

88561

The state of South Carolina
In the Court of Appeals

Dec 6 2018

APPEAL From Charleston County
Court of Common Pleas

MIKELL R SCARBROUGH, Master in Equity

Case NO: 2016-001201

RECEIVED

DEC 17 2018

Allen Livingston, Respondent

SC Court of Appeals

v

Harold Simmons, Appellant

Motion to Denied Dismiss

Harold Simmons Jr.
Harold Simmons Jr.
843-480-8694
3042 North Carolina Ave
North Charleston S.C. 29405
prof/sc

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The State of South Carolina
In the Court of Appeals

Appeal From Charleston County

Master-In-Equity Law Court

Michael R Searborough, Master-In-Equity Law Judge

CASE NO: 2016-001201

Allen Livingston

Respondent

✓

Harold Simmons

Appellant

Motion to Denied Dismiss

Defendant, Appellant Harold Simmons Demand Appeal

to move Forward in the name of Justice and a Ruling in Favor of Defendant

Appellant Harold Simmons . . . Plaintiff Respondent Allen Livingston

and his Attorney Bruce A Berlinsky and Charleston

County Court have in there Act Conduct Forgery

Friend, Perjury and Favoritism in there Act . . . Against

Defendant Appellant Harold Simmons. Appellant

Harold Simmons ask for Appeal Case to move Forward

this Request is Base on the Grounds that Respondent

Allen Livingston and His Attorney Bruce Berlinsky and the

Charleston County Court, Has In there way Twist the Law,

Twist the order of Judge Nickalson and Twist the Contract

between the two parties. Defendant Appellant Harold Simmons

was wrongfully force to pay off a Debt Mount. He

Did not owe, on a Frivolous Case, a Case Base on

Friend and unexplainable Behavior of the lower Court

And Denying Appellate Harold Simmons Requests For Jury Trials
AND A Lower Court Hearing that Appellant
Harold Simmons never receive notice off and
A Hearing that was never schedule for Judge Dennis
to make or write An order, The Rewrite of Contact,
Rewrite Court order and Perjury In and of the Courts
In Reference and All Allegation All can and will Be
Proved.

Defendant Appellant Harold Simmons Balance only was
\$25,720,78 But Because of perjury Defendant Appellant
Harold Simmons is wrongfully Force to pay \$60,212,97

Defendant Appellant Harold Simmons will and can
proved every time Plaintiff Respondent Allen Livingston
Filed a case against Defendant, Appellant Harold Simmons
was Always \$9,000.00 Dollars are more Paid in Advance.

And as of NOV 6, 2018 Motion to Dismiss Attorney
Bruce A Berlinsky along with His Request For Dismiss
He submit the order dating Aug 6 2018 That's the
Hearing where it was brought to the Court Attention
when this case was file and the Court was waiting
on a response or answer from Defendant Appellant Harold

Simmons. A Default order sign By Judge Dennis
Oaying 4, 28, 2014 these order shows Plaintiff Attorney
Bruce A Berlinsky lie to Judge Dennis About
Defendant Appellate Harold Simmons timing on Filing
And Answer in order to get a Default Ruling And
the Court Record will show a hearing was never schedule
to be heard for these order. These is like These was
done Behind Close Curtain, This can Be proved I
have Court Copy. This is violence Being Denied Do
process of the Rules of the Court. And Defendant
Appellate Harold Simmons was Never service with a copy
of the Default order.

Once these was Brought to the Attention of the Court
on Aug 6, 2018 the Court Response to these said By
Judge Mikell R Scarborough, (After the Court review
the computer) Court: Mr Simmons what you want the
Court to Do Retrial this Case? these Case went on
For two years. Defendant Appellate Harold Simmons
Response: For the sake of Justice (Yes) Court
Response: We not Retrialing these Case. Defendant Appellate
Harold Simmons. Response: For the sake of Justice you not
Retrialing these case? (would like to get Transcript). With

These was and is a Malfeasance Trials and Hearings
The entire legal Proceeding was Frivolous, Malicious,
and unjust. It is a out Right Shame and disgrace
to the legal Community At large. And In Fact
its adds and bring Dishonor to the Foundation
of law of this Country over All And Pur All USA
Citizens in Danger of Outlaw thieves that Poses AS
the legal Community such AS in this Case.

These Few things I ASK the Court of Appeal to Denied
these motion to Dismiss And Grant Defendant Appellant
Harold Simmons BACK the money He was wrong fully Force
to pay And For Harassment of the Plaintiff For the third Time Filing,
Filing For money Plaintiff Respondent Allen Livingston Been
and Had in his possession and For the Plaintiff Respondent
Allen Livingston using and Filing Forge Documents with the
courts, It is Sad the lower Court Enter tain such Behavior,
Because of Favoritism.

