

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

MIKELL R. SCARBOROUGH, MASTER IN EQUITY

Case No.: 2016-001201

Allen Livingston, Respondent,

v.

Harold Simmons, Appellant.

RECEIVED
NOV 08 2018
SC Court of Appeals

MOTION TO DISMISS

Bruce A. Berlinsky, Esquire
(843) 852-2202
One Carriage Lane, Bldg. F
Charleston, SC 29407
ATTORNEY FOR RESPONDENT

This motion is brought pursuant to Rule 240 to dismiss Appellant's appeal as moot.

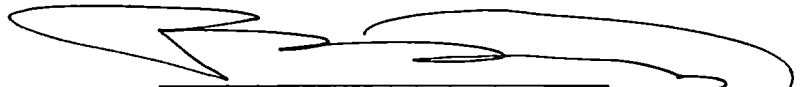
The underlying action is a foreclosure of an Installment Sales Contract. Pursuant to Order of the Charleston County Master in Equity, and after numerous hearings, the Master in Equity ultimately concluded that Appellant could pay the total sum due and owing in the amount of \$52,174.32 or post a bond in the amount of \$50,000.00 to stop the foreclosure sale. On or about August 10, 2018, the Appellant paid all sums due and owing under the Installment Sales Contract and received a deed from Respondent. The Appellant refused to record the aforesaid deed in the Charleston County Register of Deeds Office. As a result of failure to record the deed, the Master in Equity issued an Order dated October 8, 2018, in which he ordered that Appellant record the deed or, alternatively, the Master would issue a deed. The Appellant failed to record the deed and the Master in Equity issued a deed that was recorded in the Charleston County Magistrate of Deeds Office in Book 0756, Page 020. Thereafter, Appellant recorded the deed he received on August 10, 2018, on the same day, said deed recorded in Book 0756, Page 049.

Based on the foregoing, the matter before this Honorable Court is moot. In general, the court may only consider cases where a justiciable controversy exists. A justiciable controversy is a real and substantial controversy which is ripe and appropriate for judicial determination as distinguished from a contingent, hypothetical, or abstract dispute. Moot appeals differ from unripe appeals in that moot appeals result when intervening events render a case non-justiciable. This Court will not pass on moot and academic questions where there remains no actual controversy. A case becomes moot when judgment, if rendered, will have

no practical legal effort upon the existing controversy. Sloan v. Greenville County, 356 S.C. 531, 590 S.E.2d 338 (SC App 2003). See also Byrd v. Irma High School, 321 S.C. 426, 468 S.E.2d 861 (1996); Pee Dee Electric Coop Inc. v. Carolina Power Light Co., 279 S.C. 64, 301 S.E.2d 761 (1983); Wallace v. City of York 276 SC 693, 281 S.E.2d 482 (1981).

In the case at bar, the Appellant has paid all sums due and owing to Respondent and Respondent has issued a deed to Appellant which has been recorded. Based on the foregoing intervening events since the filing of the Master's various Orders and Appeal thereon (namely the payment of all sums due and owing under the Installment Sales Contract and the recording of the deeds), there is no real or substantial controversy which is ripe and appropriate for judicial determination and the appeal should be dismissed as moot.

Respectfully submitted,



BRUCE A. BERLINSKY, PA
Bruce A. Berlinsky, Esquire
One Carriage Lane, Bldg. F
Charleston, SC 29407
(843) 852-2202
ATTORNEY FOR RESPONDENT

November 6, 2018

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

MIKELL R. SCARBOROUGH, MASTER IN EQUITY

Case No.: 2016-001201

Allen Livingston, Respondent,

v.

Harold Simmons, Appellant.

