

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Master-In-Equity

Charles B. Simmons, Judge

Case No. 2005-CP-23-06786

Appellate Case No. 2012-212178

William Barry Chisholm..... Appellant,

v.

Susan Elaine Chisholm..... Respondent.

FINAL BRIEF OF APPELLANT

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TABLE OF CONTENTS

	<u>Page</u>
Table of Authorities	1
Statement of Issues on Appeal	2
Statement of the Case	2
Statement of Facts	3
Argument	4
1. Did Judge Charles B. Simmons err in not allowing the Appellant to present his case ?	
2. Did Judge Charles B. Simmons err in believing that the Respondent would not lie under oath ?	
Conclusion	7

TABLE OF AUTHORITIES

Cases Cited

Epperly v. Epperly, 312 S.C. 411, 440 S.E.2d 884 (1994).

STATEMENT OF ISSUE ON APPEAL

1. **Did Judge Charles B. Simmons err in not allowing the Appellant to present his case ?**
2. **Did Judge Charles B. Simmons err in believing that the Respondent would not lie under oath ?**

STATEMENT OF THE CASE

William B. Chisholm (Husband) and Susan E. Chisholm (Wife) were divorced by Order issued by Judge R. Kinard Johnson, Jr., dated April 4, 2003.

A single issue hearing was scheduled on order that the Husband might collect monies owed to him by the Ex-wife. (R. p.1, lines 1-16), (R. p. 9 , lines 1-25)

Husband was never allowed to present his case. (R. pp. 10 – 23) (R. pp. 24-36)
(R. pp. 37-48)

STATEMENT OF FACTS

In appeals from the Master In Equity the Court of Appeals may find facts according to its own view of the preponderance of the evidence, *Epperly v. Epperly*, 312 S.C. 411, 440 S.E.2d 884 (1994).

ARGUMENT

Following the hearing on March 12, 2015, where there was very little discussion on the single issue of this case, most of the time was spent discussing the fact that I allegedly owed another judgment to Mr Porter, one of respondents lawyers. (R. p. 28, line 25, p. 39, lines 1-2) There is in fact another judgment, but it is moot! Mr Porter broke just about every rule he could have in his desire to get money, first it was an interlocutor part of the settlement, he never sent me any correspondence concerning this matter, he mailed it to a deceased lawyer, he never mailed me the first piece of correspondence. I paid Mr Porter approximately \$ 20,000.00 to \$ 22,000.00 quite frankly, to shut him up, and knowing that if there is Justice in South Carolina, I will get my money back., eventually. Further, I paid Mr. Porter an additional \$ 2143.70, which again, if there is any Justice in South Carolina, I will get my money back too. (R. p.62 , lines 1-15) (R. p. 63 , lines 1-15) (R. p. 64 , lines 1-15) (R. p. 65 , lines 1-15)

The other matters are interlocutor , or can not be settled until my ex-wife decides to return to Family Court, I have signed, and she has signed documents giving her slightly more than one-half of the marital assets, as of this date, she has not signed to give me one single item of the marital property.

The second hearing was held on April 29, 2015. It was about as productive as the first. My ex-wife blamed her lawyers for not telling her that she owed interest (R. p 28, line 25, p. 29 , lines 1-2) , (R. p. 29 , lines 2-11)

She also blamed me for not telling her that I had not cashed the check for the principle only . (R. p. 29, lines 12-15) (R. p. 33, lines 18-22). **It is not my responsibility to explain the law to my ex-wife.**

During the second hearing, the Judge did ask: “ **Any other assets that could be used toward satisfaction of the judgement ?** (R. p. 32 , lines 5-6) Ms Chisholm replied: “**No**” (R. p 32, line 7)

The Judge again ask: “ **All right, Mr Chisholm, I am going to ask you again, and are under oath from the earlier hearing, Do you have any assets that you have not told me about ?** (R. p. 35, lines 10-12) Ms Chisholm : “ **No, sir.**” (R. p. 35, line 13)

On both occasions, **she lied !**

If these are in fact true statements, I can only assume that she has given up all rights and claims to the ownership of the items stored in my basement , and I will , therefore, clean out my basement, and dispose of all items she has, under oath , relinquished all ownership . Up until now, I thought that oriental rugs and Henkel Harris dining furniture were assets. I guess not.


The third hearing was worse than the first and second combined. (R.pp. 37 - 48)

I think I made the Judge angry by responding to correspondence between the court and my ex-wife. Judge Simmons stated: “ **There have been any number communications by Mr. Chisholm with the court** ”. (R. p. 38 , lines 5-6) Mr Chisholm wrote a letter asking the Court when he would be allowed to present his case, and wrote one formal Motion, which was denied by the court. Mr Chisholm wrote six (6) letters to the court inquiring about the ex-party communication between the court and Mrs Chisholm. **Mrs Chisholm was copied on all the correspondence written by Mr. Chisholm.**

Mrs Chisholm, Karen Kimbrell, and Wanda Fudge had some eighteen (18) pieces of correspondence., (R.p. 51, lines 1-16), (R. p. 51, lines 17-26), (R. p.51, lines 27-33, p. 52, lines 1-14), (R. p. 52 lines 15-27), (R. p. 52, lines 28-39, p. 53, lines 1-5), (R. p. 53, lines 6-13), (R. p.53, lines 14-25), (R. p. 53, lines 26-30), (R. p. 53 lines 31-32, p. 54, lines 1-16), (R. p. 54, lines 17-38), (R. p. 55, lines 1-15), (R. p. 55, Lines 16-20) , (R. p. 55, lines 21-35), (R. p. 56, lines 3-17), (R. p.56, lines 18-32), (R. p. 57, lines 1-17), (R. p. 57, lines 18-31), (R .p. 57, lines 32-37, p.58 , lines 1-9), **I received copies of none of these.** This is the correspondence I was trying to get from the court.

CONCLUSION

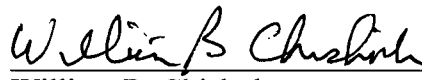
For the reasons stated above in the **ARGUMENT** this Court should reverse the judgment of the lower court, and allow the Appellant to be awarded the penalty as stated in the Order from the Appeals Court and the Order from the Greenville County Family Court.
(R. p.1, lines 1-16), (R. p. 9 , lines 1-25) (R. pp. 59-61)



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I certify that this *Final Brief of the Appellant* complies with Rule 211 (b).

Respectfully submitted,



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