I Thank you in Advance

Harold Simmons Jr.
Harold Simmons Jr
3042 North CAROLINA AVE
North CHAS. S.C. 29405
843-480-8694







Attorney Bruce Berlinsky
One Carriage Lane, Bldg F
Charleston S.C. 29407
843-852-2202

(H) (9)















(3)















Case NO. 2014-CP-10-1635

Appeals
Court

04/03/2014	
SERVICE/AFFIDAVIT OF SERVICE	
03/11/2014	
SUMMONS & COMPLAINT	
03/11/2014	
LIS PENDENS FILED	
EVENTS 	
PARTIES 	
ASSOCIATED CASES 	

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07/31/2014	
AMENDED/AMENDED NOTICE OF HEARING & CERT/MAIL	
07/18/2014	
REQUEST FOR CONTINAUNCE	
07/07/2014	
NOTICE/NOTICE OF HEARING & CERT/MAIL	
06/26/2014	
MOTION/STRIKE BY PLAINTIFF, CRT/MAIL	
06/16/2014	
MOTION TO DENIAL TO MOT TO MASTER IN EQUITY & CERT/MAIL	
06/12/2014	
ORDER/GRANTED TO PROCEED IN FORMA PAUPERIS W/OUT PAYMENT	
06/12/2014	
C/CLAIM & CERT/SERV	
06/12/2014	
NOTICE/NOTICE OF HEARING & CERT/MAIL	
06/04/2014	
MOTION & AFFIDAVIT TO PROCEED IN FORMA PAUPERIS	
06/04/2014	
ORDER OF DEFAULT & REFERRED TO MASTER	
05/22/2014	
MOTION/REFER TO MASTER BY PLAINTIFF, CRT/MAIL	
04/29/2014	
AFFIDAVIT/DEFAULT	
04/29/2014	
AFFIDAVIT OF NON-MILITARY SERVICE	
04/24/2014	
ANSWER TO COMPLAINT, JURY TRIAL REQUESTED & CRT/SRV	

11/03/2015	
AMORTIZATION SCHEDULE	
07/31/2015	
NOTICE/RESCHEDULED NOTICE OF HEARING & CRT/MAIL	
07/10/2015	
NOTICE/NOTICE OF HEARING & CRT/MAIL	
05/29/2015	
MOTION/ALTER OR AMEND ORDER BY DEFENDANT, CRT/MAIL	
04/08/2015	
MASTER/MASTER'S FINAL ORDER	
12/03/2014	
AMENDED NOTICE OF HEARING & CRT/MAIL	
12/02/2014	
NOTICE OF APPEARANCE OF ATTY J SETH WHIPPER	
12/01/2014	
NOTICE/NOTICE OF HEARING & CRT/MAIL	
10/30/2014	
MOTION/CONTINUANCE BY DEFENDANT	
09/04/2014	
NOTICE/NOTICE OF FINAL HEARING & CRT/MAIL	
08/12/2014	
MASTER ORDER-PLNTFF'S OT TO STRIKE IS GRANTED ETC	
08/12/2014	
MASTER/MASTER'S SCHEDULING ORDER	
08/12/2014	
MASTER/MASTER'S ORDER FOR TERM OF CRT	
08/04/2014	
MOTION FOR EXTENSION BY DEFNT	

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO: 2014-CP-10-1635

ALLEN LIVINGSTON,
)
)
Plaintiff,)

versus)

HAROLD SIMMONS,
)
)
Defendant.)

ORDER OF DEFAULT
AND REFERENCE

FILED
2014 JUN -4 AM 11:06
JULIE J. ARMSTRONG
CLERK OF COURT

UPON CONSIDERATION of the Affidavit of Bruce A. Berlinsky, dated April 28, 2014, find that the Defendant, Harold Simmons, was personally served as evidenced by the Affidavit of Service filed with this Court; that more than thirty (30) days have elapsed since the acceptance of the Civil Action Coversheet, Lis Pendens, Summons and Complaint, pursuant to the Affidavit of Bruce A. Berlinsky, and that no Answer, Notice of Appearance, or Demurrer has been filed pursuant to the said Civil Action Coversheet, Lis Pendens, Summons and Complaint by Defendant, Harold Simmons.

IT FURTHER APPEARS that this is an action to foreclose upon a piece of property lying and being in Charleston County, South Carolina.

NOW, THEREFORE, it is

ORDERED, that the Defendant, Harold Simmons, be and is hereby declared to be in default; and, it is further

ORDERED, that the within action be referred to the Honorable Mikell R. Scarborough, Master in Equity for Charleston County, for the purpose of taking testimony and making findings of facts and conclusions of law, and to render a final decree directly appealable to the Supreme Court of South Carolina.

