

March 2019

NO. 2018-002136

RECEIVED

APR 04 2019

SC Court of Appeals

Verified statement of facts

Dear Clerk,

I am in receipt of your letter filed March 19, 2019 as of March 22, 2019. Order dismissing Appellate case No. 2018-002136. The Court reason for dismissing was based on the review of the public index. Wherein the lower Court ask for proof of service within ten days. This Court of Appeals stated, "From our review of the public index, no further action was taken by either the Appellant or the Court to effectuate dismissal of the case." This appeal is dismissed because the order on appeal is not final. The Appellant will provide to the Court copies of proof of service in the lower court as well as a motion for a injunction to Declaratory relief, filed 25 June 2018 and clocked stamped 14 August 2018.

As Appellant took several actions in the lower court on the matter, unlike the review of the public index read by this Court. Further Appellant provided this Court with a copy of the order, proof of service, and letter received on 8/31/18.

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APR 02 2019

P.C.I. MAILROOM

Known to and subscribed before me
this 2nd day of April 2019
s/ Nancy C. Merchant
Notary Public for South Carolina
my Commission expires 1-23-2023

✓
s/ Patrick B. Walker
Patrick B. Walker
PCI Q4B/205
430 OAKLAWN RD.
Pelzer, S.C. 29669

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
Patrick B. Walker
Plaintiff
VS.

TEN THOUSAND ETC...

IN THE COURT OF COMMON PLEAS
13th CIRCUIT JUDICIAL
PROOF OF SERVICE

2017-CP-23- 06495

The above named Plaintiff Patrick B. Walker, do hereby
certify that he served true copies of the claim and delivery
of property and affidavit of Patrick B. Walker in support
of same by placing same in the U.S. mail addressed to:
~~WALT~~ WILKEN, Solicitor Office 305 East North Street
Greenville, South Carolina 29601, S.C. Highway Patrol
33 Dilla Road G'ville, S.C. 29615 AND Greenville Police Dept.

RECEIVED

OCT 10 2018

P.C.I. MAILROOM

2017 OCT 13 PM 2:48
FILED-CLERK OF COURT
PAUL B. WILKINSON
CLERK

This 7 day of Sept. 2017.

Tamara Conwell
My Commission Expires
September 25, 2023

RECEIVED

SEP 07 2017

P.C.I. MAILROOM

Patrick B. Walker
Patrick B. Walker # 296176
Perry Correctional Inst
430 Oakland Road DAB/205
Pelzer, S.C. 29669

STATE OF SOUTH CAROLINA
County of Greenville
Patrick B. Walker, 296176
Plaintiff

V.

STATE OF South Carolina
Defendant,

IN THE COURT OF COMMON PLEAS
CIVIL ACTION COURT
Case NO: 2017-CP-23-06485

PROOF OF SERVICE

I, Robert Earl Dillard #220045 do hereby certify that I served true copies of the motion for in support of claim and delivery of property of \$10,000 U.S. currency upon the defendant on behalf of the Plaintiff, Patrick B. Walker #296176, by certified mail addressed to the defendant's ~~Walt~~ Wilkens solicitor office 305 East North Street, Greenville, S.C. 29601, South Carolina Highway Patrol and Greenville Police Department.

I further certify that I am over eighteen (18) years of age and that I am not a party or attorney in this action.

RECEIVED

OCT 10 2018

P.C.I. MAILROOM

Date 7/31/2018

RECEIVED

JUL 31 2018

P.C.I. MAILROOM

Robert E. Dillard #220045
Robert Earl Dillard #220045
Derry Correctional Inst.
430 Oakdown Road P4B/24
Pelzer, S.C. 29669

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
PATRICK B. WALKER #296176
Plaintiff,

VS

STATE OF SOUTH CAROLINA
Defendant,

IN THE COURT OF COMMON PLEAS
CIVIL ACTION COURT
Case NO: 2017-CP-23-06495

PROOF OF SERVICE

I Robert Earl Dillard #220045 do hereby certify that I served true copies of the motion for in support of claim and delivery of property \$10,000 U.S. Currency upon the Defendant on behalf of the Plaintiff Patrick B. Walker #296176 by certified mail addressed to the Defendants South Carolina Highway Patrol Agent Greenville County Clerk of Court, South Carolina Highway Patrol 33 Dilla Road Greenville S.C. 29615, Also Walt Wilkens Solicitor 305 East North St. Greenville, S.C. 29601 and Greenville Police Department.

I Further certify that I am over eighteen (18) years of age and that I am not a party or attorney in this action.

Date 31, Aug 2018.

RECEIVED

OCT 10 2018

P.C.I. MAILROOM

Robert Earl Dillard
Robert Earl Dillard #220045
Perry Correctional inst
430 Oaklawn Road CHB/209
Pelzer, S.C. 29669

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

PATRICK B. WALKER #296176
plaintiff

v.

