

(S)

RECEIVED

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

OCT 13 2015

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Case No.2015- CP -10- 3372

Gernaris Hamilton .....Appellant,

v.

Henry Scott, Sr.  
.....Respondent.

PROOF OF SERVICE

I certify that I have served the notice of Appeal on September 25, 2015. Certified mail in the United States Post Office and mailed to Bruce A. Berlinsky, P.A., One Carriage Lane Bldg. F, Charleston, South Carolina 29407. This dates a true copy of the notice of appeal to Bruce A. Berlinsky, P.A. 843-852-2202

October 6, 2015

*Gernaris Hamilton*  
Gernaris Hamilton  
4453 Jenwood Street  
Ladson, SC 29456



Charleston County, State of South Carolina  
The foregoing instrument was acknowledged before me  
this 8<sup>th</sup> day of October 2015  
by Gernaris Hamilton

*Andria L. Amaral*  
ANDRIA L. AMARAL Notary Public  
My commission expires June 8, 2022.

LETTER TO THE APPELLATE COURT  
CLERK FILING THE NOTICE OF APPEAL

October , 2015

The Honorable Jenny Kitchings  
Clerk, South Carolina Court of Appeal

RE: Garnaris Hamilton, as Appellant, Per. SE, Case No. 2015-002039  
v. Respondent. Henry Scott, Sr., Bruce A. Berlinsky, P.A. Attorney,

Dear Ms. Kitchings:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of notice of appeal on respondent.
- (2) A copy of the orders and motion to amend, which are to be challenged on appeal.
- (3) One copy of motion to proceed in forma pauperis for filing fee and proof of service.
- (4) Proof of service of notice to the lower court.

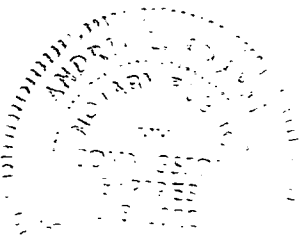
October , 2015

RECEIVED  
OCT 13 2015  
SC Court of Appeals




Garnaris Hamilton  
4453 Jenwood Street  
Ladson, SC 29456  
(843)718-8952

Bruce A. Berlinsky, P.A.  
One Carriage Lane Bldg. F  
Charleston, South Carolina 29407  
(843) 852-2202



Charleston County, State of South Carolina  
The foregoing instrument was acknowledged before me  
this 8<sup>th</sup> day of October, 2015  
by Garnaris Hamilton

  
AMBRIA L. AMARAL  
My commission expires June 8, 2022

Notary Public

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OCT 13 2015

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Case No. 2015- CP -10- 3372

Gernaris Hamilton .....Appellant,

v.

Henry Scott, Sr.  
.....Respondent.

PROOF OF SERVICE

I certify that I have served the notice of Appeal on September 25, 2015, by personally delivering a copy of the notice of appeal to Charleston County of Clerk Of Court and filed at 100 Board Street, Charleston, SC 29401. 843-958-5000

October , 2015



Garnaris Hamilton  
4453 Jenwood Street  
Ladson, SC 29456

Charleston County, State of South Carolina  
The foregoing instrument was acknowledged before me  
this 8<sup>th</sup> day of October, 2015  
by Garnaris Hamilton

  
\_\_\_\_\_  
ARDELIA L. AMARAL  
My commission expires June 8, 2022

Notary Public

5

RECEIVED

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2015- CP-10-3372

OCT 13 2015

SC Court of Appeals

Gernaris Hamilton  
PLAINTIFF(S)

Henry Scott, Sr.  
DEFENDANT(S)

|                     |  |
|---------------------|--|
| Submitted by: _____ | Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant |
|                     | or<br><input type="checkbox"/> Self-Represented Litigant                             |

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other \_\_\_\_\_

FILED  
 2015 AUG 18 PM 4:2  
 CLERK OF COURT

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

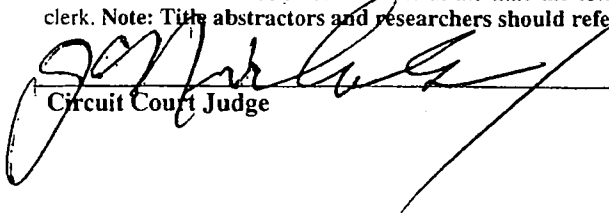
**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court: Appellant Gernaris Hamilton's appeal, filed on July 13, 2015, came before this Court on August 14, 2014. Upon review of the appeal and Appellant's argument before this Court, the appeal is hereby denied because the Appellant raised no error of law made by the Magistrate Judge.