Mikell R. Scarborough
PRESIDING JUDGE, Charleston County















Charleston, South Carolina
6/2, 2014

RECEIVED
MAY 20 2014
BY: SPM

Date: 4-30-2014
Amount: \$125.00
PAID
MIKELL R. SCARBOROUGH
MASTER IN EQUITY
By: *J. Weather*

Defendant never re service

9

JURY TRIAL DEMANDED, CRT/MAIL	
06/06/2016	
MOTION/ALTER OR AMEND BY DEFENDANT, CRT/MAIL	
05/23/2016	
SERVICE/CERTIFICATE OF MAILING	
05/23/2016	
AFFIDAVIT IN SUPPORT OF ATTORNEY FEES	
05/23/2016	
AFFIDAVIT/AFFIDAVIT	
05/19/2016	
SERVICE/CERTIFICATE OF MAILING	
05/18/2016	
MASTER'S ORDER OF FORECLOSURE & SALE	
04/27/2016	
ORDER-DEFNT'S MOT TO ALTER OR AMEND IS DENIED	
03/10/2016	
NOTICE/NOTICE OF RESCHEDULED HEARING & CRT/MAIL	
02/03/2016	
NOTICE/NOTICE OF HEARING & CRT/MAIL	
01/28/2016	
MISCELLANEOUS DOCUMENTS (LETTER BY J SETH WHIPPER)	
01/28/2016	
MASTER ORDER-SUMMONS & RULE TO SHOW CAUSE	
01/28/2016	
AFFIDAVIT IN SUPPORT OF RULE TO SHOW CAUSE	
01/08/2016	
SERVICE/CERTIFICATE OF MAILING	
12/31/2015	
SERVICE/CERTIFICATE OF MAILING	

Charleston County Clerk Of Court

[[Log In](#)]

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2014CP1001635

ALLEN LIVINGSTON

VS

HAROLD SIMMONS

FORECLOSURE 420

File Date: 03/11/2014

Case Status: ENDED

Disp Date: 04/08/2015

FILINGS

07/23/2018



AFFIDAVIT/PUBLICATION

07/23/2018



CERTIFICATE OF MAILING

05/11/2018

LETTER FROM ATTY BERLINSKY IN
RE: BANKRUPTCY COURT

09/06/2016



AFFIDAVIT/PUBLICATION

09/01/2016

MASTER'S ORDER ON MOTION TO
ALTER & AMEND

08/30/2016

MOTION/TO POST COLLATERAL
WITH CLERK BY DEFENDANT,
CRT/SRV

08/09/2016

NOTICE OF APPEARANCE OF ATTY
WHIPPER FOR HAROLD SIMMONS
JR

07/28/2016



MISCELLANEOUS DOCUMENTS

06/10/2016



Need to Mail to Appeal Court



HOLO SIMONS invictor59@gmail.com

Livingston v. Simmons

3 messages

Jessica@berlinskylawfirm.com <jessica@berlinskylawfirm.com>
To: "invictor59@gmail.com" <invictor59@gmail.com>

Mon, Aug 6, 2018 at 2:19 PM

Mr. Simmons,

The total amount due is \$47,640.40.

Thanks,

Jessica

Jessica Reynolds

Legal Assistant to Bruce A. Berlinsky

One Carriage Lane, Bldg. F

Charleston, SC 29407

P: 843.852.2202

F: 843.852.4844

Jessica@berlinskylawfirm.com

ALL FUNDS IN EXCESS OF \$5,000.00 MUST BE WIRED - CALL FOR WIRING INSTRUCTIONS

Wired Funds Notice: BE ALERT! We do NOT change or alter our wiring instructions. Please call to verify that you have the correct instructions prior to wiring.

--- CONFIDENTIALITY NOTICE: This electronic mail transmission and any accompanying documents contain information belonging to the sender which may be confidential and legally privileged. This information is intended only for the use of the individual or entity to whom it is addressed. Any disclosure, copying, distribution, or action taken in reliance on the contents contained herein is strictly prohibited. If you received this transmission in error, please notify the sender and delete the message and its contents. IRS CIRCULAR 230 NOTICE: Any tax advice contained in this communication (or any attachments) is not intended or written to be used for the purpose of avoiding penalties under the

(1)

(12)

Internal Revenue Code or for recommending to another party as to any matter addressed herein.



BEWARE! WIRE FRAUD IS ON THE RISE.

Accepting wire and disbursement instructions by email is dangerous, especially changes to those instructions. Verify by calling the originator of the email using previously known contact information prior to sending funds.

Jessica@berlinskylawfirm.com <jessica@berlinskylawfirm.com>
To: "invictor59@gmail.com" <invictor59@gmail.com>

Mon, Aug 6, 2018 at 4:11 PM

Mr. Simmons,

We forgot to add the post judgment interest. The correct total is \$60,212.97

2

Thanks,

Jessica

Jessica Reynolds

Legal Assistant to Bruce A. Berlinsky

One Carriage Lane, Bldg. F

Charleston, SC 29407

P: 843.852.2202

F: 843.852.4844

Jessica@berlinskylawfirm.com

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--- CONFIDENTIALITY NOTICE: This electronic mail transmission and any accompanying documents contain


2

13

communication (or any attachments) is not intended or written to be used for the purpose of avoiding penalties under the Internal Revenue Code or for recommending to another party as to any matter addressed herein.

