

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2016-000712

INDEX OF PRINCIPLE MATTERS
INCLUDED IN THE RECORD ON APPEAL

RECEIVED

JUL 07 2016

SC Court of Appeals

SECRETARY OF THE ARMY

WASHINGTON, D. C. 20315

OFFICE OF THE SECRETARY

ATTENTION: PERSONNEL

RECEIVED

10/10/50

SECRET

10/10/50

SECRETARY OF THE ARMY

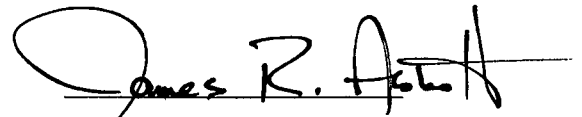
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The undersigned certifies that the contents of this index contain no matter which is irrelevant to this appeal.

July 5, 2016

A handwritten signature in black ink, appearing to read "James R. Abbott", written over a horizontal line.

James R. Abbott
Appellant *pro se*

1. The first of these is the fact that the

the second is the fact that the

the third is the fact that the

the fourth is the fact that the

the fifth is the fact that the

the sixth is the fact that the

Appellant's Designation of Matter # 1

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

**GENERAL DURABLE POWER
OF ATTORNEY**

Know all men by these presents, that I, **MICHELE BLANK**, the undersigned, of Charleston County, South Carolina, do hereby make, constitute, and appoint **JAMES ROBIN ABBOTT** as my true and lawful attorney in fact for me and in my name, place and stead, and on my behalf, and for my use and benefit:

A. To exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire the legal right, power or capacity to exercise or perform, in connection with, arising from or relating to my physical or medical condition, including without limitation, the power, duty or right to determine whether or not measures which are proposed or used to sustain my life are appropriate to my well being and to authorize, direct and order the modification, including total elimination, of any and all life sustaining treatment or measures designed to keep me alive when I am seriously injured, seriously ill or seriously incapacitated, or otherwise in extremis. I also give my attorney in fact the right to make decisions about my living arrangements, medical care, and any other personal matters relating to my care, custody and physical well-being.

B. I grant to said attorney in fact full power and authority to do, take, and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney in fact, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted.

C. This instrument is to be construed and interpreted as a general power of attorney. The enumeration of specific items, rights, acts, or powers herein is not intended to, nor does it, limit or restrict, and is not to be construed or interpreted as limiting or restricting, the special powers herein granted to said attorney in fact.

D. I grant to said attorney in fact full power and authority to do, take, and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney in fact, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted. These powers shall include, by way of description, and not of limitation, the following specific rights:

1. To deposit or withdraw for any purpose, in or from any bank, savings and loan association, trust company or other financial institution any funds or other credits which I now or hereafter may have on deposit or be entitled to, and to draw, endorse, cash and receive the proceeds of any and all checks, drafts or other orders for money, to continue, contribute to, open, modify or close accounts (including individual retirement accounts), purchase or redeem

certificates of deposit, or other evidences of deposit, and to receive statements, notices or other documents from any bank or other financial institution concerning any and all accounts or banking transactions in my name or in which I may have an interest.

2. To have access for all purposes to any or all safe deposit boxes or vaults rented in my name or in the names of any other person or persons and myself, with full power to use the same for safekeeping any property or papers, and to remove therefrom at any time, or from time to time, all or any part of the contents of any such box or vault.

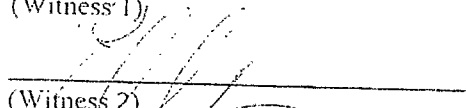
3. To borrow money and to execute in my name any documents and instrument including, but not limited to, promissory notes and credit card or securities margin account applications and agreements, evidencing, securing or related to any indebtedness incurred on my behalf and to extend and renew the same, as well as any indebtedness heretofore incurred by me, for the payment of which I may in any way be liable, upon such terms, conditions and rates of interest as my Attorney-in-fact shall deem advisable and to use any credit card held in my name for purchases or to obtain cash advances and sign charge slips or drafts in connection therewith.

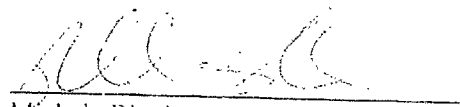
E. No person who may act in reliance upon the representations of my attorney-in-fact for the scope of authority granted to the attorney-in-fact shall incur any liability as to me or to my estate as a result of permitting my attorney-in-fact to exercise this authority, nor is any such person who deal with my attorney-in-fact responsible to determine or ensure the proper application of funds or property. "To Honor" a power of attorney means to deal with the attorney-in-fact as if the attorney-in-fact were the principal, personally present and acting on his own behalf within the scope of the powers granted to the attorney-in-fact.

F. This power of attorney shall not be affected by physical disability or mental incompetence of the principal which renders the principal incapable of managing his own estate.

G. The rights, powers, and authority of said attorney in fact herein granted shall commend and be in full force and effect on this 30th day of January, 2012, and such right, powers, and authority shall remain in full force and effect thereafter until specifically revoked.


(Witness 1)


(Witness 2)


Michele Blank

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

PROBATE

Before me personally appeared the other signed witness and made oath the (s)he saw the within named Grantor(s) sign, seal, and as his/her/their act and deed, deliver the within written General Durable Power of Attorney; and that (s)he with the other witness witnessed the execution thereof.

[Signature]
(Witness 1)

SWORN to before me this 30th day of January, 2012.

[Signature]
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 1-21-2015

Appellant's Designation of Matter # 2

BOAT SITUATION -

THIS IS HOW I SEE IT. WE WERE IN MIAMI BECAUSE YOU WANTED TO DO THE MIAMI BOAT SHOWS FOLLOWED BY THE SOUTH MIAMI SHOW. I PAID ~~THE~~ BOTH SHOWS FEES. JOANNA, MY DAUGHTER, CALLED TO TELL ME ABOUT A TRIMARAN ON CRAIG'S LIST, MY DESIRE FOR ~~THE~~ MANY YEARS. I WROTE A CHECK FROM ABOUT MARINE FOR \$1,000 TO HELP. I BORROWED \$5,000 FROM MY FRIEND TO PAY THE \$5,000 ~~EXPENSE~~ WE WERE SHORT. I PAID MOORING FEES & CLUB DUES. I PAID \$500. FOR NEW BATTERIES. I PAID FOR THE PLANE TICKETS & CAR RENTAL & ALL OTHER EXPENSES IN MAY ~~AT~~ FOR OUR RETURN FROM HAITI & 4 DAYS ON MIAMI.

COST OF TRIMARAN	\$15,000
MOORING FEES & DUES	3,500
INSURANCE ?	1,500
BATTERIES	500.
May Expenses	500.
	\$21,000.

YOU HAVE PAID: \$5,000 SO FAR
I HAVE PAID: \$16,000 SO FAR

I SUGGEST WE SEE IT AS IS, WHEREAS IT IS, YOU GET \$5,000 I GET \$16,000, WE SPLIT THE EXCESS ABOVE \$21,000. WHAT DO YOU SAY?

9/27/72

(6)

Appellant's Designation of Matter # 3

ABBOTT MARINE CONSTRUCTION, LLC

<http://www.abbott-marine.com/>

P.O. BOX 7

241 Paul Drive

Trenton, North Carolina

28585

843-729-7729

abbottconstruction@tds.net

January 10, 2013

To: Michele Blank

Re: Employment by Abbott Marine Construction

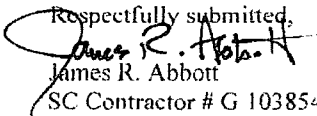
Term: February 11-March 10, 2013

Compensation: \$3,200 salary, .55/mi. for travel, \$500 for food, \$1,000 for lodging

Description of duties: Perform the duties of Quality Control Manager/ Site Safety and Health Officer at MCAS Cherry Point for Abbott Marine Construction subcontracted to Trader Construction for these responsibilities at the Hancock Marina "Repair damaged bulkhead and docks" project. You will be required to be at the job from 8:00 am until 4:30 pm Monday thru Friday unless directed otherwise by job superintendent Ernie Grant.

Mileage compensation to include travel from and back to Mt. Pleasant at the beginning of employment and at the termination of the period, daily mileage to and from work and as might be directed by job superintendent.

Respectfully submitted,


James R. Abbott

SC Contractor # G 103854

NC Contractor # 55059

The above prices, terms and conditions are satisfactory and hereby accepted.

Date:

Signature:

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Appellant's Designation of Matter # 4

TDS Webmail

abbottconstruction@tds.net

one last thing

From : michele blank <micheleb10@comcast.net>

Thu. Jan 10. 2013 05:38 PM

Subject : one last thing**To :** 'abbottconstruction tds.net' <abbottconstruction@tds.net>

I was willing to do the job to be with you, have a little fun after/weekends, etc. and because I love you. take that out of the mix and no amount of money will get me back there on the job. And where the fuck would I live on 1000 a month?. No response required. It's moot.

From: abbotconstruction tds.net [mailto:abbottconstruction@tds.net]**Sent:** Thursday, January 10, 2013 1:44 PM**To:** micheleb10@comcast.net**Subject:** Re: Cleaning house .

See attachment. I need an answer. accept or decline. by Monday January 14.

(10)

Appellant's Designation of Matter # 5

BB&T OnLine® CHECK IMAGE

Print | Save Instructions | Close Window

Account Type: Checking Account: 5100945012 Date: 01/31/2013 Check Number: 5195 Amount: \$10000.00

Nov 21 - Took 193,9495

Front View

Click Image to Enlarge

ABBOTT MARINE CONSTRUCTION PO BOX 7 TRENTON, NC 28585-0007		5195 66-112/531	
Pay to the Order of <u>Michele Blank</u>		Date <u>1/30/13</u>	
<u>ten thousand & no/100</u>		\$ <u>10,000</u>	
For <u>servance</u>		Dollars	
BB&T BRANCH BANKING AND TRUST COMPANY 1-800-BANK BBT BBT.com		Security Features Call 800-888-8888	
For <u>servance</u>		<u>[Signature]</u>	
⑆05310112⑆0005100945012⑆05195			

Back View

Click Image to Enlarge

>>253271945<< First Federal Charleston, SC 29406 Phone: 843-529-5800 Bus Date: 01/31/2013		<u>[Signature]</u>
Branch/Teller 0052/5206 01/31/2013 17:53:27		

Print | Close Window

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Appellant's Designation of Matter # 6

michele blank

From: abbotconstruction tds.net <abbotconstruction@tds.net>
Sent: Tuesday, January 29, 2013 9:03 AM
To: michele blank
Subject: Re: remember this?

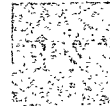
You were paid through December. When I get paid for January I'll let you know, but you can figure around February 8.

On Mon, Jan 28, 2013 at 9:14 PM, michele blank <micheleb10@comcast.net> wrote:

I do not have any more time or money for you other than the Jan/Feb payments. I don't have time for you or anyone else.

I will send you \$2,500 January and February. I will make sure Doug sends your W-2 ASAP so you can file your taxes. .

Appellant's Designation of Matter # 7



105-01-01-00 02201 0 C 001 26 50 002
JAMES ROBIN ABBOTT
DBA ABBOTT CONSTRUCTION
PO BOX 7
TRENTON NC 28585-0007

Your account statement

For 01/31/2013

Contact us



BBT.com



(800) BANK-BBT or
(800) 226-5228

Still Strong Still Lending.

Regardless of the size of your business, BB&T has the experience and knowledge to understand your credit needs. BB&T offers all the solutions to consolidate debt, purchase new equipment, finance operating needs and much more.

To learn more about BB&T's lending solutions, call or visit your local BB&T financial center or contact your BB&T relationship manager.

Loan products are offered through BB&T, member FDIC. Loans are subject to credit approval.

■ BUSINESS VALUE 150 0005100945012

Account summary

Your previous balance as of 12/31/2012	\$7,025.45
Checks	- 23,510.10
Other withdrawals, debits and service charges	- 5,604.34
Deposits, credits and interest	+ 20,214.20
Your new balance as of 01/31/2013	= \$-1,874.79

Checks

DATE	CHECK #	AMOUNT(S)
01/24		100.00
01/31	* 5195	10,000.00
01/02	* 5219	2,050.00
01/02	5220	998.08
01/07	5221	300.00
01/07	5222	1,188.04
01/04	5223	250.00
01/04	5224	204.82

DATE	CHECK #	AMOUNT(S)
01/07	5225	500.00
01/15	5226	25.67
01/18	5227	214.00
01/18	5228~	
01/18	5229~	
01/22	5230	10.00
01/15	5231	500.00
01/17	5232	2,684.52

DATE	CHECK #	AMOUNT(S)
01/22	5233	1,550.00
01/30	5234	400.00
01/17	5235	500.00
01/18	5236	200.00
01/23	5237	75.00
01/30	5238	1,000.00
01/14	* 8977	474.00
01/29	* 12913	285.97
Total checks		= \$23,510.10

* indicates a skip in sequential check numbers above this item
~ indicates an electronically converted check. See "Other withdrawals, debits and service charges"

Other withdrawals, debits and service charges

DATE	DESCRIPTION	AMOUNT(S)
01/02	SPEEDPAY CenturyLink XXXXXXXXXXXX3799	39.25
01/02	TELEPHONE PAYMENT PHONE PAY LOANSERVICING 000000361072896	1,239.39
01/03	INTERNET PAYMENT E-PAYMENT DISCOVER 0903	200.00
01/04	INTERNET PAYMENT P&C USAA.COM PAYMNT 000839692	174.05
01/07	INTERNET PAYMENT PAYMENT UCS ONLINE 110951097973567	221.22
01/07	OVERDRAFT ITEM FEE (\$35/ITEM) 35	35.00
01/14	INTERNET PAYMENT ACH PMT AMEX EPayment W5502	500.00

continued

Appellant's Designation of Matter # 8



7250 500-99-01-86
JAMES ROBIN ABBOTT
PO BOX 7
TRENTON, NC 28585-0007

Feb 04, 2013

Re: BB&T Account Number: XXXXXXXXX5012 (Case No: C-201302040100)

Dear JAMES ROBIN ABBOTT :

This letter is to inform you that we have begun our review of your claim of fraudulent/unauthorized activity dated February 04, 2013, in connection with the above referenced account.

Based on our ability to return one or more of the disputed items to the bank(s) where they were accepted for deposit, your account has been credited for a total of \$10000.00 as of February 04, 2013. Even though this item(s) is being returned, it is imperative you sign and return to us any affidavits sent to you in relation to this claim. This amount is itemized as follows:

\$10000.00 claim amount
\$0.00 NSF/OD fee refund (if applicable)
\$0.00 Interest due (if applicable)
\$0.00 Other Miscellaneous fees (if applicable)

If applicable, any remaining transactions will be investigated as quickly as possible and you will be notified of the results via U S Mail.

BB&T values the opportunity to process transactions for our clients. Should you have any further questions regarding this matter, please contact Centralized Fraud Claims at 1-866-802-4955. Our office hours are 8:30 am - 5:00 pm (EST) Monday through Friday. Our staff will be glad to assist you with any questions or concerns. Thank you.

BB&T

Centralized Fraud Claims

(18)

JAMES ROBIN ABBOTT
PO BOX 7
TRENTON, NC 28585-0007



C-201302040100
\$10000.00(DEBIT)

Feb 04, 2013

Dear BB&T client:

As a follow-up to our telephone conversation, this is to confirm the initiation of a review of the transaction(s) on your BB&T account that you have reported as being fraudulent/unauthorized. As indicated in our conversation, an Electronic Error Resolution form, ACH written statement, affidavits and/or other dispute forms are included for your completion and /or signature, based on your type of claim as initially described to BB&T. Please note that affidavits do require signatures in the presence of a notary, and are your sworn statement under oath that the matters set forth on the affidavit are true. The enclosed documents, in addition to any other documentation we may have requested, must be returned to us within 10 business days of your receipt. For clients calling in a claim from other than a BB&T location, also enclosed is a postage-paid envelope that you may use for the return of these documents. Failure to complete, sign and return the enclosed documents may result in our inability to complete the investigation on your case and could result in the reversal of any credits that may have been applied to your account as a result of this claim.