ORDER INFORMATION

This order  ends  does not end the case.  
Additional Information for the Clerk : \_\_\_\_\_

| INFORMATION FOR THE JUDGMENT INDEX   |  |  |
|--|--|--|
| Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below. |  |  |
| Judgment in Favor of<br>(List name(s) below)   | Judgment Against<br>(List name(s) below) | Judgment Amount To be Enrolled<br>(List amount(s) below) |
| N/A  |  | \$   |
| If applicable, describe the property, including tax map information and address, referenced in the order:<br>_____   |  |  |

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

  
Circuit Court Judge

2117  
Judge Code

8/13/15  
Date

(S)

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2015- CP-10-3372

RECEIVED

Gernaris Hamilton  
PLAINTIFF(S) 2015 SEP 16 PM 2:52

Henry Scott, Sr.  
DEFENDANT(S)

OCT 13 2015

Submitted by: JULIE J. ARMSTRONG  
CLERK OF COURT

Attorney for :  Plaintiff or  Defendant  
 Self-Represented Litigant

SC Court of Appeals

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other \_\_\_\_\_
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- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court: Appellant Gernaris Hamilton's Motion to Reconsider (Motion to Amend) is respectfully denied.

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

| Judgment in Favor of<br>(List name(s) below) | Judgment Against<br>(List name(s) below) | Judgment Amount To be Enrolled<br>(List amount(s) below) |
|--|--|--|
| N/A  |  | \$   |

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The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

*[Signature]*  
Circuit Court Judge

2117  
Judge Code

9/14/15  
Date

FILED

Garnaris Hamilton  
Plaintiff

Henry Scott Sr  
Defendant

2015 AUG 26 PM 2:09

JULIE J. ARMSTRONG  
CLERK OF COURT

2015-CP-10-3372  
MOTION TO  
AMEND JUDGEMENT

BY \_\_\_\_\_

The plaintiff moves before the court on a motion to amend the verbal order to a written order. Specifically to the finding of facts and conclusion of law on the issue presented under SCRPC, § 9 RULE(E).

MAGISTRATES COURTS RULES

1. Attorney-Client: Sufficient process, notice retainer in a civil matter.

a. William Thrower: No Show at hearing or documents

b. S.C. code of law: titles 27. Residential Landlord and Tenant Act (ACCESS)

c. Rule (8) written notices, demand or similar documents delivery to parties.

2. CONSTITUTIONAL LAW, Jury and Equal protection:

a. Magistrates disqualify jury in a jury trial with notice.

b. Due process notice requirements for a non-jury trial, or writ of eviction issued by the courts.

3. APPEAL AND ERROR

Order issued by the Magistrate Court controlled by an error of law, where the order was based on factual conclusion without evidentiary support.

4. SCRPC RULES

a. SCRPC Rule (11). Affirmation of counsel.

b. SCRPC Rule(15). Filing after and active Roster

c. Motion to dismiss; on not timely filed appeal

Plaintiff respectfully request the finding and conclusion of law from the oral ruling of the court.

I, Garnaris Hamilton certify that I have placed a copy in the U.S. mail to Henry Scott SR 105 Water Stone Way Goose Creek South Carolina 29445

*Garnaris Hamilton*  
4453-Jenwood St  
Ladson S.C. 29456  
Phone # 843-718-9952

STATE OF SOUTH CAROLINA  
IN THE COURTS OF APPEALS

IN THE COURT OF APPEALS

**RECEIVED**

OCT 13 2015

SC Court of Appeals

Garnaris Hamilton  
Appellant

MOTION AND AFFIDAVIT  
TO PROCEED IN FORMA  
PAUPERIS

Henry Scott ,Sr  
Respondent

I, Garnaris Hamilton, being duly sworn, state that I am the appellant and that I do not have the funds available to pay for the cost of filing this action.