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SC Court of Appeals

AFFIDAVIT OF BRUCE A. BERLINSKY

Bruce A. Berlinsky, Esquire
(843) 852-2202
One Carriage Lane, Bldg. F
Charleston, SC 29407
ATTORNEY FOR RESPONDENT

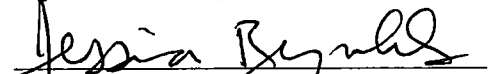
1. Deponent of attorney for Respondent in the above styled matter.
2. The documents attached hereto have been issued/created after the Record on Appeal was filed and are relevant to the Motion to Dismiss.
3. The supplemental documents are as follows:
 - a) Order dated August 31, 2018
 - b) Order dated August 6, 2018
 - c) Order dated August 7, 2018
 - d) Order dated October 8, 2018
 - e) Master's Deed recorded in the Charleston County RMC Office in Book 0756, Page 020
 - f) Title to Real Estate recorded in the Charleston County RMC Office in Book 0756, Page 049
 - g) Receipt signed by Appellant dated August 10, 2018

Respectfully submitted,



BRUCE A. BERLINSKY, PA
Bruce A. Berlinsky, Esquire
One Carriage Lane, Bldg. F
Charleston, SC 29407
(843) 852-2202
ATTORNEY FOR RESPONDENT

SWORN to before me this 6th
day of November, 2018.


Notary Public for South Carolina
My Commission Expires: 2-15-23

appeared throughout the litigation, both pro se and with counsel, and participated in all trials and hearings before the court never raising the issue until June 10, 2016, which is after all Orders, including the Final Order, in the matter had been issued.

I find that Defendant's appearance and participation in all trials and hearing before this court, without raising the issue of jury trial during said trials and/or hearings, results in a waiver of the same.

Thereafter, I took up Defendant's Motion to Alter or Amend Order.


After consideration of the testimony and the evidence, this Court makes the following Findings of Fact and Conclusions of Law:

1. The Rule to Show Cause was properly before this court and concerned my Order. Defendant asserts that any Rule needed to be filed pursuant to Judge Nicholson's Order in the 2010 case. Judge Nicholson's Order dealt with the issue establishing that the Agreement between the parties amounted to an Installment Sales Contract, as opposed to a Lease with option to purchase. Judge Nicholson's Order also established the remaining debt and the monthly payments to be made. Judge Nicholson's Order was appealed but the appeal was dismissed and Judge Nicholson's Order became the final Order in the 2010 case. The Rule to Show Cause that came before me was based on noncompliance with the Order of this court filed April 8, 2015, and to establish the foreclosure of the Installment Sales Contract. Therefore, the Rule to Show Cause was properly filed with this Court.

2. I find that the amortization schedule submitted attempted to go behind Judge Nicholson's February 23, 2013, Order, which became the law of the case and this court is not free to go behind Judge Nicholson's Order. The amortization schedule



required by both Judge Nicholson's Order and by my Order was intended to illustrate the outstanding indebtedness established by Judge Nicholson's Order and reestablished by my April, 2015 Order. Based on the foregoing, Defendant failed to satisfy the requirements of providing a proper amortization schedule pursuant to the terms and conditions of both Judge Nicholson's Order and my Order.

3. I find that there is no justification to adjust the property tax claim as the obligation to pay property taxes ^{remains} was still due and Defendant did not go into default  to make the claim "ripe" until he failed to pay pursuant to Judge Nicholson's Order resulting in the filing of this action.

4. This action was not filed prematurely and the court does have jurisdiction to issue any and all Orders herein. The 2010 case heard by Judge Nicholson which established the agreement between the parties as an Installment Sales Contract and established the balance due and the monthly payments to be made going forward from Judge Nicholson's February 27, 2013, Order became the final Order in the case upon the dismissal and Order issued by the Court of Appeals filed December 3, 2013. The Defendant, by his own admission and testimony, indicated that he had not made any payments on the Installment Sales Contract other than the Four Thousand Five Hundred and 00/100 (\$4,500.00) Dollars for which he has been given due credit under my April 8, 2015 Order. Again, Defendant continues to argue that he has prepaid on the Installment Sales Contract. The fact that Defendant may have prepaid towards the total purchase price prior to Judge Nicholson's Order becoming final does not relieve Defendant from his monthly obligations. Mr. Simmons's own testimony was that he has not made any payments since the appeal was dismissed on December 3, 2013.

The Court being satisfied with its findings of fact and conclusions of law, it is the opinion that judgment should be entered thereon.