A BB&T fraud claims specialist may be contacting you in order to interview you and gather additional information, or if there is a need for you to provide additional documentation. In order to establish the validity of the call, the specialist will identify themselves as a BB&T employee and will reference the claim number provided above. You should never discuss your case with anyone who is unable to provide this information. Careful consideration will be given and a decision rendered and communicated to you as quickly as possible after we have collected all relevant information and conducted all necessary research.

We at BB&T appreciate the opportunity to assist you and are committed to providing excellent client service. Should you have any questions, or have additional information regarding this claim, please contact LORI K BOORSE at (252) 447-7127.

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BB&T

AFFIDAVIT OF FRAUD

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN



I JAMES ROBIN ABBOTT being first duly sworn do depose and say under oath:

1. That I reside at PO BOX 7, City of TRENTON,
County of JONES, State of NC.

2. That I have carefully examined the check/paper draft/ Remotely Created Check ("RCC") listed below

<u>Check /PaperDraft/RCC #</u>	<u>Account #</u>	<u>Payee</u>	<u>Amount</u>
5195	000000005100945012		10000.00 (D)

and the check/draft/RCC is a/an (Select one of the following types of fraud).

- ☐ **Maker Forgery.** The check containing the purported signature of _____ is fraudulent. I deny signing the check, nor was any other person authorized to sign the check on my or the account holder's behalf.
- ☐ **Counterfeit.** The check appearing to be from my account is counterfeit. I deny creating or signing the check, nor was any other person or party authorized to create such check.

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(6)

☐ **Alteration.** The check contains an authorized signature but has been altered without my or the account holder's knowledge or consent. The alteration consists of either or both of the following:

☐ the original amount of the check was \$ _____, but it has been changed to \$ _____.

☐ the original payee of the check was _____, but he/she/it has been changed to _____.

☐ **Forged Endorsement.** The check is made payable to _____, but it does not contain an endorsement, or contains an endorsement not signed or authorized by the intended payee.

☒ **Unauthorized Paper Draft or ☐ Unauthorized RCC.** I assert under oath that I, individually as to the personal account on which the unauthorized payment order was drawn or as authorized agent of the entity on which the unauthorized payment order was drawn, did not authorize issuance of the check(s), paper draft(s) or remotely created check(s) to the payee in the amount described above.

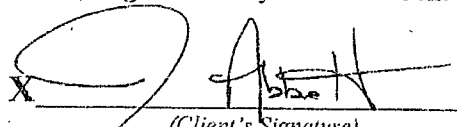
3. That I did not leave a blank or incomplete check with anyone or in any unsafe place.

4. That I have not received any proceeds from the check/draft/RCC, nor did I obtain any goods or service in exchange for the check/draft/RCC.

5. That I agree to execute a complaint for issuance of a warrant for arrest of such person(s) believed to have committed such unauthorized act; and I agree to appear as a witness in such proceeding.

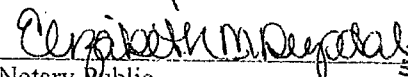
6. That I agree to testify, depose and/or appear in any other action that may be instituted in connection with the matters contained in this affidavit.

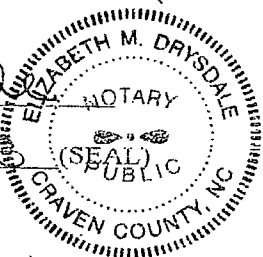
7. That I understand that any reimbursement made to me is based upon the truthfulness of the statements contained herein. If any such statements are untrue or I fail to comply with items 5 and 6 above, I agree that any reimbursement may be revoked without prior notice.

 for ABBOTT MARINE CONSTRUCTION (SEAL)
(Client's Signature) (Printed business name, if applicable)

JAMES R. ABBOTT
Printed Name (and title, if applicable)

Subscribed and sworn before me this 4 day of February, 2013.


Notary Public
My commission expires 5-26-15



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Appellant's Designation of Matter # 9

BBT Online

[Print](#) [Close](#)

Account History

OPERATING 5012 (Checking...45012)

Manage Check Card (.7946)

Available Balance: \$8,243.84

Posted Balance: \$8,243.84

Interest Paid(YTD): N/A

Interest Rate: N/A

Posted Transactions

Show last: 30 days | 60 days | 90 days | 6 months

Date	Type	Check Number	Description	Debit	Credit	Daily Posted Balance
02/22/2013	Check	5257	CHECK #5257 View	\$1,000.00		\$8,243.84
02/22/2013	Check	5252	CHECK #5252 View	\$212.00		
02/22/2013	Deposit		DEPOSIT View		\$6,531.99	
02/21/2013	Check	5248	CHECK #5248 View	\$313.42		\$2,923.85
02/20/2013	Check	5255	CHECK #5255 View	\$200.00		\$3,237.27
02/20/2013	Check	5249	CHECK #5249 View	\$24.20		
02/20/2013	Debit		WEB PMTS BankDirect Capit MV3GJ1 INTERNET PAYMENT	\$1,018.69		
02/19/2013	Check	5249	CHECK #5249 View	\$243.00		\$4,480.16
02/19/2013	Debit		ACH PMT AMEX EPayment W2534 INTERNET PAYMENT	\$1,071.65		
02/19/2013	Debit		CREDIT CRD USAA.COM PAYMNT 842101154467 INTERNET PAYMENT	\$310.00		
02/19/2013	Debit		DRAFTS PROGRESSENGYCRO XXXXXXXXXXXX1323 ACH DEBIT	\$83.62		
02/15/2013	Deposit		DEPOSIT View		\$3,618.02	\$6,188.43
02/13/2013	Debit		ACH PMT AMEX EPayment W9802 INTERNET PAYMENT	\$258.00		\$2,570.41
02/13/2013	Debit		PAYMENT TO CREDIT CARD 4046011193527053 02-13-13 PHONE24 TRANSFER	\$135.00		
02/13/2013	Debit		PAYMENT TO CREDIT CARD 4046011190836242 02-13-13 PHONE24 TRANSFER	\$232.00		
02/12/2013	Check	5246	CHECK #5246 View	\$516.50		\$3,195.41
02/08/2013	Check	5244	CHECK #5244 View	\$100.00		\$3,711.91
02/07/2013	Debit		PAYMENT UCS ONLINE 130973243125175 INTERNET PAYMENT	\$600.00		\$3,811.91
02/07/2013	Check	5245	TELLER CASHED CHECK #5245 View	\$1,000.00		
02/05/2013	Check	5241	CHECK #5241 View	\$66.30		\$5,411.91
02/05/2013	Debit		CHECK PYMT CITICARD PAYMENT	\$500.00		

22

<https://online.bbt.com/bbtobs/bbtolbext/acctHist/acctDetails?act...> 2/25/2013

05240 CONVERTED CHECK - ARC			
02/05/2013	Debit	LIFE USAA.COM PAYMNT P691970738 RECURRING INTERNET PAYMENT	\$124.61
02/04/2013	Debit	PHONE PAY LOANSERVICING 000000368961599 TELEPHONE PAYMENT	\$1,239.39
02/04/2013	Debit	E-PAYMENT DISCOVER 0903 INTERNET PAYMENT	\$104.00
02/04/2013	Check	<u>5243</u> TELLER CASHED CHECK #5243 View	\$300.00
02/04/2013	Credit	DEBIT REVERSAL	\$10,000.00
02/01/2013	Debit	<u>OVERDRAFT FEE</u>	\$36.00
02/01/2013	Check	<u>5242</u> CHECK #5242 View	\$343.00
01/31/2013	Debit	<u>OVERDRAFT FEE</u>	\$35.00
01/31/2013	Check	<u>5195</u> CHECK #5195 View	\$10,000.00
01/31/2013	Debit	ACH PMT AMEX EPayment XXXXXXXXXX5865 ACH DEBIT	\$494.52
01/31/2013	Debit	USATAXPYMT IRS JAMES ABBOTT ACH CORP DEBIT	\$379.68
01/31/2013	Debit	WHOLDING NC DEPT OF REVEN 4301414008660, ACH CORP DEBIT	\$166.00
01/31/2013	Debit	SPEEDPAY CenturyLink XXXXXXXXXX3799 ACH DEBIT	\$39.18
01/30/2013	Check	<u>5234</u> CHECK #5234 View	\$400.00
01/30/2013	Debit	P&C USAA.COM PAYMNT 000839692 INTERNET PAYMENT	\$152.93
01/30/2013	Debit	WEB ORDER GO DADDY Abbott ACH CORP DEBIT	\$66.23
01/30/2013	Check	<u>5238</u> TELLER CASHED CHECK #5238 View	\$1,000.00
01/29/2013	Check	<u>12913</u> CHECK #12913 View	\$285.97
			\$10,858.80

Note: Transactions are paid from your Available Balance at the time of posting consistent with payment guidelines in your Bank Service Agreement.

Available Balance: The amount of money you have to draw upon. Your Available Balance does not include funds that are being held.

Posted Balance: The amount of money posted in your account after final nightly processing is completed

Daily Posted Balance: The posted balance after nightly processing is completed. Please note that transactions are paid from your Available Balance consistent with our payment guidelines, and that the Available Balance may be different than your Daily Posted Balance. Important: The Daily Posted Balance does not reflect all pending transactions and fees and should not be used to determine how overdraft fees were assessed.

Online Banking/Account Support: 1-888-BBT-ONLINE (1-888-228-6654) Credit Cards: 1-800-476-4228
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<https://online.bbt.com/bbtobs/bbtolbext/acctHist/acctDetails?act...> 2/25/2013

Appellant's Designation of Matter # 10

Name: Mr. Robert G. Howe
Bar Number: 2701
Organization:
Address: 715 St. Andrews Blvd
Charleston, SC 29407
County: Charleston
Email Address: robertghowe27@att.net
Business Phone: (843) 556-1558
Fax Number:
Law School: University of South Carolina School of Law
Graduation Year: 1975
SC Admission Date: November 11, 1975
SC Bar Membership Class: Regular Member
SC Bar Membership Status: Not Good Standing (Incapacity Inactive)

Contact Info

Mr. Robert G. Howe
715 St. Andrews Blvd
Charleston, SC 29407
robertghowe27@att.net
(843) 556-1558

New Search

Appellant's Designation of Matter # 11

1. The first of these is the fact that the

Re: Abbot v Blank

August 14, 2013 7:14 AM

From: Lionel Lofton

To: abbotconstruction@tds.net

I can only suggest you see judge Lynn at mt p magistrate court. Lawyers can't make police issue warrant. Lynn can issue warrant.

Sent from my iPhone

On Aug 14, 2013, at 6:53 AM, "abbotconstruction@tds.net" <abbotconstruction@tds.net> wrote:

I spoke to the detective twice prior to Michele's attorney bringing her in to be arrested around July 16-didn't seem to be a problem, now nothing. Detective Harriet 2013-010166-B

On Mon, Aug 12, 2013 at 11:14 AM, abbotconstruction@tds.net <abbotconstruction@tds.net> wrote:
Believe me, I wouldn't have contacted you if I didn't need help. The sheriff's office seems to be too busy to deal with me and Bobby Howe wants to change his position and say it's a civil problem. Was it legal for her to write that check if she had the power of attorney?

On Mon, Aug 12, 2013 at 10:19 AM, Lionel Lofton <lionel@loftonandlofton.com> wrote:

Jimmy since you are seeking a criminal prosecution of Ms Blank you need to deal directly with the sheriff's dept. It appears that Bobby has already approached them and they don't seem to be interested in a criminal case however since you are the victim you can try to get them interested. Good luck.

Lionel

Lionel S. Lofton,

Attorney at Law

Lofton & Lofton, P.C.

225 Seven Farms Drive, Suite 109

Charleston, SC 29492

(843) 722-6319 Office

(843) 722-6372 Fax

Name: Mr. Lionel S. Lofton
Bar Number: 3383
Organization: Lofton & Lofton, PC
Address: 225 Seven Farms Dr.
Ste. 109
Charleston, SC 29492
County: Berkeley
Email Address: lionel@loftonandlofton.com
Business Phone: (843) 722-6319
Fax Number: (843) 722-6372
Law School: University of South Carolina School of Law
Graduation Year: 1971
SC Admission Date: January 01, 1971
SC Bar Membership Class: Regular Member
SC Bar Membership Status: Good Standing

Appellant's Designation of Matter # 12

J. Al Cannon, Jr.
SHERIFF

INCIDENT REPORT

SC0100000		DISPATCH NUMBER 2013-010166-B		ORIGINAL CASE NUMBER N/A		PAGE 1 OF 1 PAGES		NCIC ENTRY		IND		ENT	
INCIDENT TYPE 1 CHECK FRAUD				INCIDENT CODE COMPLETED ☒ YES ☐ NO FORCED ENTRY ☐ YES ☒ NO		PREMISE TYPE CONST. OFFICE				N/A		TYPE VICTIM ☐ INDIVIDUAL ☒ BUSINESS ☐ FINANCIAL INST ☐ GOVERNMENT ☐ RELIG ORG ☐ SOC/PLB ☐ OTHER ☐ UNKNOWN ☐ POLICE OFF	
2 N/A				3 N/A									
INCIDENT LOCATION 9965 RANDALL RD. MCCLELLANVILLE, SC													
BEGINNING INCIDENT DATE 1/30/13		24 HR CLOCK 1200		ENDING INCIDENT DATE 1/30/13		24 HR CLOCK 1200		DISP DATE 7/1/13		OSP TIME 1230		TIME ARRIVED 1230	
NAME (LAST, FIRST, MIDDLE) ABBOTT, JAMES ROBIN		RELATIONSHIP TO SUBJECT P1 ACCU		P2 N/A		P3 N/A		RESIDENT RACE J		SEX W		AGE M	
HEIGHT 511		WEIGHT 175		HAIR GRY		EYES BLU		FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC BEARD		DRIVERS LIC / ID & STATE 27887898 NC		SOCIAL SECURITY # UNK	
ADDRESS # 241		STREET NAME PAUL DR.		CITY TRENTON		STATE NC		ZIP CODE 28585		DAY PHONE 8437297729		EVENING PHONE SAME	
OCCUPATION CONSTRUCTION		EMPLOYER SELF EMPLOYED		ALIAS N/A		NIC # N/A							
NAME (LAST, FIRST, MIDDLE) ABBOTT MARINE CONSTRUCTION													
HEIGHT 511		WEIGHT 175		HAIR GRY		EYES BLU		FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC BEARD		DRIVERS LIC / ID & STATE 27887898 NC		SOCIAL SECURITY # UNK	
ADDRESS # 241		STREET NAME PAUL DR.		CITY TRENTON		STATE NC		ZIP CODE 28585		DAY PHONE 8437297729		EVENING PHONE SAME	
OCCUPATION CONSTRUCTION		EMPLOYER SELF EMPLOYED		ALIAS N/A		NIC # N/A							
NAME (LAST, FIRST, MIDDLE) BLANK, MICHELE													
HEIGHT 506		WEIGHT 120		HAIR BLN		EYES BLU		FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC N/A		DRIVERS LIC / ID & STATE UNK		SOCIAL SECURITY # UNK	
ADDRESS # 1600		STREET NAME MACOMA DR.		CITY AWENDAW		STATE SC		ZIP CODE 29429		DAY PHONE UNK		EVENING PHONE UNK	
OCCUPATION UNK		EMPLOYER UNK		ALIAS N/A		NIC # N/A							
☐ COMPLAINTANT ☐ VICTIM # ☒ SUSPECT # 1 ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON ☐ VISIBLE INJURY ☐ NO ☐ YES ☐ COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES USING ALCOHOL ☐ NO ☐ YES ☐ UNK DRUGS ☐ NO ☐ YES ☐ TYPE ☐ NO ☐ YES ☐ UNK TWO-WAY VEHICLE ☐ YES ☐ NO ☐ UNK DETECTIVE SPACEMAN ☐ YES ☐ NO ☐ UNK ALONE ☐ YES ☐ NO ☐ UNK ASSAULTED ☐ YES ☐ NO ☐ UNK													
(A) CHARGE (B) CHARGE (C) CHARGE (D) CHARGE													
MCCLELLANVILLE... COMPLAINANT (ABBOTT) WHO IS THE OWNER OF ABBOTT MARINE CONSTRUCTION ADVISED THAT SUBJECT (BLANK) HAD WRITTEN A CHECK THAT SHE WAS NOT AUTHORIZED TO WRITE. ABBOTT STATED THAT THE CHECK WAS WRITTEN ON 1/30/13 FOR THE AMOUNT OF \$10,000. ABBOTT ADVISED THAT HE HAS OFFICES IN NORTH CAROLINA AND THIS COUNTY WHERE THE CHECK WAS WRITTEN. ABBOTT ADVISED THAT HE UNDERWENT HIP SURGERY DAYS AFTER THE CHECK WAS WRITTEN AND THIS WAS THE FIRST OPPORTUNITY TO FILE A REPORT. ABBOTT PROVIDED R/D WITH A COPY OF THE CHECK AND BANK RECORDS SHOWING THE TRANSACTION. ALL COPIES WERE FORWARDED TO CID. NOTHING FURTHER.													
TYPE (GROUP)		US CURRENCY		TOTAL VALUE		JURY/CRIMINAL/PROPERTY		SC0100000		JURY/CRIMINAL/PROPERTY		SC0100000	
STOLEN		10000		10000									
DAMAGED													
BURNED													
RECOVERED													
SEIZED													
SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☐ YES ☒ NO		ACTIVE ☒ YES ☐ NO		ADJ. CLOSED ☐ YES ☐ NO		ARRESTED UNDER 18 ☐ YES ☐ NO		EX-CLEAR UNDER 18 ☐ YES ☐ NO		EX-CLEAR 18 AND OVER ☐ YES ☐ NO	
REASON FOR EXCEPTIONAL CLEARANCE 1 OFFENDER DEATH 2 NO PROSECUTION 3 EXTRADITION DENIED 4 VICTIM DECLINES COOPERATION 5 JUVENILE NO CUSTODY		REPORTING OFFICER M. SCHREFFLER		DATE 7/1/13		BADGE NUMBER 10058		APPROVING OFFICER S/SGT. N. GERENA		DATE 7/1/13		BADGE NUMBER 8316	
FOLLOW-UP INVESTIGATION ☐ YES ☐ NO													