STATE OF SOUTH CAROLINA
defendant's

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COURT

NO:2017-cp-23-06495

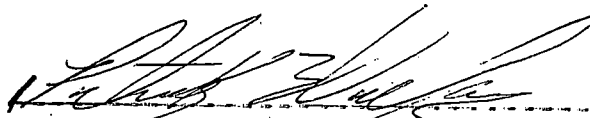
MOTION INJUNCTION TO DECLARATORY

JUDGEMENT RELIEF

Paul Wickens
18 AUG 14 AM 9:30
SC COC GUL

I PATRICK B. WALKER IN THE ABOVE-CASE CLAIM AND DELIVERY OF PROPERTY (10,000) in UNITED STATES CURRENCY pursuant to s.c. code of law (15-69-10) that I am patrick b. walker 296176 defacto owner of which is now and still in the possession of the above-named defendant or agent there of the property is wrongfully detained by the greenville county solicitor or police agent's that the property has not been taken for a tax assessment or fine pursuant to statute nor was seized under the execution of attachment against the property of the plaintiff or, if so seized, that it is by statute exempt from such seizure. I further declare that I am lawfully entitled to the possession thereof by virtue of a special property therein the facts in respect shall be set forth pursuant to s.c. code of law (15-69-30) HERE THE DEFENDANT'S IS DELAY THE RETURN OF THE PLAINTIFF(S) PROPERTY OF 10,000 dollars under this statute seeking injunction to declaratory relief.

date 25 June 2018.


PATRICK B. WALKER #296176

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

Patrick B. Walker

Plaintiff,

vs.

Defendant.

IN THE COURT OF COMMON PLEAS
JUDICIAL CIRCUIT

CASE NO.: 2017-CP-23-06495

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Paul Wickensimer COC GUL SC
18 AUG 14 AM 9:30

Plaintiff's Attorney: <u>Pro Se</u> , Bar No. _____ Address: _____ Phone: _____ Fax: _____ E-mail: _____ Other: _____		Defendant's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax: _____ E-mail: _____ Other: _____	
☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: _____		Estimated Time Needed: _____	
Court Reporter Needed: ☐ YES / ☐ NO			
SECTION II: Motion/Order Type			
☐ Written motion attached ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.			
Signature of Attorney for ☐ Plaintiff / ☐ Defendant		Date submitted _____, 20__	
SECTION III: Motion Fee			
☐ PAID - AMOUNT: \$ _____ ☒ EXEMPT: (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☒ Indigent Status ☒ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☒ Motion for Execution (Rule 69, SCRCP) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☐ Other: _____			
JUDGE'S SECTION			
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____		JUDGE CODE _____ Date: _____, 20__	
CLERK'S VERIFICATION			
Collected by: _____		Date Filed: _____, 20__	
☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____			

PAUL B. WICKENSIMER
Greenville County Clerk of Court
305 East North Street
Greenville, S. C. 29601

(REFile)

Dear, Hon. Wickensimer

RE: TO Rule 5 (d) and Rule 26 (g) (1) of Dormant File Notice
(NO PROOF OF SERVICE) to Case 2017-CP-23-06495 Civil
Procedure Dates:

Paul Wickensimer Doc 601 SC
18 AUG 14 AM 9:31

Here: on September 7, 2017, a motion was filed to the Greenville
Civil Action Court, on Petition Civil Action Claim and Delivery
of Property (10,000) Dollars United States Currency, and Filing
Fee of \$50.00 Dollars Pay to the Greenville County Clerk of Court
Paul B. Wickensimer on 10/13/2017. Judgment in A Civil Case,
Case Number 2017-CP-23-06495 and Service with a PROOF OF SERVICE,
of the motion that was filed to the Greenville, Civil Action Court,
it is critical to note that the motion was filed with a PROOF
of service, consequently, if not drafted, their would not have been
a docket case Number 2017-CP-23-06495. and there is no date on
your letter that I received from your office Hon. Wickensimer.

under:

Fed Rule 41(c) - IF the defendant Files a motion for return of Property under
Fed. R. crim P. 41(c), however and if the motion is entirely unrelated
to an existing criminal prosecution, the denial of that motion is
regarded as independent final and immediately appealable.
Compare *Government of Virgin Islands V. Edwards*, 803 F.2d 267, 272-73
(3d Cir 1990).

(Appellate court) had Jurisdiction to hear Appeal from denial of motion
for return of seized Property, because motion not related to criminal
Prosecution when case involved no arrest, indictment, or information
with *Church of St. Matthew V. U.S.* 845 F.2d 418, 419 (2d Cir, 1988).