From: Jessica@berlinskylawfirm.com
Sent: Monday, August 06, 2018 4:11 PM
To: 'invictor59@gmail.com'
Subject: Livingston v. Simmons

[Quoted text hidden]

 scan0089.pdf
300K

3

(14)

information belonging to the sender which may be confidential and legally privileged. This information is intended only for the use of the individual or entity to whom it is addressed. Any disclosure, copying, distribution, or action taken in reliance on the contents contained herein is strictly prohibited. If you received this transmission in error, please notify the sender and delete the message and its contents. IRS CIRCULAR 230 NOTICE: Any tax advice contained in this communication (or any attachments) is not intended or written to be used for the purpose of avoiding penalties under the Internal Revenue Code or for recommending to another party as to any matter addressed herein.



BEWARE! WIRE FRAUD IS ON THE RISE.

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Jessica@berlinskylawfirm.com <jessica@berlinskylawfirm.com>
To: "invictor59@gmail.com" <invictor59@gmail.com>

Mon, Aug 6, 2018 at 5:03 PM

Here you go.

Jessica Reynolds

Legal Assistant to Bruce A. Berlinsky

One Carriage Lane, Bldg. F

Charleston, SC 29407

P: 843.852.2202

F: 843.852.4844

Jessica@berlinskylawfirm.com

3

ALL FUNDS IN EXCESS OF \$5,000.00 MUST BE WIRED - CALL FOR WIRING INSTRUCTIONS

Wired Funds Notice: BE ALERT! We do NOT change or alter our wiring instructions. Please call to verify that you have the correct instructions prior to wiring.

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4

15

\$54,986.98

LESS:

Payment on July 3, 2017	\$3,227.39
Payment on August 1, 2017	\$704.54
Payment on November 1, 2017	\$617.41
Payment on September 1, 2017	\$637.37
Payment on December 1, 2017	\$615.66
Payment on June 1, 2018	\$105.80
Payment on March 1, 2018	\$614.05
Payment on April 2, 2018	\$824.36

\$7,346.58

-\$7,346.58

SUBTOTAL

\$47,640.40

Post Judgment Interest 4/8/15 – 12/31/15	\$2,624.61
Post Judgment Interest 1/1/16 – 1/31/16	\$3,712.54
Post Judgment Interest 1/1/17 – 1/31/17	\$3,712.54
Post Judgment Interest 1/1/18 – 8/8/18	\$2,522.88

\$12,572.57

\$12,572.57

TOTAL DUE

\$60,212.97

1606276 Simmons, Jr.

1 message

Melissa Milligan <milligan@charleston13.com>
To: "invictor59@gmail.com" <invictor59@gmail.com>

Mon, Jun 18, 2018 at 11:17 AM

Please see the attached payment history to Allen Livingston as requested. I am also mailing a copy to your address of record. Please let me know if you need anything else.

Thanks,

Melissa Milligan

Assistant Manager

Office of the Chapter 13 Trustee

843-388-9844 Ext. 308

 1606276-PRINTINQ-85927.pdf
54K

Chapter 13 Trustee

Case No. 16-06276-JW
CLOSED

HAROLD SIMMONS JK

0:35 am

User: melissa

DISBURSEMENT HISTORY

DATE	CODE	DESCRIPTION	CREDITOR #	CHECK NO.	AMOUNT
ALLEN LIVINGSTON			Claim Number 1		
Jul 03, 2017	CR	AMOUNT DISBURSED TO CREDITOR		0344868	3,227.39
Aug 01, 2017	CR	AMOUNT DISBURSED TO CREDITOR		0346612	704.54
Sep 01, 2017	CR	AMOUNT DISBURSED TO CREDITOR		0348337	637.37
Nov 01, 2017	CR	AMOUNT DISBURSED TO CREDITOR		0351769	617.41
Dec 01, 2017	CR	AMOUNT DISBURSED TO CREDITOR		0353478	615.66
Mar 01, 2018	CR	AMOUNT DISBURSED TO CREDITOR		0358569	614.05
Apr 02, 2018	CR	AMOUNT DISBURSED TO CREDITOR		0360169	824.36
Jun 01, 2018	CR	AMOUNT DISBURSED TO CREDITOR		0363603	105.80
TOTAL FOR ALLEN LIVINGSTON					7,346.58
DISBURSEMENT TOTAL					7,346.58

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(18)

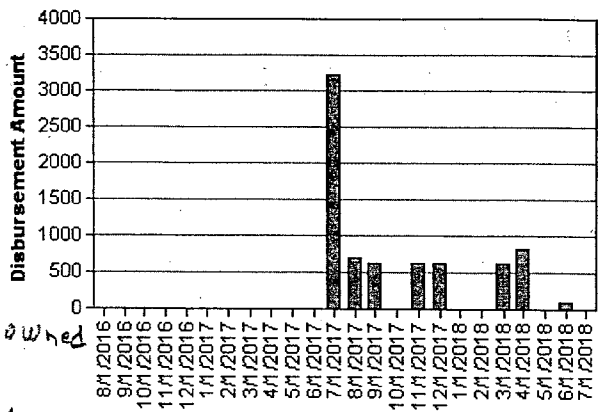
Chapter 13

Claim 1 ALLEN LIVINGSTON
c/o BRUCE A. BERLINSKY, PA
ONE CARRIAGE LANE, BUILDING F
CHARLESTON SC 29407

(Use CTRL-P to Print this Page)
Close Window

Next Disbursement Info

Disbursements to this Claim



CLAIM DETAIL

Case Number	1606276
Creditor	ALLEN LIVINGSTON
Trustee's Claim Number	1
Court's Claim Number	3
Claim Type	S - SECURED (S)
Claim Filed Date	Monday, February 06, 2017
Mortgage Due Date	