CCSO-100

30

INCIDENT SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE, CHARLESTON HEIGHTS, S.C. 29405-7789 • (843) 202-1700J. Al Cannon, Jr.
Sheriff

SC0100000	DISPATCH NUMBER N/A	ORIGINAL CASE NUMBER 2013-010166-B	PAGE 1 OF 2 PAGES	ICIC ENTRY JAC	ENT.
☐ ORIGINAL REPORT ☐ MODIFIES ORIGINAL	☒ SUPPLEMENTAL REPORT ☐ CASE STATUS CHANGE	☐ ADDITIONAL VICTIMS ☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL WITNESSES ☒ ADDITIONAL SUBJECTS	☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY	
INCIDENT TYPE: FRAUD - BAD CHECKS					
Incident Location: 9965 Randell Rd, McClellanville					
Incident Date: 1/30/13					
I spoke with the victim (Abbott) who stated that subject #1 (Blank) used to work for him as book keeper for the business Abbott Marine Construction. Abbott stated that he had given Blank power of attorney for the business, so she would be able to run the business while he was in Haiti. Abbott stated that he returned from Haiti in May of 2012 and never cancelled the power of attorney, and then on January 30, 2013 Blank wrote a check to herself for \$10,000.00 from his business account check number 5195. Abbott filed an affidavit of fraud on February 4, 2013 with BB&T Bank in North Carolina. I spoke with subject #2 (Boorse) the Vice President from BB&T Bank in North Carolina, and she advised me that the check never cleared the bank because there were not enough funds in the account. Boorse stated that Blank was on the signature card for the business account and had all legal right to write and cash checks for Abbott Marine Construction. Boorse stated that BB&T were the check was drawn from and First Federal where the check was cashed are not out of the \$10,000.00. I interviewed Blank along with her attorney, and through the interview it was learned that Blank and Abbott had a personal and business relationship that ended. I asked Blank if she had power of attorney while Abbott was in Haiti and she replied that they were in Haiti together and they both had reciprocal powers of attorney. Blank had email documentation from Abbott from December 2012 when she split from their relationship and business that Abbott stated he would pay her \$2,500.00 for January 2013, and \$2,500.00 for February 2013. Blank also showed me the original title to the boat that is in both her and Abbott's name and the email that he would pay her \$5,000.00 for her part in the boat in return for the title. Blank stated that she did write the check that she was authorized to write for the \$10,000.00 that Abbott owed her. Blank stated that she never received any of the money because the check never cleared the bank, and she still has possession of the title until Abbott pays her. Blank has filed a civil law suit against Abbott with a file date of July 7, 2013. There is no criminal conduct in this case, instead it is a civil matter over property and money owed. I/D request this case be unfounded as it is a civil matter.					
TYPE (GROUP)		TOTAL VALUE		JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY	
STOLEN		0		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	
DAMAGED		0			
BURNED		0			
RECOVERED		0			
SEIZED		0			
SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE ☐ ADM. CLOSED ☒ UNFOUNDED	
REASON FOR EXCEPTIONAL CLEARANCE		☐ OFFENDER'S DEATH ☐ NO PROSECUTION ☐ EXTRADITION DENIED		☐ ARREST UNDER 18 ☐ ARREST 18 AND OVER ☐ EX-CLEARED UNDER 18 ☐ EX-CLEARED 18 AND OVER	
REPORTING OFFICER(S)		DATE		APPROVING OFFICER	
HERRIOTT, KEITH A		7/17/2013		OWEN, DAVID H. III	
BARGE NUMBER		10038		FOLLOW-UP INVESTIGATION ☐ YES ☐ NO	
DATE		7/17/2013		DISPOS. NUMBER	
9608					

CCSO - 100 3/1/99

PERSON SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE, CHARLESTON HEIGHTS, S.C. 29405-7789 • (843) 202-1700J. Al Cannon, Jr.
Sheriff

SC0100000	DISPATCH NUMBER N/A	ORIGINAL CASE NUMBER 2013-010186-B	PAGE 2 OF 2 PAGES	NOC ENTRY	ENT.																																																																																																				
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CCSO 130

Appellant's Designation of Matter # 13

Case No: 2013CV01000-794
Filed: 7-9-13
Served:
Default:
Hearing:

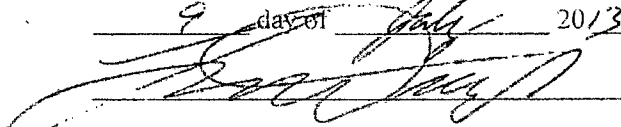
STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

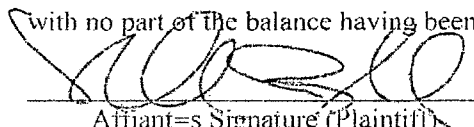
IN THE SMALL CLAIMS COURT

Michele Blank
Plaintiff
1600 Macoma Dr.
Street Address
Mt. Pleasant, SC 29466
City State Zip
843 442 9161
Phone

James R. Abbott dba Abbott
Defendant Construct
241 Paul Dr.
Street Address
Trenton, NC 28585
City State Zip
843 729 7729
Phone

- I, the plaintiff in this civil action, make the following claim against the defendant: FILED IN CHARLESTON COUNTY
- 1.) I believe that the defendant is a resident of Trenton, N.C.
 - 2.) Check a, b, or c to indicate the type of suit and supply documents required.
 - a. () This is a suit on a note; Two (2) copies of note attached. Defendant has defaulted in CM/ payment of said note with balance of \$ _____ now due and payable. CITY SMALL CLAIMS COURT
 - b. () This is a suite on an account; Two (2) copies of statement attached. Sign as affiant swearing to statement and have your signature notarized.

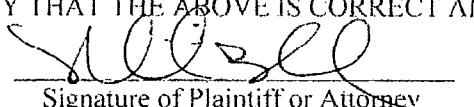
SWORN and subscribed before me this
9 day of July 2013

NOTARY PUBLIC, State of South Carolina
My Commission Expires: 6/10/18

Attached to this complaint is a statement of account which I swear to be true and correct, with no part of the balance having been paid.

Affiant=s Signature (Plaintiff)

c. (✓) OTHER. This is a claim based on the following facts: (Describe Complaint)
please see attached

(attach supplement if necessary)

- 3.) I believe because of the following information, that I am entitled to, and request a judgment for
\$ 5,000- and/or other relief:
\$100 key deposits, \$1,000 attorney fees, \$1200 compensation for personal property and
(Include any costs resulting from this action. (Example: court costs, legal fees, interest) \$80 filing fee
\$30 service fee
Jones Att

I STATE UNDER PENALTY OF PERJURY THAT THE ABOVE IS CORRECT AND TRUTHFUL.
7/9/2013 Date
 Signature of Plaintiff or Attorney

I am a former employee of Abbott Construction Company and Abbott Construction, a North Carolina Corporation doing business in South Carolina. I worked for the Company and for Mr. Abbott from January, 2012 through late December, 2012. I was his business administrator, then site safety officer and construction quality control officer on certain projects. Mr. Abbott agreed, in writing, to pay me at the rate of \$2500 per month through the month of February, 2013. To date, Mr. Abbott has failed to tender my agreed compensation for the months of January and February, 2013.

I was also in a personal relationship with Mr. Abbott and he continues to retain possession of numerous items of my personal property, including, but not limited to, keys to my safe and post office boxes, jewelry and personal effects, furniture, and tools and supplies for my business of creating glass art. I have had to seek the services of an attorney to assist me in collecting this debt, and Mr. Abbott has refused or failed and continues to refuse or fail to respond to all efforts to collect this debt.

I am attaching correspondence from Mr. Abbott confirming this debt.. I am seeking my compensation in the amount of \$5000.00, \$100 for key deposits, \$1000 in attorney fees, return of my personal property or compensation in the amount of \$1200 for the value of that property, and the \$80 filing fee for this action.

Appellant's Designation of Matter # 14

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

2013CV1010600794
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

ANSWER

Michele Blank
1600 Macoma Dr
Mount Pleasant, SC 29466
(843) 442-9161

PLAINTIFF(S)

Vs

AGENT

James R Abbotti dba Abbotti
Construction
241 Paul Dr
Trenton, NC 28585

DEFENDANT(S)

On July 17 2013, I was served with a Complaint requiring me to answer within thirty days from the date of service. My Answer, which is hereby filed with the **Charleston County Summary Court**, is as follows:

CHECK ONE:

A. ☐ I contest the jurisdiction of the court based on the following: (use additional pages if necessary)

B. ☐ I admit everything in the complaint and do not want a trial.

C. ☐ I admit that I am responsible, but not for the total amount claimed by the Plaintiff(s) because: (use additional pages if necessary)

D. ☒ I deny that I am responsible at all because: (use additional pages if necessary)

I REQUEST A JURY TRIAL

YOU MUST FILE THIS DOCUMENT WITH THE COURT WITHIN THIRTY DAYS

THE DEFENDANT/PLAINTIFF STATES THAT THE INFORMATION CONTAINED IN THIS ANSWER IS TRUE AND CORRECT TO THE BEST OF HIS/HER KNOWLEDGE.

DATED:

August 12, 2013

SIGNATURE OF DEFENDANT(S) (OR ATTORNEY)

IF MORE THAN ONE DEFENDANT, ALL MUST FILE ANSWER

PLEASE RETURN TO:

Small Claims - City
995 Morrison Drive, P. O. Box 941
Charleston, SC 29403
Phone: (843) 724-6720

NY 2

31

Ms. Blank invested \$5,000 in my trimaran which I agreed to pay back. That is all I owed her. However, she has put me through a tremendous waste of time and money since she refused to return to work and I would consider the financial matter settled if we called it even. I have approximately \$3,500 of personal items to reclaim from her, both from her house and from what she took off the trimaran.

I request a jury trial.

Should have been
\$6,800+

Appellant's Designation of Matter # 15

Re: Arresting Michele

October 14, 2013 10:42 AM

From: Dottiefortreed,

To: abbottconstruction@tds.net,

Abbott:

I hate to tell you no, but I can't represent you in the magistrate court action now pending. I do have a few pointers to pass along.

1) Remember that the magistrate court action is only about what Michelle and you put in the documents you filed with the court. That judge will not be making any decisions about the \$10,000 check she wrote herself on your account. You need to be prepared to present a defense as to why you do not owe her for anything for:

- a) the work she says she did but did not get paid for, and
- b) the personal items of hers she says you have.

Your defense to the work she says she did but did not get paid is that she did not do the work. Give some thought as to what evidence you could present on that point. Can any of the people who work with you testify that she didn't do the work. Your testimony alone may be enough, but it would be good to have back up.

2) Magistrate Courts in SC can't award judgments over \$7000, and she is asking for more than that in her Complaint.

3) it would be easier for you to represent yourself if you do not have a jury trial. You can always contact the court and withdraw your request for a jury trial. If so, you would just present your evidence and arguments to the judge.

Good luck and let me know if I can give you any other advice.

Dottie

-----Original Message-----

From: abbottconstruction@tds.net <abbottconstruction@tds.net>

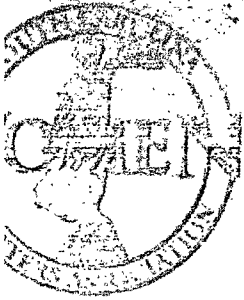
To: Dottie Reed <dottiefortreed@aol.com>

Sent: Sat, Oct 12, 2013 9:10 am

Subject: Re: Arresting Michele

So this is my question to you-will you help me with a trial in the civil suit? I'll pay the going rate.

Ac

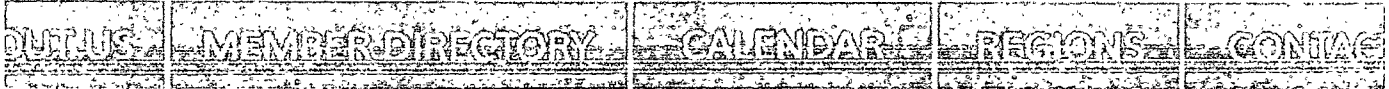


SC Women Lawyers Association



MEMBER LOG

REGARD LOG



Membership Directory



Reed, Dorothy Fort

Law Office of Dottie Fort Reed, LLC

Email: dottie@dottiereedlaw.com

Employer: Law Office of Dottie Fort Reed, LLC

Street: 810 Dutch Sq. Blvd. Suite 105

City, State & Zip: Columbia SC, 29210

Phone: (803) 708-4738

Fax: (803) 753-9059

Areas of Practice: Consumer law, Debt Collection Harassment, Debt Collection Defense *Also Invoices*

Web Site: www.dottiereedlaw.com

Undergrad
Education: USC

Law School: USC School of Law

Bar Admissions: SC Bar, 1992 and US District Court, 1997

Years in Practice: 20

*I HAVE KNOWN LONER & DOTTIE 30+ YEARS. WE ARE LIVES TOGETHER
IN McCREANVILLE*

(41)

Appellant's Designation of Matter # 16

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Michele Blank
1600 Macoma Dr
Mount Pleasant, SC 29466

James R Abbott
PO Box 7
Trenton, NC 28585

RE: Michele Blank Vs James R Abbott dba Abbott Construction
PLAINTIFF(S) DEFENDANT(S)

CASE #: 2013CV1010600794

The Pre-Trial Conference for the above referenced case has been rescheduled. The new court date is **TUESDAY, OCTOBER 22, 2013 @ 11:00 AM.**

If you settle this case, please notify this Court in writing on this form and return it to the address listed at the bottom of this form.