Therefore, it is hereby,

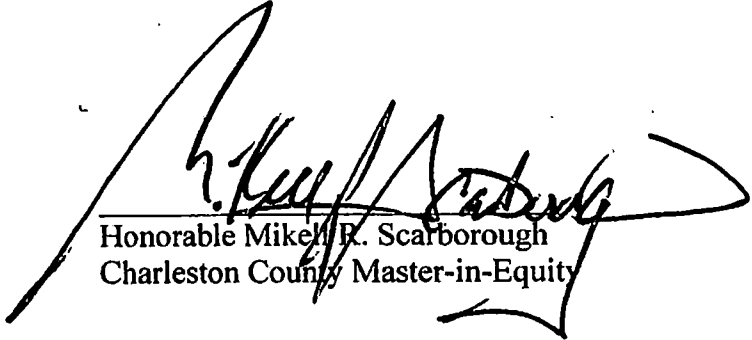
ORDERED, ADJUDGED AND DECREED that Defendant's Motion to Alter and Amend Order is hereby denied; and, it is further

ORDERED, ADJUDGED AND DECREED that the Master's Sale on the foreclosure of the Installment Sales Contract shall take place as scheduled on September 6, 2016 at 11:00 a.m. pursuant to the terms and conditions of my May 18, 2016 Order; and, it is further

ORDERED, ADJUDGED AND DECREED that the Defendant has the option to avoid the foreclosure sale by payment to the Plaintiff of the sum of Fifty Two Thousand One Hundred Seventy Four and 32/100 (\$52,174.32) Dollars prior to the sale; and it is further

ORDERED, ADJUDGED AND DECREED pursuant to *SC Code* § 18-9-170 (2014) and pursuant to Order of SC Court of Appeals filed July 29, 2016, the Defendant can post a bond to stop the Master's Sale of foreclosure, said bond being set in the amount of Fifty Thousand and 00/100 (\$50,000.00) Dollars.

AND IT IS SO ORDERED!



Honorable Mike R. Scarborough
Charleston County Master-in-Equity

Charleston, South Carolina

Aug. 31 2016.

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2014 CP-10-01635

Allen Livingston

Harold Simmons

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Master in Equity

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: The Court reaffirms its Order filed September 1, 2016 setting bond at \$50, 000.00 per statute or Defendant may pay the judgment pending the appeal filed July 31, 2018.

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.

Circuit Court Judge

3062
 Judge Code

8/6/18
 Date

FILED
 2018 AUG -7 PM 4:16
 JUDGE J. J. HARRIS
 CLERK OF COURT

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2014 CP-10-1635

Livingston

Simmons

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Master in Equity

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

FILED
2018 AUG -7 PM 4:13
CLERK OF COURT

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

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: Defendant Simmons appeared pro se and paid off the judgment amount claimed due by Plaintiff Livingston. Plaintiff accepted the sum and in return will convey title to the property to Defendant and pay any overage which may be due. Defendant seeks to continue his appeal in this matter.

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.

Circuit Court Judge  Judge Code 3062 Date 8/7/18

After consideration of the testimony and the evidence, this Court makes the following Findings of Fact and Conclusions of Law:

1. Pursuant to all previous Orders of court in furtherance of this matter, the Defendant Harold Simmons paid all sums due and owing under the Installment Sales Contract between Defendant and Plaintiff to Plaintiff's attorney on or about August 10, 2018.

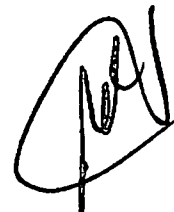
2. On or about August 10, 2018, Plaintiff delivered to Defendant, in furtherance of full compliance with the Installment Sales Contract which is the subject matter of this action, a deed conveying the subject property from Plaintiff to Defendant. Delivery of the aforesaid deed is evidence by a receipt whereby Defendant signed acknowledging receipt of the original deed for the subject property from Bruce A. Berlinsky, Esquire.

3. That since August 10, 2018, Defendant has refused and continues to refuse to record said deed.

4. I find that Plaintiff is entitled to the relief requested in this motion and hereby require the Defendant to record the original deed within 15 days of the date of today's hearing or, alternatively, the undersigned Master in Equity shall issue a Masters Deed conveying the property to Defendant.

The Court being satisfied with its findings of fact and conclusions of law, it is the opinion that judgment should be entered thereon.