CLAIM AMOUNTS

Claimed Amount	\$36,000.00
Scheduled Amount	\$0.00
Amount Paid Outside	\$0.00
Monthly Payment	\$600.00
Principal Owed	\$28,653.42
Principal Paid	\$7,346.58
Principal Due	\$3,453.42
Interest Rate	0.00
Interest Paid	\$0.00
Interest Due	\$0.00
Collateral Value	\$0.00
Collateral Description	
Limit	\$0.00
Plan Code	\$0.00
Percent Allowed	100.00
Months to Calculate	0.00

owned
Balance
Paid

PAYMENT HISTORY FOR CLAIM 1 - ALLEN LIVINGSTON

Disb Date	Check Number	Payee Name	Type	Amount
6/1/2018	363603	ALLEN LIVINGSTON	AMOUNT DISBURSED TO CREDITOR	\$105.80
4/2/2018	360169	ALLEN LIVINGSTON	AMOUNT DISBURSED TO CREDITOR	\$824.36
3/1/2018	358569	ALLEN LIVINGSTON	AMOUNT DISBURSED TO CREDITOR	\$614.05
12/1/2017	353478	ALLEN LIVINGSTON	AMOUNT DISBURSED TO CREDITOR	\$615.66
11/1/2017	351769	ALLEN LIVINGSTON	AMOUNT DISBURSED TO CREDITOR	\$617.41
9/1/2017	348337	ALLEN LIVINGSTON	AMOUNT DISBURSED TO CREDITOR	\$637.37
8/1/2017	346612	ALLEN LIVINGSTON	AMOUNT DISBURSED TO CREDITOR	\$704.54
7/3/2017	344868	ALLEN LIVINGSTON	AMOUNT DISBURSED TO CREDITOR	\$3,227.39

CLAIM FLAGS

Payee Level	22
Comment	claim amt per Order 6/1/17
Account Number	5321
No Cost	
No Check	
Delete	
Reserve	
Stop Disbursement	
Continuing	
Special	

CREDITOR INFORMATION

Creditor Name	ALLEN LIVINGSTON
Address 1	c/o BRUCE A. BERLINSKY, PA
Address 2	ONE CARRIAGE LANE, BUILDING F
Address 3	CHARLESTON SC
Zip Code	29407-0000
Contact Name	
Creditor Number ShortCut	

Additional Names and Addresses	Date of Last Change
Payee: ALLEN LIVINGSTON • 6046 HYDE PARK RD. • Ravenel • SC • 29470	12/14/2016
ALLEN LIVINGSTON • c/o BRUCE A. BERLINSKY, PA •	2/7/2017

Information Call
MOSS ATTORNEYS, COM
PAUL PAWSON 843-744-3002

Chapter 13

PRINT INQUIRY

Close Window

Click Here to Print this Page

16-06276-JW HAROLD SIMMONS JR (xxx-xx-5321)

3042 NORTH CAROLINA AVE.
• NORTH CHARLESTON • SC
• 29405

\$1,050.00 MO	Bar Date(s):	4/3/2017 (has passed)
		6/10/2017 (has passed)
Confirmed:		6/27/2017

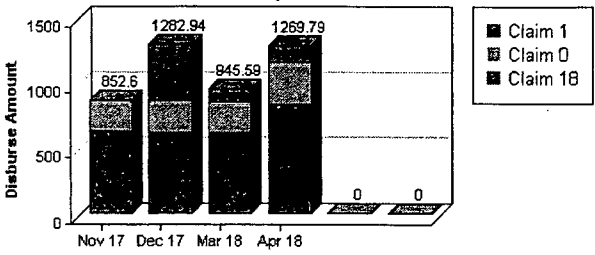
Trustee: James M. Wyman

Attorney: HEATHER S BAILEY

Payee Summary

Number of Claims	21
Total Amount Claimed	\$55,838.49
Total Amount Scheduled	\$72,369.67
Total Principal Paid	\$10,307.23
Total Principal Owed	\$45,531.26
Total Principal Due	\$3,624.77
Total Interest Paid	\$0.00
Total Interest Due	\$0.00

Payee Disbursements Last 6 Months



Claim Breakdown

	Priority	Secured	Unsecured	Other
Claimed	\$12,007.40	\$41,479.92	\$2,351.17	
Scheduled	\$11,381.00	\$6,489.92	\$54,498.75	
Principal Paid	\$2,415.61	\$7,891.62	\$0.00	
Principal Owed	\$9,591.79	\$33,588.30	\$2,351.17	
Principal Due	\$684.39	\$2,940.38	\$0.00	
Interest Paid	\$0.00	\$0.00	\$0.00	
Interest Due	\$0.00	\$0.00	\$0.00	
Monthly Payment	\$233.00	\$712.00	\$0.00	
Collateral	\$0.00	\$0.00	\$0.00	