THIS CASE HAS NOW BEEN SETTLED. PLEASE STOP ALL ACTION.

Signature

Print Name

Telephone Number



Latasha Davis
Summary Court Specialist

Small Claims - City
995 Morrison Drive P. O. Box 941
Charleston, SC 29403
Phone: (843) 724-6720 Fax: (843) 724-6785

September 4, 2013

Appellant's Designation of Matter # 17

November 14, 2013

Concerning Case # 2013CV1010600794

Magistrate Henry W. Guerard requested that I send Ms. Blank a list of my personal items at her house so that she might be prepared to return them after I brought her personal items from my house. I sent this list by email. It is enclosed with this correspondence. I have not heard anything in return. I suspect some of the items listed are no longer there. I would have taken care of this earlier, but I had a hip replacement in February and wasn't able to physically lift much until June. By that time I was advised to have no contact with her until this case and other associated criminal behavior accusations were settled.

My question is this-can we wait until the hearing November 21 to discuss this situation? I have need for three items on her list. She wasn't using any of them at her house, they were in storage. I am using them and would like to purchase them. 1. Broyhill dresser and mirror. 2. Woodburning stove with magic heat chimney 3. Drafting table.

Likewise, there are some things of mine at her house that I don't need that she was using. She can have them if she wants to purchase them. If not, I will take them back.

I have let go of this relationship and want to move on. I would like to withdraw my request for a jury trial and let the magistrate decide the case.

Respectfully,


James R. Abbou

(As)

Appellant's Designation of Matter # 18



STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Michele Blank
1600 Macoma Dr
Mount Pleasant, SC 29466

James R Abbott
PO Box 7
Trenton, NC 28585

RE: Michele Blank

Vs

James R Abbott dba Abbott Construction

PLAINTIFF(S)

DEFENDANT(S)

CASE #: 2013CV1010600794

Please be advised that a Jury Trial for the above referenced case has been scheduled for
THURSDAY, NOVEMBER 21, 2013 @ 9:00 AM.

If any party does not appear, that party's case may be dismissed and a judgment may be entered against them.

If you have any witnesses, books or any evidence bearing on this claim, you need to bring them with you at the time of the hearing. If you need to subpoena witnesses, your request for the subpoenas must be submitted to this court, in writing, two (2) weeks prior to the hearing date and a fee of eight (\$8.00) dollars will be charged for each subpoena. This fee must be remitted when the subpoena is requested.

If you settle this case, please notify this Court in writing on this form and return it to the address listed at the bottom of this form.

THIS CASE HAS NOW BEEN SETTLED. PLEASE STOP ALL ACTION.

Signature

Print Name

Telephone Number



Latasha Davis
Summary Court Specialist

Small Claims - City
995 Morrison Drive P. O. Box 941
Charleston, SC 29403
Phone: (843) 724-6720 Fax: (843) 724-6785

October 22, 2013

Appellant's Designation of Matter # 19

STATE OF SOUTH CAROLINA

2013CV1010600794
CIVIL CASE NUMBER

COUNTY OF CHARLESTON

IN THE MAGISTRATE'S COURT

2014 CP 10 1 303

TRANSCRIPT OF JUDGMENT
FIND FOR PLAINTIFF

Names of Parties Against Whom Judgment is Granted	Attorneys
James R Abbott dba Abbott Construction PO Box 7 Trenton, NC 28585	

Names of Parties To Whom Judgment is Granted	Attorneys
Michele Blank 3660 W Montague Ave North Charleston, SC 29418	Frampton Durban, Esq

DAMAGES AND COSTS

Amount of Judgment:	\$5,000.00
Attorney Fees	\$0.00
Interest	\$0.00
Court Costs / Filing Fees	\$100.00
Total Amount of Judgment:	\$5,100.00
Date of Judgment:	2/21/2014

I, Henry W Guerard, Magistrate in and for the County of Charleston, do hereby certify that the foregoing is a correct transcript of the Judgment issued by this Court.

Henry W Guerard
Henry W Guerard
Charleston County Magistrate

February 21, 2014

TO THE SHERIFF OF CHARLESTON COUNTY:

The judgment was docketed in the office of the Clerk of Court of Common Pleas, County of Charleston, the 28 day of February, 2014. THEREFORE, WE REQUEST YOU, that you satisfy the said judgment out of personal property of the said judgment debtor within your county, or if sufficient personal property cannot be found, that out of the real property in your County belonging to such judgment debtor on the day when the said judgment was docketed in your County, or at any time hereafter, in whose hands soever the same may be, and duly return this execution, according to law, to the Clerk of Court of Common Pleas for the County of Charleston.

John P. Bunting
CLERK OF COURT
THIS 28 DAY OF February, 2014

[Signature]
ATTORNEY FOR PLAINTIFF OR PLAINTIFF

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Appellant's Designation of Matter # 20

**STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON**

INFORMATION

Enclosed is a Transcript of Judgment which has been rendered against you. The prevailing party can file this judgment immediately in the Clerk of Courts office.

You have five (5) days from notice of the judgment to make a Motion for a New Trial. This Motion must be submitted in writing.

You must file an Appeal within thirty (30) days of receipt of notice of the judgment. Any Appeal must be filed with the Clerk of Court for Charleston County together with a One Hundred and Fifty Dollar (\$150.00) filing fee. A copy of the Appeal must be served personally on the Small Claims Court Judge and the prevailing party. If you need more information on appealing to the Court of Common Pleas, you may contact the Clerk of Court at the following number:

**Charleston County Clerk of Court
100 Broad Street, Ste. 106
Charleston, SC 29401
(843) 958-5000**

Payment of the judgment is to be made directly to the prevailing party and if the judgment has been filed with the Clerk of Court it is necessary for the prevailing party to have the judgment removed. If you do not satisfy this judgment it will remain valid and enforceable for a period of ten (10) years.

**Small Claims - City
995 Morrison Drive P. O. Box 941
Charleston, SC 29403
Phone: (843) 724-6720 Fax: (843) 724-6785**

February 21, 2014

Appellant's Designation of Matter # 21

RULE 19
NEW TRIAL; AMENDMENT OF JUDGMENTS

i) A new trial may be granted to all or any of the parties and on all or part of the issues for any of the reasons for which new trials previously have been granted in the courts of this state. On motion for a new trial in an action tried without a jury, the court may open the judgment, if one has been entered, may take additional testimony, may amend findings of fact and conclusions of law, may make new findings and conclusions, and may direct the entry of a new judgment.

j) The motion for a new trial shall be made in writing and filed with the court no later than ten (10) days after notice of the judgment. However, a motion for a new trial in cases involving landlords and tenants under Chapters 37 and 40, Title 27 of the South Carolina Code, must be filed within five (5) days after notice of the judgment. The court shall notify all opposing parties that the motion has been filed and shall provide those parties a copy of the motion in a manner provided for in Rule 8.

k) Not later than ten (10) days after entry of judgment, the court, on its own initiative, may order a new trial for any reason for which it might have granted a new trial on motion of a party. However, the court may order a new trial under this paragraph not later than five (5) days after entry of judgment in cases involving landlords and tenants under Chapters 37 and 40, Title 27 of the South Carolina Code. After giving the parties notice and an opportunity to be heard on the matter, the court may grant a motion for a new trial, timely served, for a reason not stated in the motion. In either case, the court shall specify in the order the grounds for granting a new trial.

l) A motion to alter or amend the judgment shall be filed no later than ten (10) days after notice of the judgment, except that in cases involving landlords and tenants under Chapters 37 and 40, Title 27 of the South Carolina Code, the motion shall be filed no later than five (5) days after notice of the judgment. The court shall notify all opposing parties that the motion has been filed and shall provide those parties a copy of the motion in a manner provided for in Rule 8.

m) Except by consent of the parties, argument on a motion for a new trial or to alter or amend the judgment shall be heard by the magistrate before whom the trial was held. However, the motion may, in the discretion of the court, be decided on briefs filed by the parties without oral argument.

ended by Order dated April 29, 2015.

Appellant's Designation of Matter # 22

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

2014 -CP-10-1829

JAMES R. ABBOTT

-SC-

PLAINTIFF

- VERSUS -

APPEAL

Michelle Blank

DEFENDANT

BY

JULIE J. ARMSTRONG
CLERK OF COURT

2014 MAR 18 AM 10:34

FILED

1. JAMES R. ABBOTT, PLAINTIFF/DEFENDANT IN THIS CIVIL ACTION MAKE THE FOLLOWING CLAIM.

1. I BELIEVE THAT THE PLAINTIFF/DEFENDANT RESIDES IN CHARLESTON COUNTY AND IS WITHIN THE JURISDICTION OF THIS COURT.

2. I MAKE THIS APPEAL BASED ON THE FOLLOWING ERRORS COMMITTED BY THE LOWER COURT. THE COMPLAINT BY MICHELLE BLANK WAS THAT I OWED HER \$5,000 FOR BACK PAY. I SHOWED AT THE HEARING I OWED HER \$5,000 FOR HER INTEREST IN A SAILBOAT, NOT BACK PAY.

3. I BELIEVE, BECAUSE OF THE ABOVE INFORMATION, THAT I AM ENTITLED TO AND REQUEST: THE \$5,000 OWED IS FOR HER INTEREST IN THE SAILBOAT.

I STATE UNDER PENALTY OF PERJURY THAT THE ABOVE IS CORRECT AND TRUTHFUL.

DATED: MARCH 18, 2014

SIGNED: [Signature]

ADDRESS OF PLAINTIFF

ADDRESS OF DEFENDANT

MICHELLE BLANK c/o FRAMPTON DREAM
3060 W. MONTAGUE AVE
NORTH CHARLESTON, SC 29418

PO Box 7
TRENTON NC 28585

TELEPHONE (BUSINESS)

843-729-7729
TELEPHONE (BUSINESS)

55

STATE OF SOUTH CAROLINA

2013CV1010600794
CIVIL CASE NUMBER

COUNTY OF CHARLESTON

IN THE MAGISTRATE'S COURT

2014 CP 10 1 303

TRANSCRIPT OF JUDGMENT
FIND FOR PLAINTIFF

Names of Parties Against Whom Judgment is Granted	Attorneys
James R Abbott dba Abbott Construction PO Box 7 Trenton, NC 28585	BY <u>FRAMPTON DURBAN, ESQ</u> CLERK OF COURT

Names of Parties To Whom Judgment is Granted	Attorneys
Michele Blank 3660 W Montague Ave North Charleston, SC 29418	Frampton Durban, Esq

DAMAGES AND COSTS

Amount of Judgment:	\$5,000.00
Attorney Fees	\$0.00
Interest	\$0.00
Court Costs / Filing Fees	\$100.00
Total Amount of Judgment:	\$5,100.00
Date of Judgment:	2/21/2014

I, Henry W Guerard, Magistrate in and for the County of Charleston, do hereby certify that the foregoing is a correct transcript of the Judgment issued by this Court.

Henry W Guerard
Charleston County Magistrate

February 21, 2014

Appellant's Designation of Matter # 23

File No. <u>14 CVM 609</u>		STATE OF NORTH CAROLINA <u>JONES</u> County																			
COMPLAINT: FOR MONEY OWED		In The General Court Of Justice District Court Division - Small Claims																			
Name And Address Of Plaintiff Michele Blank 1600 Macoma Dr. Mount Pleasant, SC 29466-8205		1. The defendant is a resident of the county named above. 2. The defendant owes me the amount listed for the following reason: <table border="1" style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 70%;">Principal Amount Owed</td> <td style="width: 30%;">\$ 5,000</td> </tr> <tr> <td>Interest Owed (if any)</td> <td>\$ 5,000</td> </tr> <tr> <td>Total Amount Owed</td> <td>\$ 10,000</td> </tr> </table>		Principal Amount Owed	\$ 5,000	Interest Owed (if any)	\$ 5,000	Total Amount Owed	\$ 10,000												
Principal Amount Owed	\$ 5,000																				
Interest Owed (if any)	\$ 5,000																				
Total Amount Owed	\$ 10,000																				
County <u>Charleston</u> Telephone No. <u>843 442 9161</u>		(check one below) <table border="1" style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 60%;">☐ On An Account (attach a copy of the account)</td> <td style="width: 40%;">Date From Which Interest Due</td> <td style="width: 20%;">Interest Rate</td> </tr> <tr> <td>☐ For Goods Sold And Delivered Between</td> <td>Beginning Date</td> <td>Ending Date</td> </tr> <tr> <td>☐ For Money Lent</td> <td>Date From Which Interest Due</td> <td>Interest Rate</td> </tr> <tr> <td>☐ On a Promissory Note (attach copy)</td> <td>Date Of Note</td> <td>Date From Which Interest Due</td> </tr> <tr> <td>☐ For a Worthless Check (attach a copy of the check)</td> <td colspan="2"></td> </tr> <tr> <td>☐ For conversion (describe property)</td> <td colspan="2"></td> </tr> </table>		☐ On An Account (attach a copy of the account)	Date From Which Interest Due	Interest Rate	☐ For Goods Sold And Delivered Between	Beginning Date	Ending Date	☐ For Money Lent	Date From Which Interest Due	Interest Rate	☐ On a Promissory Note (attach copy)	Date Of Note	Date From Which Interest Due	☐ For a Worthless Check (attach a copy of the check)			☐ For conversion (describe property)		
☐ On An Account (attach a copy of the account)	Date From Which Interest Due	Interest Rate																			
☐ For Goods Sold And Delivered Between	Beginning Date	Ending Date																			
☐ For Money Lent	Date From Which Interest Due	Interest Rate																			
☐ On a Promissory Note (attach copy)	Date Of Note	Date From Which Interest Due																			
☐ For a Worthless Check (attach a copy of the check)																					
☐ For conversion (describe property)																					
VERSUS Name And Address Of Defendant 1 ☒ Individual ☒ Corporation James Robin Abbott Aka James Robin Abbott, Sr. Aka James R. Abbott Aka James R. Abbott, Sr. Aka James Abbott Aka James Abbott, Sr. Aka Jimmy Abbott Aka Jimmy Abbott, Sr. DBA Abbott Marine DBA Abbott Marine Construction DBA Abbott Construction		Other: (specify) I invested \$5,000 to become a co-owner of a 41 foot sailboat in Florida with the defendant. The title was made out with both our names as owners. The boat was moved from Florida to N.C. without my being notified and the defendant had a new title issued and registered the boat in N.C. in his name alone and without returning my money or paying me the promised return on that money.																			
County <u>Jones</u> Telephone No. <u>843 729-7729</u>		I demand to recover the total amount listed above, plus interest and reimbursement for court costs.																			
Name And Address Of Plaintiff's Attorney		Date <u>7/31/2014</u> Name Of Plaintiff Or Attorney (Type Or Print) <u>MICHELE BLANK</u>																			
Signature Of Plaintiff Or Attorney		Signature Of Plaintiff Or Attorney																			

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(Over)

Appellant's Designation of Matter # 24

STATE OF NORTH CAROLINA

File No

14 CVD 101

Judgment Abstract No

Jones

County

2014 AUG 19 AM 11:44

In The General Court Of Justice
District Court Division-Small Claims

Name Of Plaintiff

Michele Blank

JONES

V.C.S.C.

