

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
2005-CP-23-6786

William Barry Chisholm,)
)
Plaintiff,)
)
vs.)
)
Susan Elaine Chisholm,)
)
Defendant.)

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL R. WICKENSIMER
2015 OCT 9 PM 1 38

ORDER

This matter is before the Court relative to Mr. Chisholm's repeated written requests to the Court to provide to him all matters "concerning the ex-parte meetings between the Defendant, her lawyer and yourself in the above referenced case."

Out of an abundance of caution, and in an effort by the Court to allow Mr. Chisholm to have a full record for appeal purposes,¹ the current matter was heard on October 8, 2015. At that point, the Court invited Mr. Chisholm to present any and all evidence of any ex-parte meetings between the Court and Ms. Chisholm and/or her attorney. After repeated requests and opportunities, Mr. Chisholm was unable to present any evidence to support his contention. The Court noted on the record that there have not been any ex-parte meetings or contact in this matter.

Notwithstanding the above, the Court also questioned Mr. Chisholm as to whether he had received payments from Ms. Chisholm pursuant to the Court's May 13, 2015 Order, and the subsequent Order filed July 24, 2015. Those Orders determined the amount of the judgment and statutory interest that Mr. Chisholm was entitled to receive. Mr. Chisholm stated that he had never received any such funds. At that point, Ms. Chisholm presented a certified letter from her attorney dated July 6, 2015 and original, un-

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¹ Mr. Chisholm has a current appeal pending regarding previous Orders of this Court.

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* COPY to Atty Madden 10/12/15
* COPY to Atty ORTIZ 10/12/15

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negotiated checks on her lawyer's trust account that are payable to Mr. Chisholm in the amounts as set forth in the Court's Order filed May 13, 2015. See, Def. Ex. 1. Ms. Chisholm also presented the original envelope that had been sent by her attorney to Mr. Chisholm via certified mail, with the Postal Service noting delivery was unclaimed by Mr. Chisholm. On the record, the Court inquired of Mr. Chisholm as to whether he wanted these un-negotiated, original checks. Mr. Chisholm testified that he would not accept them since, in his opinion, the Court had improperly set the statutory interest amount in its Order of May 13, 2015.

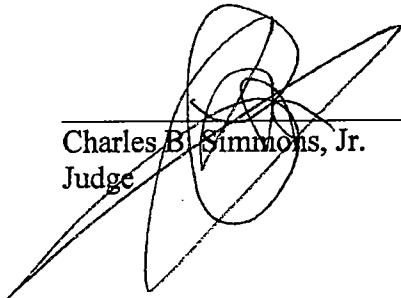
Mr. Chisholm sought to raise other substantive issues that had previously been ruled upon by the Court. Based upon the prior Orders and the pending appeal, the Court advised Mr. Chisholm the Court was without jurisdiction to address any such issues and that such issues were no longer relevant. Specifically, Mr. Chisholm wanted to again question Ms. Chisholm about her assets.

Based upon the foregoing, IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. That Mr. Chisholm has been unable to present any evidence whatsoever of any "ex-parte meetings" between the Court and Ms. Chisholm and/or her attorney;
2. That Mr. Chisholm has refused payment of the full judgment amount set forth for in the Court's Order filed May 13, 2015 and tendered to him by Ms. Chisholm; and
3. In that the full judgment amount has been tendered, the Clerk of Court's Office shall mark the judgment as satisfied and paid in full. Mr. Chisholm shall have the right at any time to receive said funds through a written request to the attorney for Ms. Chisholm.

AND IT IS SO ORDERED.

October 9 2015



Charles B. Simmons, Jr.
Judge

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