

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

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

✓  
Patrick B. Walker  
PCI 04B/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  
13<sup>th</sup> CIRCUIT JUDICIAL  
PROOF OF SERVICE

2017-CP-23-06495

The above-named Plaintiff Patrick B. Walker, do hereby certify that he served five 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

FILED-CLERK OF COURT  
PATRICK B. WALKER  
2017 OCT 13 PM 2:48

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  
Pent/ Correctional inst  
430 Ostrander Road DAR/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-23-06495

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 defendant's ~~WALKER~~ 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 Oaklawn Road #4B/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 Matt 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 CH18/209  
Pelzer, S.C. 29669

(4)

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

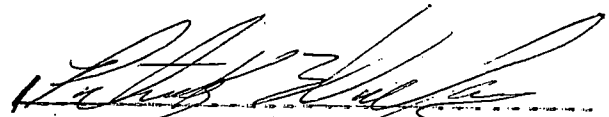
MOTION INJUNCTION TO DECLARATORY

JUDGEMENT RELIEF

Paul Wickens  
18 AUG 14 AM 9:30  
SC COGUL

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 detamed 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 there of by write of a special property therein the facts in respect shall be setforth 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 dolla under this statute seeking injunction to declaratory relief.

date 25 June 2018.

  
PATRICK B. WALKER#296176



PAUL B. WICKENSIMER  
Greenville county Clerk of Court  
365 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 COC GUL 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 Suits  
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, there 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).

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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 13<sup>th</sup> circuit court order to file and seize 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*  
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

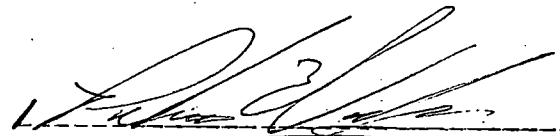
13th CIRCUIT JUDICIAL

CIVIL ACTION  
PROOF OF SERVICE

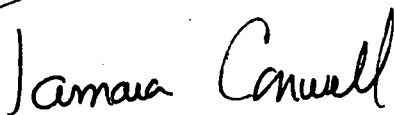
18 AUG 14 AM 9:31  
Paul Wickensimer COC GUL SC

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 29, 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**

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

neopost<sup>®</sup>  
08/28/2018

FIRST-CLASS MAIL  
PRSR

RETURN SERVICE REQUESTED

**US POSTAGE \$000.45**



ZIP 29687  
041M12251777

**RECEIVED**

AUG 31 2018

PCI Mailroom

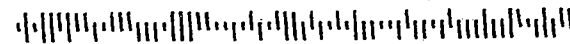
Patrick B Walker  
Perry Correctional Institute  
430 Oaklawn Rd  
Pelzr, SC 29669

*296176*

*4B205*

Cjn

13 FROMMP 29669





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

Electronically signed on 2018-08-27 16:13:26 page 3 of 3

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 served 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<br>(List name(s) below) | Judgment Against<br>(List name(s) below) | Judgment Amount To be Enrolled<br>(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

ELECTRONICALLY FILED - 2018 Aug 28 9:48 AM - GREENVILLE - COMMON PLEAS - CASE# 2017CP2306495

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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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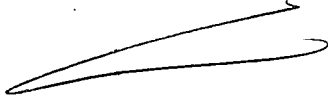
2/1/19

**RECEIVED**  
APR 04 2019  
SC Court of Appeals

DEAR CLERK

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 OAKLAND Rd.  
Pulaski, S.C. 29669

APR 04 2019  
SC Court of Appeals

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APR 02 2019  
P.C.I. MAILROOM

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