VERSUS

Name Of First Defendant

James Robin Abbott

Name Of Second Defendant

NOTICE OF APPEAL
TO DISTRICT COURT

G.S. 7A-228, 7A-230

TO THE CLERK OF SUPERIOR COURT:

As the ☐ plaintiff ☒ defendant in the above-captioned action, I hereby give written Notice of Appeal on the judgment entered. This Notice is given within ten (10) days after the date the judgment in this action was entered.

☐ I certify that today I have served copies of this Notice to all parties involved in this action.

I understand that I must pay to the Clerk of Superior Court the court costs for appeal within twenty (20) days after the magistrate rendered judgment (ten (10) days in summary ejectment cases), unless I am authorized to appeal as an indigent, or my appeal will be dismissed. If I am the defendant, I also understand that in certain cases if I wish to stay execution of the judgment, I may be required to sign a bond and that the plaintiff may have an execution issued after ten (10) days if I have not signed the required bond.

Also, I demand that this Appeal be tried before a ☒ judge. ☐ jury.

Date Of Entry Of Judgment

8-19-14

Date Of Appeal

8-19-14

Date Costs Paid

150.00

Amount Of Court Costs Paid

\$ 150.00

Signature Of Appealing Party

Signature Of Appealing Party

X [Signature]

NOTICE TO THE APPEALING PARTY

NOTICE OF APPEAL.

If you did not give Notice of Appeal to the magistrate in open court at the time the judgment was rendered, you may file this written Notice of Appeal with the clerk within ten (10) days after the judgment is entered. You have a right to request a trial by jury. If you do not ask for a jury trial, you will be given a trial by a judge without a jury. You must mail or deliver copies of this form to all of the other parties. If you mail them before filing this form with the Clerk, check the block in the body of the form indicating you have served the parties and fill out the back of the original of this form. If you mail copies after filing this form with the Clerk, you must file a separate certification of service with the Clerk. You must file an answer to the allegation if the complaint is a violation of G.S. 42-63 (criminal activity), G.S. 42-68(3).

MANDATORY ARBITRATION.

Many counties have mandatory arbitration programs in which appeals from small claims court are heard by an arbitrator before they go to a district court trial. You will be notified if your case is assigned for mandatory arbitration and, if so, what you must do.

COURT COSTS.

Within ten (10) days after the magistrate's judgment is entered in a summary ejectment case, and within twenty (20) days in all other cases, you MUST PAY to the clerk in cash the court costs for appealing the case, or your appeal will be dismissed. If you cannot afford to pay the appeal costs, you may ask the clerk for the form to appeal as an indigent (AOC-G-106). You must file the form to appeal as an indigent within ten (10) days after the judgment was entered. If the appealing party petitions to qualify as an indigent, and the petition is denied, that party has an additional five (5) days to perfect the appeal by paying the court costs.

STOPPING ENFORCEMENT OF JUDGMENT.

Summary ejectment:

If you are a tenant appealing from a summary ejectment judgment entered against you and you wish to stay on the premises until the appeal is heard, you must SIGN A BOND that you will pay your rent as it becomes due into the Clerk's office; you must PAY IN CASH the amount of rent in arrears as determined by the magistrate; and if the judgment was entered more than five (5) days before the next rental payment is due, you may also have to PAY IN CASH the prorated amount of rent due from the date the judgment was entered until the next rental payment is due. Ask the clerk for the bond form (AOC-CVM-304) to allow you to stay on the premises. If you have not signed this bond and paid the prorated amount of cash within ten (10) days after the judgment was entered, the landlord can ask to have the sheriff remove you from the premises even though the case is being appealed.

Possession of personal property:

If the magistrate's judgment ordered you to return specific personal property to the other party and you wish to continue to hold that property until the appeal is heard, you must sign a bond, signed by at least one surety, that you and the surety will pay any costs and damages if you do not comply with the judgment of the district court. Ask the clerk for the bond form (AOC-CVM-906M). If you have not signed this bond within ten (10) days after the judgment was entered, the other party can ask to have the sheriff take the property from you even though the case is being appealed.

Money judgment:

If a money judgment has been entered against you, you do not need to sign a bond to stop enforcement. The judgment is automatically stayed until the appeal is heard.

AOC-CVM-303, Rev. 3/14

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(Over)

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STATE OF NORTH CAROLINA

JONES

County

File No.

14 CVD 101

In The General Court Of Justice

☒ District ☐ Superior Court Division

MICHELE BLANK

Additional File Numbers

VERSUS

JAMES ROBIN ABBOTT

SUBPOENA

G.S. 1A-1, Rule 45; G.S. 6-59

Party Requesting Subpoena

☐ State/Plaintiff ☐ Defendant

NOTE TO PARTIES NOT REPRESENTED BY COUNSEL: Subpoenas may be produced at your request, but must be signed and issued by the office of the Clerk of Superior Court, or by a magistrate or judge.

Name And Address Of Person Subpoenaed

TO

MICHELE BLANK
1600 MAROMA DR
MT PLEASANT SC 29466-8205

Alternate Address

Telephone No.

843-442-9161

Telephone No.

YOU ARE COMMANDED TO: (check all that apply):

- ☐ appear and testify, in the above entitled action, before the court at the place, date and time indicated below.
- ☐ appear and testify, in the above entitled action, at a deposition at the place, date and time indicated below.
- ☒ produce and permit inspection and copying of the following items, at the place, date and time indicated below.
- ☐ See attached list. (List here if space sufficient)

1. ORIGINAL FLORIDA CERTIFICATE OF TITLE FOR HULL ID FLZP8718E393
TITLE # 1750878 (SEE ATTACHMENT). TITLE WILL BE ANALYZED FOR
HANDWRITING AND INK AND THEN RETURNED.
2. COPY OF BANK ACCOUNT STATEMENT JANUARY/FEBRUARY MICHELE BLANK
FIRST FEDERAL CHARLESTON SC AS SHOWN ON BACK OF CHECK ATTACHED.
STATEMENT TO SHOW DEPOSIT OF CHECK (COPY) ATTACHED.

Name And Location Of Court/Place Of Deposition/Place To Produce

Jones County Courthouse
Trenton, NC

Date To Appear/Produce

NOV. 10, 2014

Time To Appear/Produce

10:00

☒ AM ☐ PM

Name And Address Of Applicant Or Applicant's Attorney

JAMES ROBIN ABBOTT
241 PAUL DRIVE
TRENTON NC 28505

Date

10/20/14

Signature

Julian Coulter

Telephone No. Of Applicant Or Applicant's Attorney

843-729-7729

☒ Deputy CSC
☐ Magistrate☐ Assistant CSC
☐ Attorney/DA☐ Clerk Of Superior Court
☐ District Court Judge☐ Superior Court Judge

RETURN OF SERVICE

I certify this subpoena was received and served on the person subpoenaed as follows:

By ☐ personal delivery. ☐ registered or certified mail, receipt requested and attached.☐ telephone communication by Sheriff (use only for a witness subpoenaed to appear and testify).☐ telephone communication by local law enforcement agency (use only for a witness subpoenaed to appear and testify in a criminal case).

NOTE TO COURT: If the witness was served by telephone communication from a local law enforcement agency in a criminal case, the court may not issue a show cause order or order for arrest against the witness until the witness has been served personally with the written subpoena.

☐ I was unable to serve this subpoena. Reason unable to serve:Service Fee
\$ ☐ Paid ☐ Due

Date Served

Name Of Authorized Server (Type Or Print)

Signature Of Authorized Server

Title

NOTE TO PERSON REQUESTING SUBPOENA: A copy of this subpoena must be delivered, mailed or faxed to the attorney for each party in this case. If a party is not represented by an attorney, the copy must be mailed or delivered to the party. This does not apply in criminal cases.

(Please See Reverse Side)

AOC-G-100, Rev. 5/13

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Appellant's Designation of Matter # 25

Common Pleas
Charleston County Judicial Center
100 Broad Street - Suite 106
Charleston, SC 29401-9401

STATE OF
SOUTH CAROLINA



James R Abbott
Po Box 7

Trenton, NC 28585

NOTICE OF MOTION SCHEDULING

September 25, 2014

Motion "MDISMS - Motion/Dismiss for Failure to Property Perfect Appeal" for Case:
2014CP1001829 - James R Abbott VS Michele Blank has been added to the following
Motions Roster:
131 - MOTIONS ROSTER - JUDGE NICHOLSON

This hearing of this motion has been scheduled for 11/19/2014 at 10:30 AM.

MOTIONS ARE SCHEDULED COURTROOM 3E WITH JUDGE NICHOLSON PRESIDING.
THE DEADLINE FOR REQUESTS FOR CONTINUANCES IS WEDNESDAY, NOVEMBER 12TH

IF YOU HAVE QUESTIONS PLEASE CONTACT CAROLINE LEONARD AT:
ccleonard@charlestoncounty.org.

Mail Notice To:
James R Abbott Po Box 7 Trenton, NC 28585

Court Info:
Common Pleas Charleston County Judicial Center 100 Broad Street - Suite 106 Charleston, SC 29401-9401

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(843)958-5000

Respectfully,

Julie Armstrong
Clerk of Court

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STATE OF SOUTH CAROLINA
ISSUED BY THE Common Pleas COURT IN THE COUNTY OF Charleston

James R Abbott, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Michele Blank, Defendant

Case Number: 2014CP1001829

Pending in Charleston County

TO: FRAMPTON DURBAN JR 3660 W MONTAGUE N CHS, SC
☐ YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
DATE AND TIME	AM

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME	AM
---------------------	---------------	----

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents of objects):

1. Original Florida Certificate of Title for hull ID FLZP8718E393 title # 1750878 (see attachment). Title will be analyzed for handwriting and ink and then returned.
2. Copy of bank account statement January/February Michele Blank First Federal Charleston SC as shown on back of check attached. Statement to show deposit of check (copy) attached.

PLACE 11 Broad Street Charleston SC	DATE AND TIME <u>October 20, 2014</u> <u>May 4, 2015</u>
--	--

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME	AM
----------	---------------	----

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF. SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

<u>James R. Abbott</u> PLAINTIFF Attorney/Issuing Officer's Signature Indicate if Attorney for Plaintiff or Defendant Attorney's Address and Telephone Number :	<u>October 20, 2014</u> Date	<u>JAMES R. ABBOTT</u> Print Name
--	---------------------------------	--------------------------------------

<u>(THIS WAS SIGNED & SEALED BY JULE J ARMSTRONG)</u> Clerk of Court/Issuing Officer's Signature Print Name	<u>June J Armstrong</u> Date
---	---------------------------------

Pro Se Litigant's Name, Address and Telephone Number :

SCCA 254 (11/2013)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on pages 2 and 3)

THIS IS THE PAPER I WAS LOOKING FOR HELP WITH. CL AT YOUR OFFICE GOT ME STRAIGHT ON IT AND I MAILED IT (CERTIFIED RETURN RECEIPT FRIDAY TO DURBAN'S P.O. BOX ADDRESS.

THE OFFICE OF CAPERS BARR III HELPED ME WITH THIS ON OCTOBER 20, 2014

63 a

J. Abbott

Name: Mr. Capers G. Barr, III
Bar Number: 542
Organization: Barr Unger & McIntosh, LLC
Address: PO Box 1037
11 Broad Street
Charleston, SC 29402
County: Charleston
Email Address: cgb@barrungermcintosh.com
Business Phone: (843) 577-5083
Fax Number:
Law School: University of South Carolina School of Law
Graduation Year: 1966
SC Admission Date: August 30, 1966
SC Bar Membership Class: Regular Member
SC Bar Membership Status: Good Standing

Contact Info

Mr. Capers G. Barr, III
Barr Unger & McIntosh, LLC
PO Box 1037
11 Broad Street
Charleston, SC 29402
cgb@barrungermcintosh.com
(843) 577-5083

New Search

636

Wilmington, Delaware

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Journal of Management Education 30(6)p.789-804

Appellant's Designation of Matter # 26

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2014-CP-10-1829

James R. Abbott
PLAINTIFF(S)

Michele Blank
DEFENDANT(S)

Submitted by:

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ 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

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: This matter came before this Court on Appellant James Abbott's Appeal to the Circuit Court, filed on August 6, 2014 and Defendant's Motion to Dismiss for Failure to Properly Perfect Appeal, filed on September 5, 2014. Both matters were argued before this Court on November 19, 2014. This Court hereby affirms the lower court's ruling, and dismisses the Motion as moot.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE PUBLIC 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 (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A		\$

If applicable, describe the property, including tax map information and address, referenced in the order:
N/A

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.

Handwritten Signature
Circuit Court Judge

2117
Judge Code

11/26/14
Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.F. G.S. & F.C.
By Handwritten Signature
DEPUTY CLERK

Appellant's Designation of Matter # 27



The South Carolina Court of Appeals

JENNY ABBOTT KITCHENS
CLERK

V. CLARE ALLEN
DEPUTY CLERK

POST OFFICE BOX 14004
COLUMBIA, SOUTH CAROLINA 29211
1015 SLATER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE (803) 734-1890
FAX (803) 734-1898
WWW.SCCOURTS.ORG

January 05, 2015

James R. Abbott
241 Paul Dr.
Trenton NC 28585

Re: James R. Abbott v. Michelle Blank
Appellate Case No. 2014-002751

Dear Mr. Abbott:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/HTMLFiles/2014-04-15-02.htm. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

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This is to advise that the title in the above matter has been changed to read as follows:

James R. Abbot, Appellant.

v.

Michele Blank, Respondent.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

V. Elaine Allen, Deputy

CLERK

cc: Frampton Durbin, Jr., Esquire

Appellant's Designation of Matter # 28

TDS Webmail

abbottconstruction@tds.net

Re: 11/19/14 Abbott vs. Blank transcript request

From : James Abbott <abbottconstruction@tds.net> **Fri, Feb 13, 2015 07:16 AM**
Subject : Re: 11/19/14 Abbott vs. Blank transcript request
To : Karen Andersen <kandersen@sccourts.org>

Thank you. This should do it. Jimmy Abbott

From: "Karen Andersen" <kandersen@sccourts.org>
To: abbotconstruction@tds.net
Sent: Thursday, February 12, 2015 3:44:31 PM
Subject: 11/19/14 Abbott vs. Blank transcript request

Hello, Mr. Abbott. I apologize that I'm just getting back to you on this. Your letter was delivered return receipt requested and I just got it this week. I reviewed my records and it appears that there is no record to speak of other than what I have below. I discussed this with his law clerk, Charlie, who confirmed that the judge denied the motion while we were out of the room on a five-minute recess. Please let me know if you would like anything further from me. Thank you.

Abbott vs. Blank

THE COURT: Let me see. We've got an appeal. Is that magistrate court; is that correct?

MR. DURBAN: Appeal and motion to dismiss also.

THE COURT: Who is here representing who?

MR. DURBAN: I represent the plaintiff, Michelle Blank.

THE COURT: The plaintiff; she's the respondent?

MR. DURBAN: She's the respondent in the appeal, yes, sir.

THE COURT: Mr. Abbott's the appellant?

MR. DURBAN: Yes, sir.

THE COURT: Give me a chance to look at the return.

Why don't you go ahead and take a break while I look at the return.?

71

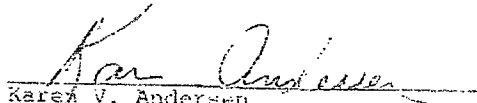
From: Karen V. Andersen, RMR, CRR (Official Court Reporter)

Re: Blank vs. Abbott transcript of 11/19/14

Dear Mr. Abbott,

As I stated to you in an e-mail dated February 12, 2015, your matter was handled by Judge Nicholson off the record while myself and the law clerk were out of the room during a five-minute recess.

Thank you.


