535. See also Lakes v. State, 333 S.C. 382, 510 S.E.2d 228 (1998). In Sullivan v. South Carolina Department of Corrections, 355 S.C. 437, 586 S.E.2d 124 (2003).

Executed the 21st day of July, 2025.

Armando Despaigne Zulveta

Armando 07/21/2025

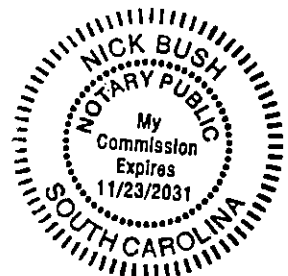
NOTARY PUBLIC

[Signature]

COMMISSION EXPIRES:

11-23-2031

(3 of 3)





STATE OF SOUTH CAROLINA )

COUNTY OF GREENVILLE )

Armando Despaigne Zolvera )  
Plaintiff, )

vs. )

Augusta Lawn Care of Greenville, LLC )  
Defendant. )

IN THE COURT OF  
APPEALS JUDICIAL CIRCUIT  
MOTION AND AFFIDAVIT TO  
PROCEED IN FORMA PAUPERIS

FILE NO. 2023-CP-2302780

**Motion for Waiver of Costs and Fees**

I, Armando D. Zolvera, am unable to pay the costs of filing and service in the present matter and request that the court waive the costs and allow me to proceed *in forma pauperis*.

Plaintiff submits the following financial declaration and affidavit in support of the above motion.

Address 606 RIDGELTON ST, GREENVILLE, SC 29607  
Age 73  
Occupation UNEMPLOYED  
Employer \_\_\_\_\_  
Employer Address \_\_\_\_\_

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<u>Gross Monthly Income</u>	<u>Amount:</u>
1) Earnings (attach recent pay stubs)	<u>NONE</u>
2) Overtime	<u>NONE</u>
3) Social Security, VA Benefits, Workers' Comp or Disability (SSI)	<u>\$975.00</u>
4) Unemployment	<u>NONE</u>
5) Alimony / Child Support (receiving)	<u>NONE</u>
6) Other (Specify) <u>-0-</u>	<u>NONE</u>
<b>Total Amount (Add lines 1-6):</b>	<u>\$975.00</u>

<u>Assets</u>	<u>Amount:</u>
1) Cash	<u>0</u>
2) Money in Bank Accounts (Checking & Savings)	<u>\$9.00</u>
3) IRA / 401k / Pensions	<u>-0-</u>
4) Other (Specify) <u>-0-</u>	<u>-0-</u>
<b>Total Amount (Add lines 1-4):</b>	<u>\$9.00</u>

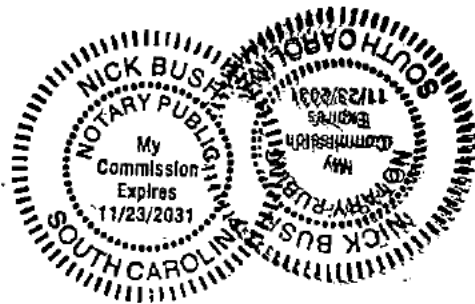


<u>Monthly Expenses</u>	<u>Amount:</u>
1) Rent / Mortgage	— 0 —
2) Utilities	— 0 —
3) Cell phone / Phone	\$60. <sup>00</sup>
4) Food	\$900. <sup>00</sup>
5) Child Support / Alimony (Paying)	— 0 —
6) Child Care	— 0 —
7) Car Payment	— 0 —
8) Car Operating Expenses (Insurance, gas, maintenance)	— 0 —
9) Clothing	— 0 —
10) Cable / Satellite TV / Internet	— 0 —
11) Medical / Dental / Vision Expenses	— 0 —
12) Medical / Dental / Vision Insurance	— 0 —
13) Credit Card / Loan Payments	— 0 —
14) Other (Specify) _____	— 0 —
<b>Total Amount (Add lines 1-14):</b>	<u>\$960.<sup>00</sup></u>

Sworn to before me this 21 day  
Of July, 2025

Oporec 07/21/2025  
Signature of Plaintiff

Notary Public for South Carolina  
My Commission Expires: 11-23-2031



STATE OF SOUTH CAROLINA, )

COUNTY OF GREENVILLE )

Armando Despaigne Zolvetz )

Plaintiff )

vs. )

Augusta Lawn Care of Greenville, LLC )

Defendant. )

IN THE COURT OF COMMON PLEAS

13TH JUDICIAL CIRCUIT

**MOTION AND AFFIDAVIT TO  
PROCEED IN FORMA PAUPERIS**

FILE NO. 2025CP2303524

25 JUN 10 PM 3:00 P  
JAY GRESHAM CJC GUL SC

I, Armando Despaigne Zolvetz being duly sworn, state that I am the Plaintiff and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request that the complaint be filed and service made without costs.

**RECEIVED**

Sworn to and Subscribed before me  
this 5<sup>th</sup> day of June, 2025

Betania Freire

Notary Public for South Carolina

AUG 05 2025

SC Court of Appeals

Signature of Plaintiff or

Person Filing Complaint on Behalf of  
Plaintiff

My Commission expires My Commission Expires  
July 8, 2029

**ORDER**

Leave is granted to proceed in forma pauperis without payment of the filing fee.

Leave is granted to proceed in forma pauperis without payment of the service cost.

Leave is denied to proceed in forma pauperis. See Martin v. State, 3215.C.533

Dated: June 9, 2025  
Greenville, South Carolina

[Signature]  
JUDGE/CLERK OF COURT



NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.



STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )  
Armando Despaigne Zolweto )

Plaintiff, )

vs. )

Augustz Lawn Care of Greenville, LLC )  
Defendant. )

IN THE Court of Common Pleas

130 JUDICIAL CIRCUIT

ORDER  
IN FORMA PAUPERIS

FILE NO. 2025CP130-0524ED

ORDER

AUG 05 2025

SC Court of Appeals

- Leave is Granted to proceed *in forma pauperis* without payment of the filing fee.
- Leave is Granted to proceed *in forma pauperis* without payment of the service cost.
- Leave is Denied to proceed *in forma pauperis* pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995).
- Leave is Denied to proceed *in forma pauperis*. Plaintiff has failed to establish compliance with the Poverty Guidelines pursuant to Rule 3(b)(1), SCRCP.

If denied, this case will be dismissed without further order of the court if the filing fee and associated costs are not paid on or before \_\_\_\_\_, 20 \_\_\_\_\_.

Dated: June 9, 20 25

[Signature]  
Presiding Judge, 130 Judicial Circuit

Greenville, South Carolina

**NOTICE TO PLAINTIFF:** The Court may assess costs against either party at hearing.

JR BRESHAM CDO GUL SC