NOW, THEREFORE, IT IS HEREBY

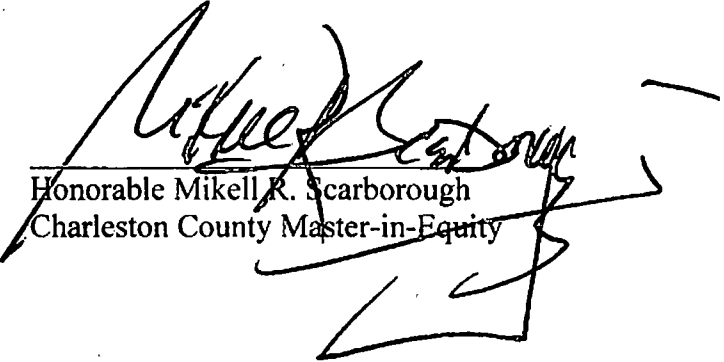
A handwritten signature in black ink, appearing to be the initials 'M.E.' or similar, enclosed within a large, loopy circular flourish.

ORDERED, that Defendant, Harold Simmons, Jr., shall record the original deed to the property which is the subject matter of this action within fifteen (15) days of the date of this hearing; namely, October 19, 2018; and, it is further

ORDERED, that should Defendant, Harold Simmons, Jr., not record the deed in his possession for the property which is the subject matter of this action, the undersigned Master in Equity shall issue a Masters Deed conveying the same to the Defendant Harold Simmons for recording at the Charleston County ROD Office.

AND IT IS SO ORDERED!

Charleston, South Carolina
10/18 2018.


Honorable Mikell R. Scarborough
Charleston County Master-in-Equity

STATE OF SOUTH CAROLINA }
COUNTY OF CHARLESTON } AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

- 1. I have read the information on this affidavit and I understand such information.
- 2. The property was transferred by MIKELL R. SCARBOROUGH, MASTER IN EQUITY
to HAROLD SIMMONS A/K/A HAROLD SIMMONS, JR. on OCTOBER 25, 2018

- 3. Check one of the following: The deed is
 - (A) subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (B) subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
 - (C) exempt from the deed recording fee because (See Information section of affidavit): #1 LESS THAN \$100.00 (Explanation required)
(If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty?
Check Yes or No

- 4. Check one of the following if either item 3(a) or item 3(b) above has been checked. (See Information section of this affidavit):
 - (A) The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of _____.
 - (B) The fee is computed on the fair market value of the realty which is _____.
 - (C) The fee is computed on the fair market value of the realty as established for property tax purposes which is _____.


5. Check YES or NO to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is _____.

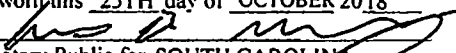
- 6. The deed recording fee is computed as follows:
 - (A) Place the amount listed in item 4 above here: _____
 - (B) Place the amount listed in item 5 above here: _____
(If no amount is listed, place zero here.)
 - (C) Subtract Line 6(b) from Line 6(a) and place the result here: _____

7. The deed recording fee is based on the amount listed on Line 6(c) above and the deed recording fee due is:

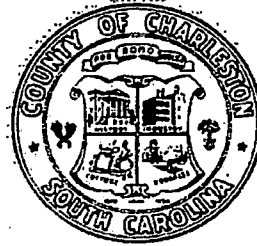
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as:
ATTORNEY

9. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.


Responsible Person Connected with the Transaction
Bruce Berkeley
Print or Type Name Here

Sworn this 25TH day of OCTOBER 2018

Notary Public for SOUTH CAROLINA
My Commission Expires: JULY 8TH, 2024

RECORDER'S PAGE



NOTE: This page **MUST** remain with the original document

Filed By:

BRUCE A BERLINSKY ESQUIRE
 P.O. BOX 206
 CHARLESTON SC 29402 (BOX)

RECORDED		
Date:	October 25, 2018	
Time:	2:48:50 PM	
<u>Book</u>	<u>Page</u>	<u>DocType</u>
0756	020	Mas/Con
Elaine H. Bozman, Register Charleston County, SC		

MAKER:

LIVINGSTON ALLEN R

Note:

RECIPIENT:

SIMMONS HAROLD AL

of Pages:

Recording Fee	\$ 10.00
State Fee	<EXEMPT>
County Fee	<EXEMPT>
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 10.00

Original Book:

Original Page:

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AUDITOR STAMP HERE
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 Oct 29, 2018
 Peter J. Tecklenburg
 Charleston County Auditor

PID VERIFIED BY ASSESSOR
REP MKD
DATE 10/30/2018
 28



0756
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Recorded Date



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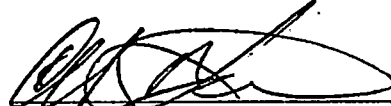
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STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

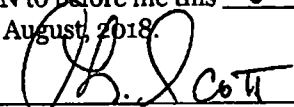
AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

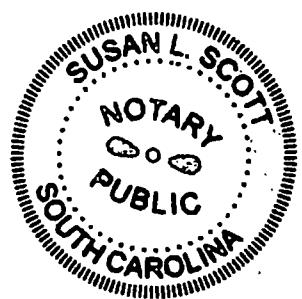
1. I have read the information on this Affidavit and I understand such information.
2. The property being transferred is located at 3042 N. Carolina Ave., SC, bearing Charleston County Tax Map Number 469-16-00-329 by Allen R. Livingston to Harold Simmons, Jr. on August 8, 2018.
3. Check one of the following: **The DEED is**
 (a) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 (b) _____ subject to the deed recording fee as a transfer between a partnership, or other entity and a stockholder, partner, or an owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 (c) _____ EXEMPT from the deed recording fee because * (If exempt, please skip items 4-7 and go to item 8 of this affidavit.)
4. Check one of the following if either item 3(a) or item 3(b) above has been checked.
 (a) X The fee is computed on the consideration paid or to be paid money or money's worth in the amount of **\$125,000.00**.
 (b) _____ The fee is computed on the fair market value of the realty, which is \$ _____.
 (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____.
5. Check YES _____ or NO _____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES", then the amount of the outstanding balance of this lien or encumbrance is \$ _____.
6. The DEED Recording Fee is computed as follows:
 (a) X the amount listed in item 4 above.
 (b) _____ the amount listed in item 5 above (no amount place zero)
 (c) _____ Subtract Line 6(b) from Line 6(a) and place the result.
7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantor.
8. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty to a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.



Allen R. Livingston
As: Grantor

SWORN to before me this 8th
day of August, 2018.


Notary Public for South Carolina
My Commission Expires: 4-18-24



RECORDER'S PAGE



NOTE: This page **MUST** remain with the original document

Filed By:

COUNTER CUSTOMER
 HAROLD SIMMONS JR
 3042 NORTH CAROLINA AVE
 NORTH CHARLESTON, SC 29405

RECORDED		
Date:	October 25, 2018	
Time:	4:05:59 PM	
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0756	049	Deed
Elaine H. Bozman, Register Charleston County, SC		

MAKER:

LIVINGSTON ALLEN R

Note:

RECIPIENT:

SIMMONS HAROLD JR

of Pages:

Recording Fee	\$ 10.00
State Fee	\$ 325.00
County Fee	\$ 137.50
Extra Pages	\$ -
Postage	\$ 0.50
Chattel	\$ -
TOTAL	\$ 473.00

Original Book:

Original Page:

AUDITOR STAMP HERE
 RECEIVED From ROD
 Oct 30, 2018
 Peter J. Tecklenburg
 Charleston County Auditor

PID VERIFIED BY ASSESSOR
REP MKD
DATE 10/31/2018
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CLERK



0756
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049
Page



10/25/2018
Recorded Date



4
Pgs



Original Book



Original Page




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Doc Type



16:05:59
Recorded Time

The undersigned hereby acknowledges receipt of check in the amount of \$60.00
and original deed for TMS No.: 469-16-00-329 from Bruce A. Berlinsky, Esquire.



Harold Simmons, Jr.