RECEIVED
DJ

JUL 31 2018

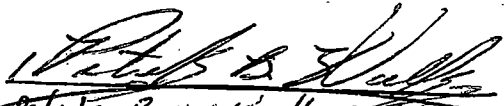
P.C.I. MAILROOM

(1)
(Submitting Party Signature and Date Oct 5, 2017)
of this motion to Civil Action Court.

Here: the Greenville county clerk of court undermined the rulings
of Hon: Judge of 13th circuit court order to file and sale
the Petitioner's His Seized Property that was improperly taking
from him by the police or agent thereof see Exhibit (A) and the
Exhibit (B).

Date 7/31 2018.
D.J.

RECEIVED
JUL 31 2018
P.C.I. MAILROOM


Patrick B. Walker # 286676
PENY Correctional Inst.
430 Oakdown Road OMB/205
Pelzer, S.C. 29669

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

PATRICK B. WALKER
PLAINT,

V.

TEN THOUSAND est...

IN THE COURT OF COMMON PLEAS

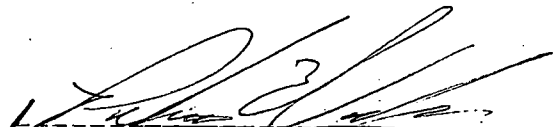
13th CIRCUIT JUDICIAL

CIVIL ACTION
PROOF OF SERVICE

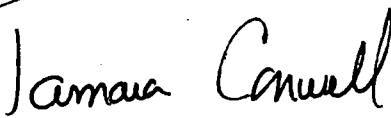
18 AUG 14 AM 9:31
Paul Wickensimer COC GUL SC

THE above-named plaintiff patrick b. walker, do hereby certify that he served true copies of the claim and delivery of property and affidavit of patrick b. walker in support of same by placing same in the U.S. mail addressed to; david wilken, solicitor office 305 east north street greenville, south carolina 29601.

this 25 DAY OF JUNE 2018.



PATRICK B. WALKER #296176
perry correctional inst.
430 oaklawn road Q4b/205
pelzer, s.c. 29669



My Commission Expires
September 25, 2025

RECEIVED

JUN 25 2018

P.C.I. MAILROOM

AFTER FIVE DAYS RETURN TO

**PAUL B. WICKENSIMER
GREENVILLE COUNTY CLERK OF COURT
305 EAST NORTH STREET
GREENVILLE, SOUTH CAROLINA 29601**

RECEIVED

AUG 31 2018

PCI Mailroom

Patrick B Walker
Perry Correctional Institute
430 Oaklawn Rd
Pelzer, SC 29669

RETURN SERVICE REQUESTED

neopost[®]

08/28/2018

US POSTAGE

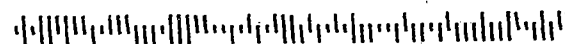
FIRST-CLASS MAIL
PRSR

\$000.45⁸



ZIP 29687
041M12251777

13 FROMMP 29669



*told 10 days
from date of
this letter but order
signed on 8/27/18*

296176

4B205

Cjn



Greenville Common Pleas

Case Caption: Patrick B Walker vs. South Carolina State Of
Case Number: 2017CP2306495
Type: Order/Form 4

So Ordered

s/ Honorable Perry H. Gravely, #2755

FORM 4

**STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS**

**JUDGMENT IN A CIVIL CASE
CASE NUMBER 2017CP2306495**

Patrick B Walker

South Carolina State Of

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
☐ 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. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit);
☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____
- ☒ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRCP; ☐ 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:

ORDER INFORMATION

An audit of the above case reveals no evidence that the Summons and Complaint were served on the Defendant and further the Court would note that the Defendant has been improperly named. Notice to the Plaintiff of record was sent 7/24/2018 and no action was taken. If evidence of service is not provided within 10 days, then this case will be DISMISSED for lack of service and/or lack of prosecution pursuant to S.C.R.C.P. 4(g) and 5(d). IT IS SO ORDERED.

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT 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)

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

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.**

8/27/2018

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

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

Patrick B Walker Perry Correctional Institute 430 Oaklawn
Rd Pelzr, SC 29669

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Paul B. Wickensimer Greenville County Clerk Of
Court - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

4/1/19

RECEIVED
APR 04 2019
SC Court of Appeals

DEAR CLARK

Please clock stamp and file and return a clocked stamped copy to me for my records. Enclosed is a self addressed pre paid envelope

Thank you!

RECEIVED

APR 02 2019

P.C.I. MAILROOM

Patrick B. Walker 296176
P.C.I. Q4B/205
430 OAKLAKE Rd.
Palzer, S.C. 29669

APR 04 2019
SC Court of Appeals

RECEIVED
APR 02 2019
P.C.I. MAILROOM

S. C. Court of Appeals
Clerk,
Jenny ABBOTT Kitchings,
P.O. Box 11629
Columbia, S.C. 29211