Karen V. Andersen
Registered Merit Reporter
Certified Realtime Reporter
My Commission expires:
September 14, 2016

Appellant's Designation of Matter # 29



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11529
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX (803) 734-1829
www.sccourts.org

April 08, 2015

The Honorable Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: James R. Abbott v. Michelle Blank
Lower Court Case No. 2014CP1001829
Appellate Case No. 2014-002751

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny A. Kitchings".

CLERK

Enclosure

cc: James R. Abbott
Frampton Durban, Jr., Esquire

74

The South Carolina Court of Appeals

James R. Abbott, Appellant,

v.

Michele Blank, Respondent,

Appellate Case No. 2014-002751

ORDER

It appears that the circuit court has not issued a final decision in this case and intends to schedule a hearing to consider Appellant's motion. Accordingly, this appeal is dismissed without prejudice. Nothing prevents either party from appealing the circuit court's final order. A second filing fee will not be collected from a party who previously appealed.

 C.J.
FOR THE COURT

Columbia, South Carolina

cc:
The Honorable J.C. Nicholson, Jr.
James R. Abbott
Frampton Durban, Jr., Esquire

FILED
3/23/15

75

Appellant's Designation of Matter # 30

Common Pleas
Charleston County Judicial Center
100 Broad Street - Suite 106
Charleston, SC 29401-9401

STATE OF
SOUTH CAROLINA



James R Abbott
Po Box 7

Trenton, NC 28585

NOTICE OF MOTION SCHEDULING

April 14, 2015

Motion "MOFREE - Motion/Motion For (APPEAL)" for Case: 2014CP1001829 - James R Abbott VS Michele Blank has been added to the following Motions Roster:

153 - MOTIONS ROSTER - WEEK OF MAY 4, 2015 JUDGE NICHOLSON

This hearing of this motion has been scheduled for 5/5/2015 at 2:30 PM.

MOTIONS ARE SCHEDULED IN COURTROOM 3E WITH JUDGE NICHOLSON PRESIDING.

ALL REQUESTS FOR CONTINUANCES MUST BE FILED WITH JUDGE NICHOLSON'S OFFICE. CHARLIE PATRICK, JUDGE NICHOLSON'S LAW CLERK, CAN BE REACHED AT jnicholsonlc@sccourts.org

IF YOU HAVE QUESTIONS PLEASE CONTACT CAROLINE LEONARD AT:
cceleonard@charlestoncounty.org.

Mail Notice To:	Court Info:
James R Abbott Po Box 7 Trenton, NC 28585	Common Pleas Charleston County Judicial Center 100 Broad Street - Suite 106 Charleston, SC 29401-9401

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(843)958-5000

Respectfully,

Julie Armstrong
Clerk of Court

71

Appellant's Designation of Matter # 31

MAGISTRATE'S COURT

2014-CP-01829

TRANSCRIPT OF RECORD

-VS-

November 21, 2013

MICHELE BLANK,
Defendant,

Charleston, South Carolina

BEFORE:

Henry W. Guerard, Magistrate

APPEARANCES:

**James R. Abbott, Plaintiff
Pro Se**

Frampton Durban, Jr., Esquire
Attorney for the Defendant

Gail A. Grady
State of North Carolina
General Court of Justice
Judicial District 3B

78a

2

Line

1 The Court: That, that you thought her share of the catamaran was \$5000, so you kept telling her she was
2 entitled to \$5000.

3 Abbott: That's correct.

4 The Court: And you kept telling her that she was used to getting \$2500 because that's why you were
5 going to pay it in two installments,

6 Abbott: Yes.

7 The Court: Not to be confused with the fact that she was used to getting \$2500 a month for being your
8 employee.

9 Abbott: That's right.

10 The Court: I'm on ya.

11 Abbott: Thank you.

The Court: Um. Cross?

Durban: Thank you, Your Honor. Mr. Abbott, did you send Ms. Blank this email on January 29, 2013?

Abbott: You were paid through December. When I get paid for January, I will let you know. But you can figure around February 8th. Yeah. I sure did. But it had nothing to do...

Durban: Will you keep reading it, please sir.

Abbott: What?

Durban: Keep reading.

The Court: Keep reading. He wants it in context.

Abbott: I don't have any more time or money for you other than that January-February payment. I don't have time for you or anyone else. I will send you the \$2500 January and February. I will make sure Doug sends your W-2s as soon as possible so I can file your taxes.

Durban: That sounds like a discussion of pay, doesn't it? W-2s, you got paid for December.

Abbott: Oh, get out of here, man. You know exactly what it was for.

The Court: Wait a minute. Quit arguing with him. Just yes or no.

Durban: I mean, you talked about W-2s, you talked about being paid through December.

Abbott: Okay, I talked about it.

~~38~~

APPENDANT'S DESIGNATION OF
MATTER P. 79

LINE

Durban: Can I finish my question please? You talked about W-2s, you talked about being paid through December, and you said you'd send her \$2500 January and February. Now \$2500 was her salary, is that correct?

Abbott: That's correct.

Durban: And you paid her through December.

Abbott: Yes.

Durban: And you were going to pay her through January and February.

Abbott: I was going to pay off her share of the trimaran as she had been accustomed to being paid. Now you can see that.

Durban: The discussion about the boat was entirely different from the discussion about paying her for January and February.

Abbott: You're twisting this, man.

Durban: Would you answer my question?

Abbott: Sure.

Durban: Was this a completely different discussion? Is this your handwriting?

Abbott: Do you want me to read this?

Durban: I'm asking if that's your handwriting.

Abbott: Yeah.

19 Durban: Did you write that to Michele?

20 Abbott: This was written a lot earlier. This is when we were going to sell the trimaran, one of the times
21 we were going to split, okay? I can't remember exactly what the date was, but this was a lot earlier.

22 Durban: But this is about the boat.

23 Abbott: Yes, it is about the boat.

24 Durban: And in that letter that's in your handwriting, in that letter you give her a breakdown of what the
25 value of the boat is and what the cost of the boat is.

24 Abbott: I have the cost of the boat, I have the, and all the expenses, yes.

27 Durban: And at the bottom you said, what? The last paragraph?

~~39~~

APPELLANT'S DESIGNATION OF
MATTER P. 80

Like

1 Abbott: I suggest we sell it as is, where it is, you get \$5000, I get \$16,000, we split the excess above
2 \$20,000. What do you say? What'd she say?

3 Durban: So that is a discussion of the boat, \$5000 for the boat.

4 Abbott: Yes it is.

5 Durban: Okay, I'd like to put this in as Plaintiff's 10, I believe.

The Court: All right. It would be 10. And on, I'm sorry, do you acknowledge this is your handwriting?

Abbott: Yes.

The Court: You have no objection to it being entered.

Abbott: No, sir. I wrote it.

The Court: All right. I understand. Thank you.

Durban: Now, you went to BB&T in North Carolina on February 4th of 2013. Is that correct?

Abbott: Um, what's this now?

Durban: You went to BB&T to fill out an affidavit in February of 2013.

Abbott: Yes, I did.

Durban: And at the time you entered the business relationship with Ms. Blank, uh, you provided her with signature authority over that account,

Abbott: Um hmm.

Durban: You provided her with a credit card, a company credit card.

Abbott: Yes.

Durban: Issued in her name.

Abbott: Yes.

Durban: And you provided her with checks to write.

Abbott: She had the checkbook.

Durban: Okay. All right. So you provided her with checks to write. And she did that.

Abbott: Um hmm.

Durban: She paid the bills, she paid herself.

AP

APPELLANT'S DESIGNATION OF
MATTER P. 81

LIAE

her at Christmas. We had a wonderful Christmas, if you'll remember, and I said I'll come back and see you again at New Years. She couldn't live in my home and in my business with my people. All right. That's all it was. In January she went to Florida to do her art shows. I sent my helpers down there to help her. I couldn't go. I couldn't go this time. Been helping her for years. She refused it. She stayed on the trimaran. She cleaned the trimaran out of all her personal possessions and a few things more. Don't worry about it. All right. So then I said I've got to have her to cover for me. I've trained her. I've paid to have her trained. Here's all the certificates. I got the same thing. I'll put her up in another place. I'll flower it up. I know she's mad at me. Make it a big salary. See if she'll come back. Wrote her a check. She severed herself. I never fired her.

The Court: When did you write this check? You said wrote her a check.

Abbott: She wrote her check.

The Court: Oh, go ahead.

Abbott: She wrote the check. January 30th.

The Court: Oh, yeah. Okay. Hold on. I thought you were talking about something else.

Abbott: That was in her response to coming back. No, I'm not going to come back. I'm going to take you for everything I can take you for. She was watching. She had my accounts on her, uh, she knew how to get into my bank accounts. I mean it had been awhile since I had \$10,000 in the bank. I was trying to accumulate cash so I could pay my bills when I was down and out with this hip and couldn't go to work. So I had that little booty in there a week before the thing, and she took it, all right, she took it. That's personal. What isn't personal is when I went to the bank and they said we'll give you the money back if you agree to have her arrested, I said yeah. No doubt. I'll need that. We'll worry about it later on. In fact I think I offered to make her house payments and take care of her cats and dogs while she was doing time.

Durban: Your Honor, now he's adding new testimony to his story.

The Court: Yeah, can we stay on point, what we discussed before?

24 Abbott: Okay. Well, anyway, I was not, I had no intention, I never paid her ahead, and I never would
27 have. She got paid as she went like everybody else. There was no contract. There was no nothing. The
28 money was for the trimaran.

The Court: Okay. Mr. Durban, anything else?

Durban: Nothing further, Your Honor. Thank you.

The Court: And that was everything you wanted to say, right? All right, we'll be in recess for a few minutes and I'll be right back. Yes?

Abbott: Oh, you said something about the value of the property.

~~40~~

APPELLANT'S DESIGNATION OF
MATTER P. 82

Like

The Court: Not if we're going to exchange it.

Abbott: Okay. How about my expenses for coming down here and all?

The Court: Thank you. We appreciate your contribution.

Abbott: Thank you, sir.

5 [Judge Guerard leaves and then returns to the bench.]

6 The Court: In reviewing the evidence and testimony, I became particularly intrigued and challenged by
7 Plaintiff's exhibit 10, the handwritten letter boat situation from Mr. Abbott. Um, I missed when this got
8 written.

9 Blank: August.

10 Durban: I think it was August. I tried to get her to see if she could estimate that when I was talking to her
11 in preparation for this.

Blank: No, the cover sheet on that has the date on it.

The Court: The cover sheet?

Blank: You pulled the cover sheet off when you signed it. I've got it somewhere.

Durban: The handwritten, it was prior to this letter about (unintelligible).

Blank: It was in August.

The Court: Right. August? Okay, '12? End of the summer, year before last? Sounds about right?

Durban/Blank: (Unintelligible discussion about date and cover sheet)

Abbott: After we came back from Haiti.

The Court: Haiti was in March. The letter refers to something about Haiti, about money. Um, when did you buy the boat?

Abbott: February of '10, no February of '12.

The Court: Before you left for Haiti.

Abbott: Yes.

The Court: And then you were already talking about getting rid of it when you got back from Haiti?

Abbott: We were breaking up on and off for a while after Haiti.

The Court: All spring and summer. All during, am I wrong or right? Y'all got back from Haiti in March?

50

APPENDANT'S DESIGNATION OF
MATTER T. 83

Abbott: April, the end of April. The first part of May, we were in Jacksonville, Florida.

The Court: What was going on there?

Abbott: My grievance with the Navy.

4 Your Honor: Ms. Blank, do you actually having something that dates it?

5 Blank: I did. The cover sheet. I have it here somewhere.

6 The Court: All right. Take your time.

7 Blank: It was like August.

8 The Court: When did you put it in your name?

9 Abbott: I think it was in August about a year later.

10 The Court: Just this past August? '13?

11 Abbott: Yes. A few months ago. Here it is.

12 The Court: I don't need to see it. Just tell me what the date is on it.

13 Abbott: August 5th, 2013.

14 The Court: You think it sounds about right you wrote this sometime in August of 2012?

15 Abbott: Yes.

16 The Court: Okay.

Durban: One thing, Your Honor, just from the note itself it suggests the um, that it was written during the summer because if you look at this breakdown of the costs in the middle of it, the last one was called May expenses.

The Court: Yeah. Well, the only thing there, that's what I was trying to nail down the Haiti trip because he makes his, just above that, I paid for the plane tickets and car rentals and other expenses in May for our return from Haiti and four days in Miami, so I'm assuming...

Blank: That has me questioning that too.

The Court: Okay.

Blank: Why that goes against the boat cost.

The Court: But his timeline is why I'm worried here, about not whether he's fair or accurate in who gave what and how the money should be divided on the boat, but the idea being that he's thrown in, whether right or wrong, um, return from Haiti, four days in Miami, it sounds like you stopped in Miami,

(S)

APPENDANT'S DESIGNATION OF
MATTER F.84

Appellant's Designation of Matter # 32

84a

STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS
COUNTY OF CHARLESTON 2014-CP-10-01829

JAMES R. ABBOTT,	)	
	)	
Plaintiff,	)	TRANSCRIPT OF RECORD
	)	
-vs-	)	May 7, 2015
	)	
MICHELE BLANK,	)	Charleston, South Carolina
	)	
Defendant.	)	

B E F O R E:

The Honorable J.C. Nicholson, Jr., Judge.

A P P E A R A N C E S:

James R. Abbott, Plaintiff
Pro Se

Frampton Durban, Jr., Esquire
Attorney for the Defendant

Amanda K. Haffenden, RPR, CRR
Circuit Court Reporter

1 I'll issue an order to that effect. Thank y'all very
2 much.

3 MR. DURBAN: Thank you, Your Honor.

4 THE COURT: Well, let me think about this for
5 a minute. Have a seat. Let me think about it for a
6 minute.

7 I think what I'm going to do, in light of
8 what I've heard this morning, I'm going to remand this to
9 Magistrate Guerard and ask him to clarify his return as
10 to whether the \$5,000 damages was for back payment or
11 whether it was for \$5,000 contributed to the boat and
12 make that return to the Circuit Court judge, to me, and
13 at that time I'll make a decision on the appeal.

14 I'll uphold an appeal and reverse an appeal
15 and I'll take it under advisement until I receive that
16 information from Judge Guerard.

17 THE PLAINTIFF: Thank you, sir.

18 THE COURT: Thank you all very much.

19 THE PLAINTIFF: Thank you very much.

20 - - -

21 (Whereupon, the proceedings were concluded.)

22 - - -

23

24

25

(84c)

Appellant's Designation of Matter # 33

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Michele Blank
Plaintiff

-versus-

James R. Abbott dba Abbott Construction
Defendant

IN THE SMALL CLAIMS COURT

CASE NO: 2014-CP-10-1829

CASE NO: 2013CV101060794

RETURN

This case was filed in the Charleston County Small Claims Court on July 9, 2013. In her complaint the Plaintiff stated she worked for the Defendant from January to December 2012. The Defendant agreed to pay her \$2500.00 per month through February 2013. She was not paid for January or February 2013 and sought \$5000.00 in damages for breach of contract. The parties also had a romantic relationship and the Defendant had personal items of the Plaintiff he would not return. The Plaintiff sought an additional \$1300.00 in damages for these items. She also requested attorney's fees.

The Defendant filed an answer stating the Plaintiff invested \$5000.00 into his boat, which was all he owed her, but she had cost his business so much money he thought they were even. He also believed she had personal items of his worth \$3500.00, which he wanted back. He requested a jury trial.

A pretrial conference was held on October 22, 2013. At the conference the parties agreed to return each other's personal items and both sides decided to go forward with a bench trial, waiving their right to a jury trial. A bench trial date was then set for November 21, 2013.