13 Network

TO
Allen Livingston
7,346.58
7,240.78
+ 1000.00 paid by Harol
at 8240.781 total paid
June 2018

Claims Listing

Name (Acct)	Clm#	Filed	Desc	Mo Prmt	Prnc Paid	Prnc Owed	Clm Amt	Schd Amt	Int Paid	Int Due
ALLEN LIVINGSTON (5321)	17	✓	SECURED VEHICLE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CHARLESTON CO FAMILY COURT (2995)	18	✓	DOMESTIC SUPPORT OBLIGATION	\$92.00	\$650.84	\$4,829.08	\$5,479.92	\$5,479.92	\$0.00	\$0.00
INTERNAL REVENUE SERVICE (5321)	4	✓	PRIORITY	\$0.00	\$0.00	\$8,138.74	\$8,138.74	\$8,281.00	\$0.00	\$0.00
Palmetto Digestive Disease PA	11	✓	UNSECURED	\$0.00	\$0.00	\$0.00	\$0.00	\$75.00	\$0.00	\$0.00
Roper St Francis Hospital	12	✓	UNSECURED	\$0.00	\$0.00	\$0.00	\$0.00	\$200.00	\$0.00	\$0.00
SC HIGHWAY DEPT	14	✓	UNSECURED	\$0.00	\$0.00	\$0.00	\$0.00	\$600.00	\$0.00	\$0.00
BANK OF AMERICA (8838)	19	✓	UNSECURED	\$0.00	\$0.00	\$0.00	\$0.00	\$700.00	\$0.00	\$0.00
LABORDY	20	✓	UNSECURED	\$0.00	\$0.00	\$0.00	\$0.00	\$673.00	\$0.00	\$0.00
LCA COLLECTIONS	21	✓	UNSECURED	\$0.00	\$0.00	\$0.00	\$0.00	\$72.00	\$0.00	\$0.00
SCEAG	22	✓	UNSECURED	\$0.00	\$0.00	\$0.00	\$0.00	\$1,662.00	\$0.00	\$0.00
TRIDENT MEDICAL CTR	23	✓	UNSECURED	\$0.00	\$0.00	\$0.00	\$0.00	\$35.00	\$0.00	\$0.00
INTERNAL REVENUE SERVICE (5321)	24	✓	UNSECURED	\$0.00	\$0.00	\$2,229.27	\$2,229.27	\$0.00	\$0.00	\$0.00
SC DEPT OF REVENUE & TAXATION (5321)	28	✓	UNSECURED	\$0.00	\$0.00	\$121.90	\$121.90	\$0.00	\$0.00	\$0.00

Attorney Listing

Name	Description	Level	Fee in Plan	Fee Paid Outside	Fee Paid to Date	Initial Amount	Monthly Payment	Fee Remaining
HEATHER S BAILEY	ATTORNEY FEE	22	\$3,100.00	\$400.00	\$2,415.61	\$684.39	\$233.00	\$684.39

Clerk Fees Listing

No Clerk Names have been established for to this case.

Debtor Refund

Name	Description	Level	Refund Amount	Amount Paid	Amount Owed
HAROLD SIMMONS JR	DEBTOR REFUND	0	\$0.00	\$0.00	\$0.00

To check
NDC, 03

Miss Miller
8 856 2408

Trustee

Phone 843-388-9844

Martha Feil

CALL 6-14-2018 1:25 p.m L.M.H.

0068386 11-24
Office AU # 1210(8)

CASHIER'S CHECK

6838600485

Remitter: HAROLD SIMMONS
Operator I.D.: u432821

August 06, 2018

PAY TO THE ORDER OF ***ALLEN LIVINGSTON AND ***
BRUCE BERLINSKY, HIS ATTORNEY

Forty-seven thousand six hundred forty dollars and 40 cents

\$47,640.40

Payee Address:
Memo: NORTH CAROLINA AVENUE

WELLS FARGO BANK, N.A.
1074 E MONTAGUE AVE
NORTH CHARLESTON, SC 29405
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 47,640.40
Shame C Walker
AUTHORIZED SIGNATURE

⑈6838600485⑈ ⑆121000248⑆4861 009082⑈

PRINTED ON LINEMARK PAPER - HOLD TO LIGHT TO VIEW FOR ADDITIONAL SECURITY FEATURES SEE BACK

0068386 11-24
Office AU # 1210(8)

CASHIER'S CHECK

6838600486

Remitter: HAROLD SIMMONS
Operator I.D.: u432821

August 07, 2018

PAY TO THE ORDER OF ***ALLEN LIVINGSTON AND ***
BRUCE BERLINSKY, HIS ATTORNEY

Twelve thousand six hundred thirty-two dollars and 57 cents

\$12,632.57

Payee Address:
Memo: NORTH CAROLINA AVENUE

WELLS FARGO BANK, N.A.
1074 E MONTAGUE AVE
NORTH CHARLESTON, SC 29405
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 12,632.57
Shame C Walker
AUTHORIZED SIGNATURE

⑈6838600486⑈ ⑆121000248⑆4861 009082⑈

Harold Simmons Jr.
3042 North Carolina Ave
N.C. S.C. 29405
843-480 8694

8

21

THE STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
Cause No. 2014 CP 10 1635

ALLEN LIVINGSTON)
Plaintiff,)
-versus-)
HAROLD SIMMONS JR.)
Defendant.)

