

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**  
JAN 30 2019  
SC Court of Appeals

\_\_\_\_\_  
Case No. 2016-001201  
\_\_\_\_\_

Allen Livingston,.....Respondent,

v.

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

Appellant

Motion For Amend  
BRIEF

To the Court and to the Respondent(s):

File Fee \$ 50.00  
File Fee  
Jan 27, 2019

## Statement of the Counter Claim Case

Amend

On 6-15-2000 Appellant Harold Simmons And Respondent Allen Livingston Enter in agreement Contract For Property located at 3042 North Carolina Ave North Charleston, S.C. 29405, At A Purchaser Price of \$125,000.00 with NO Interest At \$500.00 Monthly. For Seven 7 years Appellant Harold Simmons Made Timely And AVANCE payments AS agreed upon this Made Appellant Harold Simmons Allways \$900.00 or more paid up in AVANCE Exhibit A

As of 10-9-2007 Case Filed is A Frivolous, Deception, Malicious Fraud, Perjury, and Forgery - Case Filed NO:07-1769 Respondent Allen Livingsston And His Attroney Jeffrey Barnwell File With Magistrats Court Application For Ejectment \$7000.00 Back Rent, with A Forgery And Alter Contract All the way up the Court of Common Pleas, Charleston County Sheriff Office order for ejectment, Back to Court of Common Pleas to the South Carolina Court of Appells, to Charleston Court of Common Pleas For A Fraud Default order, to Master-in-Equity. Evidence will Be giving to support Claim. Exhibit B, C, E, F, I, K, M, O, S

Harold Simmons

Jan 27, 2019

(2)

Exhibit T 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 10:27  
JULIE SIMMONS STRONG  
CLERK OF COURT  
BY \_\_\_\_\_

Defendant, Harold Simmons Jr. states he has a claim against the plaintiff in the amount of \$600,000.00

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.

JAN 27, 2014  
Court Received  
Mail Certified  
6-4-2014

June 12 2014  
Received Call from Clerk  
of Court Miss Trusee stating  
Defendant need to come in  
and sign cover sheet.

3

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Case No. 2016-001201

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Allen Livingston,.....Respondent,

v.

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

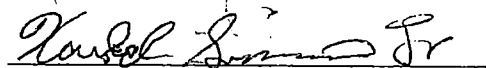
\_\_\_\_\_

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 for Amend* to be included in Record on Appeal 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.

JAN 27, 2019

Harold Simmons  
3042 North Carolina Ave  
North Chas. S.C. 29405



**CERTIFIED MAIL**  
PLACE STICKER IN TOP OF ENVELOPE OR ON THE FRONT OF THE RETURN ADDRESS LABEL TO OBTAIN TRACKING INFORMATION



1000



29201

U.S. POSTAGE PAID  
FORM LE ENV  
NORTH CHARLESTON, SC  
29405  
JAN 28 19  
AMOUNT  
**\$8.05**  
R2305K142897-15



**RECEIVED**

JAN 30 2019

SC Court of Appeals

South Carolina Court of Appeals  
1220 Senate Street  
Columbia  
Columbia, South Carolina  
29201