8/10/2018
Date

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

MIKELL R. SCARBOROUGH, MASTER IN EQUITY

Case No.: 2016-001201

Allen Livingston, Respondent,

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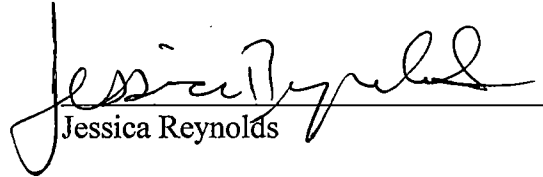
PROOF OF SERVICE

I, Jessica Reynolds, legal assistant to Bruce A. Berlinsky, Esquire, do hereby certify that I have this date mailed a true and correct copy of the foregoing and **MOTION TO DISMISS and AFFIDAVIT OF BRUCE A. BERLINSKY**, postage prepaid, and deposited with the United States Postal Service as follows:

Harold Simmons, Jr.
3042 North Carolina Ave.
North Charleston, SC 29405

Harold Simmons, Jr.
1182 King Street
Charleston, SC 29403

Dated this 6th day of November, 2018.


Jessica Reynolds

BRUCE A. BERLINSKY, P.A.
Attorney at Law

Mailing Address:
PO Box 206
Charleston, SC 29402

One Carriage Lane, Building F
Charleston, SC 29407

Office: (843) 852-2202
Fax: (843) 852-4844
Bruce@berlinskylawfirm.com

November 6, 2018

V. Claire Allen
Deputy Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED
NOV 08 2018
SC Court of Appeals

Re: Allen Livingston v. Harold Simmons
Appellate Case No. 2016-001201

Dear Ms. Allen:

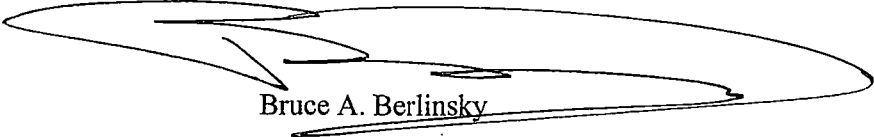
In connection with the above referenced matter, enclosed please find one (1) original and one (6) copies of Motion to Dismiss, Affidavit and Proof of Delivery, along with \$50.00 filing fee.

Please return the filed copies to me in the enclosed, postage-paid envelope.

If you need anything further, please do not hesitate to contact me.

With kind regards, I am

Sincerely,


Bruce A. Berlinsky

BAB/jlr
Enclosures

CC: Harold Simmons
1182 King Street
Charleston, SC 29403

Harold Simmons
3042 N Carolina Avenue
North Charleston, SC 29405

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107

The World

ORIGIN ID:RBWA (843) 852-2202
BRUCE BERLINSKY
BRUCE A. BERLINSKY, PA
ONE CARRIAGE LANE, BUILDING F
CHARLESTON, SC 29407
UNITED STATES US

SHIP DATE: 06NOV18.
ACT/WGT: 1.00 LB
CAD: 3050098/INET4040

BILL SENDER

TO SC COURT OF APPEALS
ATTN: CLERK OF COURT
1220 SENATE STREET

COLUMBIA SC 29201

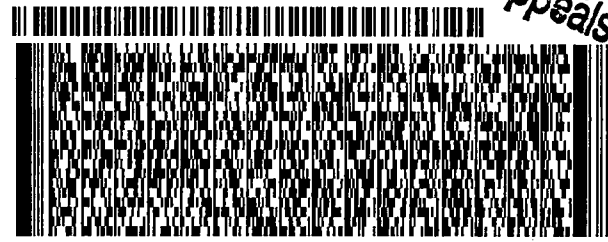
(803) 734-1890
INV:
PO:

REF: ALAN BERLINSKY 14-002

DEPT:

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SC Court of Appeals

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PRIORITY OVERNIGHT

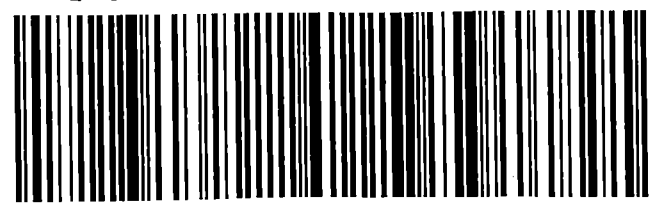
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FedEx
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