ANSWER
(Jury Trial Requested)

BY

JULIE J. ARMSTRONG
CLERK OF COURT

2014 APR 24 PM 2:23

FILED

Defendant, Harold Simmons Jr. answer the respective numbered paragraphs of the Plaintiff's Complaint dated March 10, 2014, thus:

FIRST DEFENSE: QUALIFIED GENERAL DENIAL

1. Defendant lack sufficient information regarding the reason(s) plaintiff has or has not received any form of payment and has valid legal grounds for foreclosure, and therefore must deny the same demanding strict proof thereof. (See Exhibit C: Defendant Valid Authentic Receipt of Payments)
2. Defendant admit, upon information and belief, the 2nd statement of plaintiff complaint, and crave reference to said valid authentic Lease to Buy Agreement only and demanding strict proof thereof valid authenticity. (See Exhibit A: Defendant Valid Authentic Lease to Buy Agreement)
3. Defendant admit, upon information and belief, the 3rd statement of plaintiff complaint, and crave reference to said order. (See Exhibit B: Defendant Valid Authentic Court Order)

Court Received
Mail Certified
6-4-2014

THE STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
Cause No. 2014 CP 10 1635

ALLEN LIVINGSTON)
)
Plaintiff,)
)
-versus-)
)
HAROLD SIMMONS JR.)
)
Defendant.)
)
)

COUNTERCLAIM
(Jury Trial Requested)

FILED
2014 JUN 12 AM 10:21
JULIE C. ARMSTRONG
CLERK OF COURT
BY _____

Defendant, Harold Simmons Jr. states he has a claim against the plaintiff in the amount of \$600,000.

The counterclaim arose out of the same transaction or occurrence as the plaintiff's claim as a result of the following events:

FACTUAL AND PROCEDURAL BACKGROUND

This instant motion arises from a foreclosure case. The Defendant, Harold Simmons Jr. came into a Lease to Buy Agreement with Plaintiff for property located at 3042 N. Carolina Ave, North Charleston, SC 29405, as evidenced by a copy of said Agreement attached hereto as Exhibit "A" and incorporated by reference. The Plaintiff, Allen Livingston has consistently filed and pursued the defendant on several frivolous claims, not showing good faith, no legitimate justification for any actions, constant violation of the statute of frauds, slander, and for no other purpose but to embarrass, delay, or burden the Defendant. The actions filed by the Plaintiff are malicious and have indicated that the actions are being brought merely as a means of harassment.

Court Received
Mail Certified
6-4-2014

June 12 2014
Received Call From Clerk
of Court Miss Trusee Statins
Defendant Need to come in
And sign cover sheet.

23

FILED

2018 AUG -1 PM 3:47

JULIE ARMSTRONG
CLERK OF COURT

CASE: 2014-CP-100-1 July 31, 2018
Case: 2014-CP-100-1635

Honorable Judge Dennis

Back in April 2014 I WAS service with AND Complaint AND had 30 days to Answer which I did with in 28 days doing this Time I had ahd Hearing Before Master + Equity Before Judge Scarborough At this Time I had Filed For a Jury Trial 4 to 5 Times and had Been Ignored, Never Know Why? Case NO. 2014-CP-100-1635 This Case went on For about 2 years or more. On Aug 11, 2016 I had my Lawyer make Another Jury Trial Demand, Thase is when I Found out I was Find in Default, By Judge Dennis it was said Mr Simmons Have NO Right to a Jury Trial, this Reason Mr Simmons should Be Denial. My Lawyer Seth Whipper stated: to Judge Scarborough Mr Simmons Been Requesting Jury Trial, Judge Scarborough stated these day was the first Time He Heard Anything About a Jury Trial. And Attorney Bruce Berlinsky stated Judge Dennis Find Mr Simmons in default. I didnt Know what Attorney Berlinsky was Telling you Judge Dennis on that day you sign that order But this have had A very Serious impact on my case this make it Impossible to get a Fair Trial, I had Requested Jury Trial on Apr 24, 2014, June 12, 2014 June 16 2014, July 18 2014 and June 8 2016. At this Time this case in under appeal But Everythron it under Appeal My Right to a Jury Trial was and still Violated. Attorney Bruce Berlinsky stated: we all was present At the Default Hearing I do not Remember A Hearing Are was service to take place in one I need this to be corrected, This is a Violation of my Right the Seventh Amendment, Bill of Right Jury Trial, I don't Know if this is a Mistake on the Staff are Attorney Bruce Berlinsky lie to you about the Filing of my answer. By my Calendar I was service in April and Answer in April. Because of thas I was Denial All my Right to a Fair Trail and Because of thase My property is Beins sold on Aug 7 2018 In Jury I have Been Fn Jury. This Case is built Base on lies But ANYWAY I ASKING you the Court Before any more damages is created For a stay motion order A Judge Scarborough order of foreclosure and Sale that taking place on Aug 7, 2018 I ask so Justice can be found