At trial the Plaintiff appeared represented by attorney Frampton Durban and the defendant appeared pro se. Both parties testified at length. Both parties agreed the Plaintiff was employed by the Defendant at \$2500.00 per month from January 2012 to December 2012. They disagreed as to January and February 2013. The Plaintiff testified the agreement was to run through February 2013. She presented three different emails

from the Defendant to her from December 29, 2012 through January 29, 2013 that all acknowledge owing the Plaintiff \$5000.00. The context of all three emails related to the parties' relationship and there is no reference to an issue regarding the boat in any of the correspondence during this time period.

Saturday, December 29, 2012, at 10:00 PM email – "I'm going to put this relationship on the back burner for a while. I need to spend my time and my money on other interests. I'm going to give you \$2500.00 in January soon as I get paid and another \$2500.00 in February soon as I get paid. That's all."

Sunday, December 30, 2012, at 1:05 PM email – "I DON'T OWE YOU ANYTHING BUT \$5000.00. I do not have any more time or money for you other than the Jan/Feb payments."

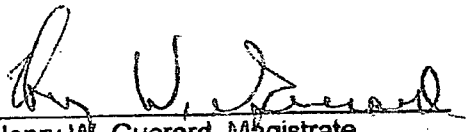
January 29, 2013 email – "I will send you \$2500.00 January and February. I will make sure Doug sends your W-2 ASAP so you can file your taxes."

The issue of the boat did not come up except to talk about using it. No one was talking about buying anyone out until later.

The Defendant testified the payments were to reimburse the Plaintiff for \$5000.00 she contributed to the purchase of a boat. He never reimbursed this money to the Plaintiff either, because he believed she had cost him more money than his business.

After considering all of the evidence and testimony presented, the Court found in favor of the Plaintiff and issued judgment in her favor for \$5000.00 plus \$100.00 in court cost. The parties had resolved all other issues prior to trial.

Having fully answered the Appeal, the entire matter is submitted to the wisdom and discretion of the Court of Common Pleas.


Henry W. Guerard, Magistrate
Small Claims Court

Charleston, South Carolina

November 07, 2014

Appellant's Designation of Matter # 34

**STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON**

Michele Blank
1600 Macoma Dr
Mount Pleasant, SC 29466

James Abbott
PO Box 7
Trenton, NC 28585

RE: Michele Blank

Vs James R Abbott dba Abbott Construction

PLAINTIFF(S)

DEFENDANT(S)

CASE #: 2013CV1010600794

Please be advised that the above referenced case has been rescheduled. The new court date is **TUESDAY, NOVEMBER 17, 2015 @ 11:00 AM.**

Witnesses subpoenaed prior to the rescheduling will be reminded that they are under continuing subpoena.

If you settle this case, please notify this Court in writing on this form and return it to the address listed at the bottom of this form.

THIS CASE HAS NOW BEEN SETTLED. PLEASE STOP ALL ACTION.

Signature

Print Name

Telephone Number



**Latasha Davis
Summary Court Specialist**

Small Claims - City
995 Morrison Drive P. O. Box 941
Charleston, SC 29403
Phone: (843) 724-6720 Fax: (843) 724-6785

October 15, 2015

Appellant's Designation of Matter # 35

JULIE J. ARMSTRONG
CLERK OF COURT, C.P. & G.S.
100 BROAD STREET, SUITE 106
CHARLESTON, SC 29401-2258
RETURN SERVICE REQUESTED



clerkofcourt.charlestoncounty.org

2



JAMES R ABBOTT
PO BOX 7
TRENTON NC 28585-0007

NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRCF

Supplemental Magistrate Return

CASE NO: 2014CP1001829

James R Abbott VS Michele Blank

This judgment was entered on the 04th day of February, 2016, and notice mailed first class on Wednesday, February 17, 2016, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at <http://clerkofcourt.charlestoncounty.org> or obtain a copy in person at the Clerk of Court's Office during regular Charleston County business hours.

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Michele Blank
Plaintiff

-versus-

James R. Abbott dba Abbott Construction
Defendant

IN THE SMALL CLAIMS COURT

CASE NO: 2014-CP-10-1829

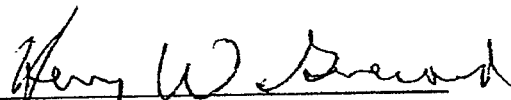
CASE NO: 2013-CV-10-106-0794

SUPPLEMENTAL RETURN

This case was heard May 7, 2015 by Judge J. C. Nicholson, Jr. of the Charleston County Court of Common Pleas on appeal from the Charleston County Small Claims Court, Judge Henry W. Guerard presiding. Judge Nicholson affirmed the money judgment of the lower court for \$5,100.00 but remanded the matter to the lower court so that the Judge could clarify "as to whether the judgment was for a boat, or for back wages owed to Ms. Blank."

As stated in the Return the emails submitted into evidence show Mr. Abbott admitting he owed Ms. Blank \$5,000.00 much earlier in the sequence of events than any mention of reimbursing Ms. Blank for her interest in the boat. The Court found Mr. Abbott Owed Ms. Blank \$5,000.00 for back wages.

Having fully answered the Appeal, the entire matter is submitted to the wisdom and discretion of the Court of Common Pleas.


Henry W. Guerard, Magistrate
Small Claims Court

Charleston, South Carolina

February 3, 2016

Appellant's Designation of Matter # 36

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2014-CP-10-1829

James R. Abbott d/b/a Abbott Construction

Michelle Blank

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for : ☐ Plaintiff ☒ Court
or
☐ 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

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: This Court affirmed the judgment for \$5,100 on June 23, 2015. Upon Clarification from the Magistrate Judge, the judgment included \$5000 for wages and \$100 for court costs. This matter is now ended.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE PUBLIC 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 (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A		\$

If applicable, describe the property, including tax map information and address, referenced in the order:
N/A

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.

Michelle Blank
Circuit Court Judge

2117
Judge Code

3/3/2016
Date

Appellant's Designation of Matter # 37

Power of attorney

From Wikipedia, the free encyclopedia

A power of attorney (POA) or letter of attorney is a written authorization to represent or act on another's behalf in private affairs, business, or some other legal matter, sometimes against the wishes of the other. The person authorizing the other to act is the *principal*, *grantor*, or *donor* (of the power). The one authorized to act is the *agent*^[1] or, in some common law jurisdictions, the *attorney-in-fact* (*attorney* for short). Formerly, a power referred to an instrument under seal while a letter was an instrument under hand, but today both are signed by the grantor, and therefore there is no difference between the two.

(25)

Appellant's Designation of Matter # 38

As an agent, an attorney-in-fact is a fiduciary for the principal, so the law requires an attorney-in-fact to be completely honest with and loyal to the principal in their dealings with each other. If the attorney-in-fact is being paid to act for the principal, the contract is usually separate from the power of attorney itself, so if that contract is in writing, it is a separate document, kept private between them, whereas the power of attorney is intended to be shown to various other people.

A **fiduciary** is a person who holds a legal or ethical relationship of trust with one or more other parties (person or group of persons). Typically, a fiduciary prudently takes care of money or other asset for another person. One party, for example a corporate trust company or the trust department of a bank, acts in a fiduciary capacity to the other one, who for example has entrusted funds to the fiduciary for safekeeping or investment. Likewise, asset managers—including managers of pension plans, endowments and other tax-exempt assets—are considered fiduciaries under applicable statutes and laws.^[1] In a fiduciary relationship, one person, in a position of vulnerability, justifiably vests confidence, good faith, reliance, and trust in another whose aid, advice or protection is sought in some matter.^[2] In such a relation good conscience requires the fiduciary to act at all times for the sole benefit and interest of the one who trusts.

A fiduciary is someone who has undertaken to act for and on behalf of another in a particular matter in circumstances which give rise to a relationship of trust and confidence.

— Lord Millett, Bristol and West Building Society v Mothew^[3]

Appellant's Designation of Matter # 39

North Carolina Wildlife Resources Commission
Vessel Registration & Titling Office
1709 Mail Service Center
Raleigh, NC 27699-1709

2/28/2013

TO: James Abbott
P O Box 7
Trenton, NC 28585

RE: FLZP8718E393

We have received your application for a vessel registration and title. Before we can process this transaction, additional information and/or Documentation must be submitted as indicated below:

The original Florida title is required,

Enclosed you will find a self-addressed envelope to use for returning the requested information. If you have any questions or require additional assistance, please call our office at 1-800-628-3773.

Thank you,

Important Notes:

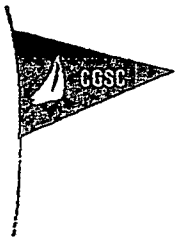
- 1. Your transaction has not been processed.**
- 2. Please return all the enclosed documents, along with the requested information listed above, to our office within 30 days.**

CS

Enclosures: VL1 CK#5259\$60 copy of FL title

Mailing Address: 1709 Mail Service Center, · Raleigh, NC 27699-1709
Office Location: 1751 Varsity Drive · Raleigh, NC 27606 Telephone: 1-800-628-3773

Appellant's Designation of Matter # 40



THE COCONUT GROVE SAILING CLUB, INC.

BILL OF SALE

Date: March 9, 2012

Boat: 1993 Homemade

ID # FLZP8718E393

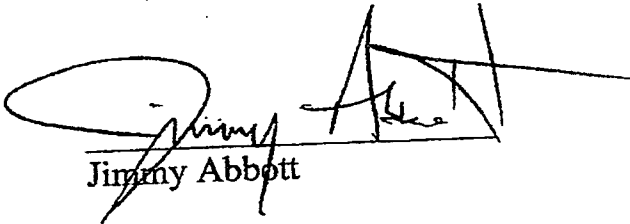
Title# 1750878

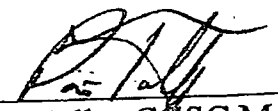
Selling Price: \$14,999.00

Sold in as in condition without warrantee of any kind.

**Sold to: Jimmy Abbott
1600 Macoma Drive
Mt. Pleasant, SC 29466**

**Sold by: Coconut Grove Sailing Club
2990 S. Bayshore Dr.
Miami, FL 33133**


Jimmy Abbott


Patrick Tully- CGSC Manager

DRIVER'S LICENSE

DL#: 003041202 ABBOTT, JAMES ROBIN SR
 1600 MACOMA DR
 MT PLEASANT SC 294668205

11-28-1947



9. HLT

DOB: 11-28-1947
 Issued: 05-07-2012
 Expires: 11-28-2022
 Class: D
 Sex: M
 Weight: 175
 Height: 5-11
 Restrict: None
 Endorse: None



10-35 R 2

South Carolina DRIVER'S LICENSE

DL#: 003041202 ABBOTT, JAMES ROBIN SR
 1600 MACOMA DR
 MT PLEASANT SC 294668205

11-28-1947



9. HLT

DOB: 11-28-1947
 Issued: 05-07-2012
 Expires: 11-28-2022
 Class: D
 Sex: M
 Weight: 175
 Height: 5-11
 Restrict: None
 Endorse: None



10-35 R 2

Appellant's Designation of Matter # 41

CERTIFICATE OF TITLE FOR VESSEL

NC Title Number
413748

NC Vessel Number
NC-3722 DY

Hull Identification Number
FLZP8718E393

Title Issue Date
08/05/2013

ABBOTT, JAMES ROBIN
P O BOX 7
TRENTON, NC 28585

Year: 1993
Model:
Manufacturer: JIM BROWN DESIG
Length: 41 feet 0 inches
Hull Material: Wood
Type: Other

Owner Information

First Owner Name and Address:

ABBOTT, JAMES ROBIN
241 PAUL DR
TRENTON, NC 28585

Second Owner Name and Address:

Third Owner Name and Address:

Lienholder Information

First Lienholder Date of Lien:

Second Lienholder Date of Lien:

Release of First Lien

The undersigned, holder of the First Lien of the vessel described on this certificate of title, does hereby state the first lien and encumbrance is released and discharged.

Name of Lienholder: _____

Authorized Agent: _____

Date of Release: _____

Notary Information (required):

Sworn to and subscribed before me this _____ day of _____ year _____

Notary Public Signature _____ Affix Notary Seal

My Commission Expires On _____ or Stamp Here

The Executive Director of the North Carolina Wildlife Resources Commission hereby certifies that an application for a Certificate of Title has been made for the vessel described herein; has been filed pursuant to the provisions of Chapter 75A of the North Carolina General Statutes; that the applicant(s) named on the face hereof has been duly recorded as the lawful owner(s), and that the applicant(s) has stated, under oath, that he is the owner of the vessel described herein; and that it is subject to the liens listed herein and none other.

As, WITNESS, his hand and seal of the Commission on the day and year appearing in this certificate as the title issue date.

Conrad S. Myer

Executive Director
N.C. Wildlife Resources Commission



Appellant's Designation of Matter # 42

THE UNIVERSITY OF CHICAGO

Identification Number	Year	Make	Body	WT-L-BHP	Vessel Regs. No.	Title Number
FLZP8718E393	1993		VS	39'		1750878

Registered Owner:

Date of Issue 01/06/2012



Lien Release

Interest in the described vehicle is hereby released

By

Title

Date

THE COCONUT GROVE SAILING CLUB
2990 S BAYSHORE DR
MIAMI FL 33133

IMPORTANT INFORMATION

1. When ownership of the vehicle described herein is transferred, the seller MUST complete in full the Transfer of Title by Seller section at the bottom of the certificate of title.
2. Upon sale of this vehicle, the seller must complete the notice of sale on the reverse side of this form.
3. Remove your license plate from the vehicle.
4. See the web address below for more information and the appropriate forms required for the purchaser to title and register the vehicle, mobile home or vessel: <http://www.hsmv.state.fl.us/hdm/titlind.html>

Mail To:

FEDERAL LIEN CORP.
304 INDIAN TRCE # 540
WESTON FL 33326-2996



CERTIFICATE OF TITLE

Identification Number	Year	Make	Body	WT-L-BHP	Vessel Regs. No.	Title Number	Lien Release
FLZP8718E393	1993		VS	39'		1750878	Interest in the described vehicle is hereby released
Prev State	Color	Primary Brand	Secondary Brand	No of Brands	Use	Prev Issue Date	By
					VESSEL		Title
Odometer Status or Vessel Manufacturer or CH use				Hull Material	Prop	Date of Issue	Date
HOMEMADE				FBGLSS	SAIL	01/06/2012	

Registered Owner

THE COCONUT GROVE SAILING CLUB
2990 S BAYSHORE DR
MIAMI FL 33133

1st Lienholder

NONE

DIVISION OF MOTORIST SERVICES

TALLAHASSEE

FLORIDA

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Sandra C. Lambert
Director

Control Number 105361267

Julie L. Jones
Executive Director

TRANSFER OF TITLE BY SELLER (This section must be completed at the time of sale.)

Federal and/or state law require that the seller state the mileage, purchaser's name, selling price and date sold in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

This title is warranted to be free from any liens except as noted on the face of the certificate and the motor vehicle or vessel described is hereby transferred to:

Seller Must Enter Purchaser's Name

Jimmy Abbott & Mobile Bank

Address:

Seller Must Enter Selling Price

714,994

Seller Must Enter Date Sold:

3/8/12

We state that this ☐ is or ☐ is a high odometer now read: ☒ MIA ☐ (no tenths) miles, date read☐ I collect ACTUAL MILEAGE.☐ 2. IN EXCESS OF ITS MECHANICAL LIMITS.

and I hereby certify that to the best of my knowledge the odometer reading:

☐ 3. IS NOT THE ACTUAL MILEAGE.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE.