Signature of the Appellant

Sworn to and subscribed before me this  
25<sup>th</sup> day of September, 2015

Linda C Bennett  
Notary Public for South Carolina

My commission expires: 7-9-2023



ORDER

Leave is ( ) granted ( ) denied to proceed in forma pauperis

Date \_\_\_\_\_

\_\_\_\_\_

Appellant Court Judge

**HOW WE FIGURED YOUR PAYMENT FOR August 2015 ON**

---

**Your Payment Amount**

|   |                 |
|---|-----------------|
| The most SSI money the law allows us to pay             | \$733.00        |
| Minus (-) "Total income we count" (see below)           | <u>-180.00</u>  |
| <b>Total Monthly SSI Payment<br/>for August 2015 on</b> | <b>\$553.00</b> |

---

**Your Income Other Than Your SSI**

Income you receive in June 2015 on affects your payment for August 2015 on

|   |                 |
|---|-----------------|
| Value of food or shelter                      | \$200.00        |
| By law we don't count \$20.00 of above income | <u>- 20.00</u>  |
| <b>Total income we count</b>                  | <b>\$180.00</b> |

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v.

Henry Scott, Sr.

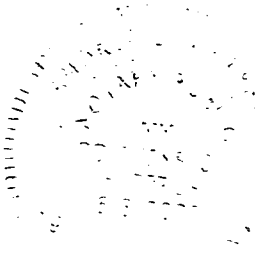
.....Respondent.

PROOF OF SERVICE

I certify that I have served the motion to proceed In the Forma Pauperis on October 8, 2015 by placing in the United States Post Office and mailed to Bruce A. Berlinsky, P.A., One Carriage Lane Bldg. F, Charleston, South Carolina 29407. This date is a true copy of the motion to proceed In the Forma Pauperis. 843-952-2202

October 8 2015

*Gernaris Hamilton*  
Gernaris Hamilton  
4453 Jenwood Street  
Ladson, SC 29456



Charleston County, State of South Carolina  
The foregoing instrument was acknowledged before me  
this 8<sup>th</sup> day of October, 2015  
by Gernaris Hamilton

*Andria L. Amaral*  
ANDRIA L. AMARAL Notary Public  
My commission expires June 8, 2022

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OCT 13 2015

IN THE COURT OF APPEALS  
SC Court of Appeals  
2015-002039

STATE OF SOUTH CAROLINA )  
 )  
Gernaris Hamilton Appellant )

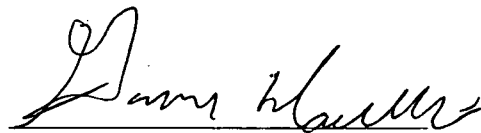
v. )  
Henry Scott, Sr., Respondent )  
 )  
 )  
 )  
 )

CERTIFICATE OF MAILING

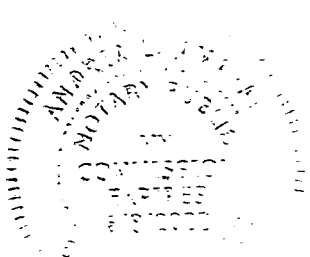
I Garnaris Hamilton do hereby certify that I have mailed this date a true copy of the foregoing motion and affidavit to proceed In Forma Paperis, postage prepaid and deposited in the United States Postal Services as followed:

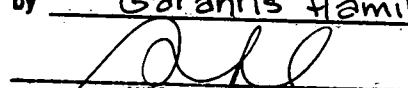
Bruce A. Berlinsky, P.A.  
One Carriage Lane Bldg. F  
Charleston, South Carolina 29407  
(843) 852-2202

October , 2015



Garnaris Hamilton  
4453 Jenwood Street  
Ladson, SC 29456  
(843) 718-8952

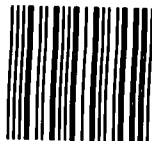


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by Garnaris Hamilton  
  
ANDRIA L. AMARAL Notary Public  
My commission expires June 8, 2022

Garnar's Hamilton  
4453 Jenwood St  
Ladson S.C. 29456



1000



29407

U.S. POSTAGE  
PAID  
CHARLESTON, SC  
29403  
OCT 08, 15  
AMOUNT

**\$0.00**

R2303S100588-21



THE HONORABLE JENNY KITCHINGS

Clerk, South Carolina Court  
Post Office Box 11629

Columbia, South Carolina SC Court of Appeals

**RECEIVED**

OCT 13 2015