Though the Appeal Court. (Pleasant) as I look at the paper
work I have I was never service with any order to appear
before you, even when I check with the Clerk of Court it show
I was never service. SO I'm ask in the NAME of Justice, Fairness
and the LAW. (Please)

Thank you
Harold Simmons Jr.
Harold Simmons Jr.
CASE: 2014-CP-10-01635

THE STATE OF SOUTH CAROLINA
in the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

MASTER-IN-EQUITY LAW COURT

Mikell R. Scarborough, Master-In-Equity Law Judge

RECEIVED
DEC 17 2018
SC Court of Appeals

Case No. 2016-001201

Harold Simmons Jr.,.....Appellant,

v.

Allen Livingston,.....Respondent.

CERTIFICATE OF SERVICE

I, Harold Simmons Jr, Pro Se, hereby certify that I have, on date indicated below, served counsel below with a Appellants' *Motion to Denie & Dismiss* by mailing a copy of same via Certified US Mail, postage pre-paid and return address clearly indicated on said envelope, to counsel at the following address:

Bruce A. Berlinsky, P.A.
One Carriage Lane Bldg. F
Charleston, SC 29407
(843) 852-2202
Attorney for Respondent

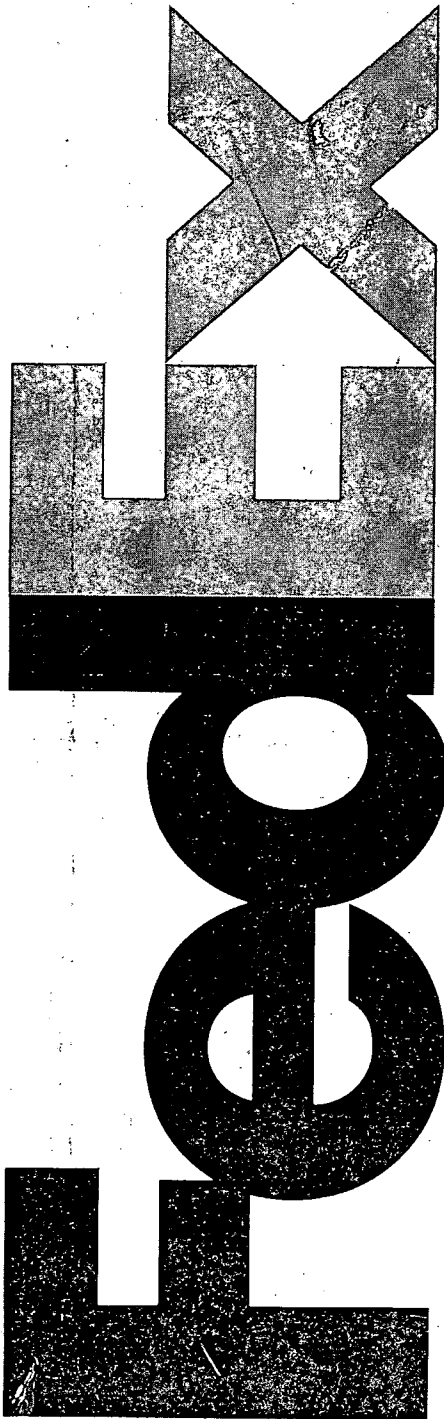
Harold Simmons Jr.

Harold Simmons Jr.

Harold Simmons Jr.

Dec 6, 2018

Filing Fee \$50.00



Express

RT 103
FZ 104

1
10:30
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4972
12:17

ORIGIN#ID:CHSA (843) 480-8894
HAROLD SIMMONS
3042 N CAROLINA AVE
NORTH CHARLESTON, SC 29405
UNITED STATES US

SHIP DATE: 15DEC18
ACTWT: 2.30 LB
CAD: 006996691/SSF01922

BILL CREDIT CARD

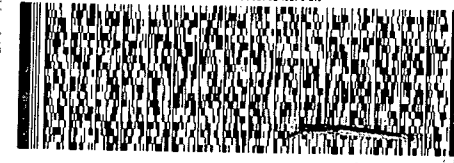
TO SOUTH CAROLINA COURT OF APPEAL
SOUTH CAROLINA COURT OF APPEAL
1220 SENATE ST

COLUMBIA SC 29201

(803) 734-1890

REF:

DEPT:



FedEx
Express



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PRIORITY OVERNIGHT

XH USCA

DSR
29201
SC-US CAE



Part # 15688-235 PR12/23-508 YN18

Fold along dotted line to place

Align bottom of peel-and-stick airbill or pouch here.