SELLER Must

Sign Here:

Print Here:

Selling Order's License Number:

Coco Grove Treasures

KONIGS CARRIAGES & TREASURES

THE COCONUT GROVE SAILING CLUB

BUYER Must

Sign Here:

Print Here:

License Number:

Tax Collected:

PURCHASER Must

Sign Here:

Print Here:

BUYER Must

Sign Here:

Print Here:

NOTICE: PENALTY IS REQUIRED BY LAW IF NOT SUBMITTED FOR TRANSFER WITHIN 30 DAYS AFTER DATE OF PURCHASE

STATE OF FLORIDA

(108)

Case/Subject Number	Year	Entry	of Page	Sheet Page No.	File Number
11-1111111111	1993	15	30		11-1111111111

Basics of Islam

THE COMBUSTION ENGINE
AND ENGINEERING

2000

2000

GENERAL, LEROY GORDON,
3604 MIDLAND TRAIL, N.W.,
DETERON, MI 48226-4000

THE UNIVERSITY OF CHICAGO

2. User sets up his system, and either uses a computer or a terminal to connect to the network.
3. Forwards your location information to the network.
4. Sends the web address to the network for the appropriate forms required for the treatment. The network assigns the vehicle number from a vehicle's registration number to a location number.

BERNARD OFFICE

[illegible]

THE CONANT GROVE SAILING CLUB
2890 S. BAYSHORE DR
MIAMI FL 33133

1901

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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THE UNIVERSITY OF CHICAGO

100-17550-100

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THE UNIVERSITY OF CHICAGO

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PLATE 1

1. The first part of the document is a title page. It contains the title "THE HISTORY OF THE UNITED STATES OF AMERICA" and the author "BY JAMES M. SMITH".

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十八
十九
二十

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1. The first step in the process of identifying a problem is to recognize that a problem exists. This involves gathering information about the situation and identifying the specific issue that needs to be addressed.

100

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18

Appellant's Designation of Matter # 43

South Carolina Code of Laws
Title 15 - Civil Remedies and Procedures

CHAPTER 36
South Carolina Frivolous Civil Proceedings Sanctions Act

SECTION 15-36-10. Frivolous lawsuits; signing pleadings; imposition of sanctions; notice and opportunity to respond; reporting violations.

(A)(1) A pleading filed in a civil or administrative action on behalf of a party who is represented by an attorney must be signed by at least one attorney of record who is an active member of the South Carolina Bar or who is admitted to practice in the courts of this State and must include the address and telephone number of the attorney signing the document.

(2) A document filed in a civil or administrative action by a party who is not represented by an attorney must be signed by the party and must include the address and telephone number of the party.

(3) The signature of an attorney or a pro se litigant constitutes a certificate to the court that:

(a) the person has read the document;

(b) a reasonable attorney in the same circumstances would believe that under the facts his claim or defense may be warranted under the existing law or, if his claim or defense is not warranted under the existing law, a good faith argument exists for the extension, modification, or reversal of existing law;

(c) a reasonable attorney in the same circumstances would believe that his procurement, initiation, continuation, or defense of a civil cause is not intended merely to harass or injure the other party; and

(d) a reasonable attorney in the same circumstances would believe his claim or defense is not frivolous, interposed for delay, or brought for any purpose other than securing proper discovery, joinder of parties, or adjudication of the claim or defense upon which the proceedings are based.

(4) An attorney or pro se litigant participating in a civil or administrative action or defense may be sanctioned for:

(a) filing a frivolous pleading, motion, or document if:

(i) the person has not read the frivolous pleading, motion, or document;

(ii) a reasonable attorney in the same circumstances would believe that under the facts, his claim or defense was clearly not warranted under existing law and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law;

(iii) a reasonable attorney presented with the same circumstances would believe that the procurement, initiation, continuation, or defense of a civil cause was intended merely to harass or injure the other party; or

(iv) a reasonable attorney presented with the same circumstances would believe the pleading, motion, or document is frivolous, interposed for merely delay, or merely brought for any purpose other than securing proper discovery, joinder of parties, or adjudication of the claim or defense upon which the proceedings are based;

(b) making frivolous arguments a reasonable attorney would believe were not reasonably supported by the facts; or

(c) making frivolous arguments that a reasonable attorney would believe were not warranted under the existing law or if there is no good faith argument that exists for the extension, modification, or reversal of existing law.

(B)(1) If a document is not signed or does not otherwise comply with this section, it must be stricken unless it is signed promptly or amended to comply with this section after the omission is called to the attention of the attorney or the party.

(2) If a document is signed in violation of this section, or an attorney or pro se litigant has violated subsection (A)(4), the court, upon its own motion or motion of a party, may impose upon the person in violation any sanction which the court considers just, equitable, and proper under the circumstances.

(C)(1) At the conclusion of a trial and after a verdict for or a verdict against damages has been rendered or a case has been dismissed by a directed verdict, summary judgment, or judgment notwithstanding the

verdict, upon motion of the prevailing party, the court shall proceed to determine if the claim or defense was frivolous. An attorney, party, or pro se litigant shall be sanctioned for a frivolous claim or defense if the court finds the attorney, party, or pro se litigant failed to comply with one of the following conditions:

(a) a reasonable attorney in the same circumstances would believe that under the facts, his claim or defense was clearly not warranted under existing law and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law;

(b) a reasonable attorney in the same circumstances would believe that his procurement, initiation, continuation, or defense of the civil suit was intended merely to harass or injure the other party; or

(c) a reasonable attorney in the same circumstances would believe that the case or defense was frivolous as not reasonably founded in fact or was interposed merely for delay, or was merely brought for a purpose other than securing proper discovery, joinder of proposed parties, or adjudication of the claim or defense upon which the proceedings are based.

(2) Unless the court finds by a preponderance of the evidence that an attorney, party, or pro se litigant engaged in advancing a frivolous claim or defense, the attorney, party, or pro se litigant shall not be sanctioned.

(D) A person is entitled to notice and an opportunity to respond before the imposition of sanctions pursuant to the provisions of this section. A court or party proposing a sanction pursuant to this section shall notify the court and all parties of the conduct constituting a violation of the provisions of this section and explain the basis for the potential sanction imposed. Upon notification, the attorney, party, or pro se litigant who allegedly violated subsection (A)(4) has thirty days to respond to the allegations as that person considers appropriate including, but not limited to, by filing a motion to withdraw the pleading, motion, document, or argument or by offering an explanation of mitigation.

(E) In determining if an attorney, party, or a pro se litigant has violated the provisions of this section, the court shall take into account:

(1) the number of parties;

(2) the complexity of the claims and defenses;

(3) the length of time available to the attorney, party, or pro se litigant to investigate and conduct discovery for alleged violations of the provisions of subsection (A)(4);

(4) information disclosed or undisclosed to the attorney, party, or pro se litigant through discovery and adequate investigation;

(5) previous violations of the provisions of this section;

(6) the response, if any, of the attorney, party, or pro se litigant to the allegation that he violated the provisions of this section; and

(7) other factors the court considers just, equitable, or appropriate under the circumstances.

(F) In determining whether sanctions are appropriate or the severity of a sanction, the court shall consider previous violations of the provisions of this section.

(G) Sanctions may include:

(1) an order for the party represented by an attorney or pro se litigant to pay the reasonable costs and attorney's fees of the prevailing party under a motion pursuant to this section. Costs shall include, but not be limited to, the following: the time required of the prevailing party by the frivolous proceeding, and travel expenses, mileage, parking, costs of reports, and any additional reasonable consequential expenses of the prevailing party resulting from the frivolous proceeding;

(2) an order for the attorney to pay a reasonable fine to the court; or

(3) a directive of a nonmonetary nature, including injunctive relief, designed to deter a future frivolous action or an action in bad faith.

(H) If the court imposes a sanction on an attorney in violation of the provisions of this section, the court shall report its findings to the South Carolina Commission of Lawyer Conduct.

(I) This act shall not alter the South Carolina Rules of Civil Procedure or the South Carolina Appellate Court Rules.

Appellant's Designation of Matter # 44

Unannotated

Current through the end of the 2015 session

Title 16 - Crimes and Offenses

CHAPTER 9

Offenses Against Public Justice

ARTICLE 1

Perjury

SECTION 16-9-10. Perjury and subornation of perjury.

(A)(1) It is unlawful for a person to wilfully give false, misleading, or incomplete testimony under oath in any court of record, judicial, administrative, or regulatory proceeding in this State.

(2) It is unlawful for a person to wilfully give false, misleading, or incomplete information on a document, record, report, or form required by the laws of this State.

(B)(1) A person who violates the provisions of subsection (A)(1) is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

(2) A person who violates the provisions of subsection (A)(2) is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not less than one hundred dollars, or both.

(C) A person may be convicted under this section if he induces, procures, or persuades another person to commit perjury or if he commits perjury by his own act, consent, or agreement.

HISTORY: 1962 Code Section 16-201; 1952 Code Section 16-201; 1942 Code Section 1397; 1932 Code Section 1397; Cr. C. '22 Section 332; Cr. C. '12 Section 340; Cr. C. '02 Section 253; G. S. 2531; R. S. 217; 1712 (2) 487; 1993 Act No. 184, Section 89.

Appellant's Designation of Matter # 45

Journal of Management Inquiry 18(6)

South Carolina Code of Laws
Unannotated
Current through the end of the 2014 Session

Title 16 - Crimes and Offenses

CHAPTER 13

Forgery, Larceny, Embezzlement, False Pretenses and Cheats

ARTICLE 1

Miscellaneous Offenses

SECTION 16-13-10. Forgery.

(A) It is unlawful for a person to:

- (1) falsely make, forge, or counterfeit; cause or procure to be falsely made, forged, or counterfeited; or willfully act or assist in the false making, forging, or counterfeiting of any writing or instrument of writing;
- (2) utter or publish as true any false, forged, or counterfeited writing or instrument of writing;
- (3) falsely make, forge, counterfeit, alter, change, deface, or erase; or cause or procure to be falsely made, forged, counterfeited, altered, changed, defaced, or erased any record or plat of land; or
- (4) willingly act or assist in any of the premises, with an intention to defraud any person.

(B) A person who violates the provisions of this section is guilty of a:

- (1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the amount of the forgery is ten thousand dollars or more;
- (2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the amount of the forgery is less than ten thousand dollars.

(C) If the forgery does not involve a dollar amount, the person is guilty of a misdemeanor under the jurisdiction of the magistrates or municipal court, notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65, and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both.

HISTORY: 1962 Code Section 16-351; 1952 Code Section 16-351; 1942 Code Section 1211; 1932 Code Section 1211; Cr. C. '22 Section 99; Cr. C. '12 Section 528; Cr. C. '02 Section 373; G. S. 2527; R. S. 295; 1736-7 (3) 470-1 Sections 3-7; 1783 (4) 543; 1801 (5) 397; 1845 (11) 341; 1930 (36) 1203; 1993 Act No. 184, Section 106; 1995 Act No. 7, Part I Section 5; 2010 Act No. 273, Section 16.D, eff June 2, 2010.

payment or authorized charge for the gasoline so dispensed has been made.

(B) A person who intentionally violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both, and, at the discretion of the sentencing judge, the person's driver's license may be suspended for a period not to exceed thirty days for a first offense and for a period not to exceed ninety days for a second or subsequent offense.

HISTORY: 2000 Act No. 223, Section 1.

SECTION 16-13-210. Embezzlement of public funds.

(A) It is unlawful for an officer or other person charged with the safekeeping, transfer, and disbursement of public funds to embezzle these funds.

(B) A person who violates the provisions of this section is guilty of a:

(1) felony and, upon conviction, must be fined in the discretion of the court to be proportioned to the amount of the embezzlement and imprisoned not more than ten years if the amount of the embezzled funds is ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court to be proportioned to the amount of embezzlement and imprisoned not more than five years if the amount of the embezzled funds is less than ten thousand dollars.

(C) The person convicted of a felony is disqualified from holding any office of honor or emolument in this State; but the General Assembly, by a two-thirds vote, may remove this disability upon payment in full of the principal and interest of the sum embezzled.

HISTORY: 1962 Code Section 16-363; 1952 Code Section 16-363; 1942 Code Section 1510; 1932 Code Section 1510; Cr. C. '22 Section 459; Cr. C. '12 Section 534; Cr. C. '02 Section 378; 1898 (22) 810; 1934 (38) 1197; 1993 Act No. 184, Section 113; 1995 Act No. 7, Part I Section 6; 2010 Act No. 273, Section 16.M, eff June 2, 2010.

SECTION 16-13-220. Embezzlement of public funds; presumption on proof of failure to account for receipts.

In trials under Section 16-13-210, upon production of evidence tending to prove that any such officer or other person has received public funds and failed to account for the funds as required by law, it is permissible to infer that the funds received and unaccounted for have been fraudulently appropriated by the officer or person.

HISTORY: 1962 Code Section 16-364; 1952 Code Section 16-364; 1942 Code Section 1510; 1932 Code Section 1510; Cr. C. '22 Section 459; Cr. C. '12 Section 534; Cr. C. '02 Section 378; 1898 (22) 810; 1934 (38) 1197; 1987 Act No. 95 Section 5.

SECTION 16-13-230. Breach of trust with fraudulent intent.

(A) A person committing a breach of trust with a fraudulent intention or a person who hires or counsels another person to commit a breach of trust with a fraudulent intention is guilty of larceny.

(B) A person who violates the provisions of this section is guilty of a:

(1) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65, if the amount is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years if the amount is more than two thousand dollars but less than ten thousand dollars;

(3) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years if the amount is ten thousand dollars or more.

HISTORY: 1962 Code Section 16-365; 1952 Code Section 16-365; 1942 Code Section 1149; 1932 Code Section 1149; Cr. C. '22 Section 43; Cr. C. '12 Section 188; Cr. C. '02 Section 154; G. S. 2493; R. S. 150; 1866 (13) 406; 1993 Act No. 171, Section 10; 1993 Act No. 184, Section 114; 2010 Act No. 273, Section 16.N, eff June 2, 2010.

SECTION 16-13-240. Obtaining signature or property by false pretenses.

A person who by false pretense or representation obtains the signature of a person to a written instrument or obtains from another person any chattel, money, valuable security, or other property, real or personal, with intent to cheat and defraud a person of that property is guilty of a:

(1) felony and, upon conviction, must be fined not more than five hundred dollars and imprisoned not more than ten years if the value of the property is ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years if the value of the property is more than two thousand dollars but less than ten thousand dollars;

(3) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65, if the value of the property is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days.

HISTORY: 1962 Code Section 16-366; 1952 Code Section 16-366; 1942 Code Section 1171; 1932 Code Section 1171; Cr. C. '22 Section 64; Cr. C. '12 Section 220; Cr. C. '02 Section 168; G. S. 2499; R. S. 162; 1876 (26) 39; 1893 (21) 507; 1894 (21) 824; 1960 (51) 1598; 1981 Act No. 76, Section 7; 1993 Act No. 171, Section 11; 1993 Act No. 184, Section 115; 2010 Act No. 273, Section 16.O, eff June 2, 2010.

SECTION 16-13-250. Effect when obtaining signature or property by false pretenses amounts to larceny.

If upon the trial of any person indicted for a misdemeanor under the provisions of Section 16-13-240 it shall be proved that he obtained the property in such a manner as to amount in law to larceny he shall not, by reason thereof, be entitled to be acquitted of such misdemeanor. No person tried for such misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts.

HISTORY: 1962 Code Section 16-367; 1952 Code Section 16-367; 1942 Code Section 1171; 1932 Code Section 1171; Cr. C. '22 Section 64; Cr. C. '12 Section 220; Cr. C. '02 Section 168; G. S. 2499; R. S. 162; 1876 (26) 39; 1893 (21) 507; 1894 (21) 824.

SECTION 16-13-260. Obtaining property under false tokens or letters.

A person who falsely and deceitfully obtains or gets into his hands or possession any money, goods, chattels, jewels, or other things of another person by color and means of any false token or counterfeit letter made in another person's name is guilty of a:

(1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the value of the property is ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the value of the property is more than two thousand dollars but less than ten thousand dollars;

(3) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65, if the value of the property is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days, or both.