

**THE STATE OF SOUTH CAROLINA**

**In the Court of Appeals**

**Case No. 2019-CP-23-02093**

**Appellate Case No. 2019-001750**

**RECEIVED**  
**FEB 18 2020**  
**SC Court of Appeals**

**APPEAL FROM GREENVILLE COUNTY**

**COMMON PLEAS**

**EDWARD W. MILLER, Judge**

William Barry Chisholm..... Appellant,

v.

Guadalupe Juarez..... Respondent.

---

**Appellant's Initial Brief**

---

William B. Chisholm  
220 Riverside Drive  
Greenville, South Carolina 29605  
864.884.1487  
Pro Se

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- 1. Did Most Honorable Judge Edward W. Miller err in thinking that the transcript of the case he was given would be the same as that given to the Appellant ?**
  
- 2. Did the Appellant err in believing that the transcript he was given was real ?**

7

**TABLE OF AUTHORITIES**

**Cases Cited**

- NONE -

## ARGUMENT

This began when I entered into an agreement with Guadelope Juariz , ( Trim All Tree Service, LLC ) to cut down one tree in my back yard.

Mr. Juariz looked at the tree in my back yard, and offered to do the work for \$ 1000.00.

I accepted the price. It was a legal transaction and there was a price established for doing the work.

It was further agreed that Mr. Juariz that a bucket truck would have to be used to safely remove the tree , as it was approximately 110 feet tall. This brought up a problem with an old pick-up truck parked at the only access the back yard.. This truck had not been cranked in approximately 14 years , my dog got angry with me because I would not take her for a ride , and she chewed the rubber gas line in half , and also chewed off all the electrical wiring she could get to. Mr Juariz told me that he had a small vehicle that could be used to move the truck if I could leave a key in the truck. I found the truck key and put in the truck and left it for Mr. Jauraz to use. The key would only unlock the steering column and transmission , so he could push the truck out or the way to get the bucket truck in the back yard. I put the key in the ignition switch , left both doors on the

truck open. The next morning I left for a previously scheduled meeting in North Carolina.

Upon arriving back home, the tree cutters had already left, and walking out my back door, I immediately noticed that the safety railing was damaged and the manway (the interlaced boards to below deck were missing) was missing. In looking around, I could view more damage. My boat was trashed.

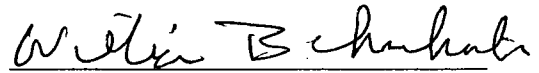
It soon became apparent to me that they HAD NEVER MOVED MY TRUCK, it further became apparent that they had tried to cut down the tree without using the bucket truck, as had previously been agreed upon. It further became apparent to me that the tree had landed upon my sailboat, it was a 28 foot Columbia, weighing approximately 7000 lbs dry, and had an approximate value of \$ 10,000.00.

The felled tree had an impact of 14.57 tons, traveling at approximately 65 miles per hour.

There has been quite a bit of discussion about the unkept nature of my back yard. I spent the last 10 years of my career Areva, at the Savannah River Site, mostly working 10-12 hours a day, six days a week on the MOX Project. Upon ending my working career, although having never had high blood pressure or high cholesterol, I have had

six strokes , they were not big ones , but they put me in the hospital .My back yard is enclosed with a six foot high , vision proof fence . The weeds did not grow up and overtake my boat, a tree was felled on it . And yes there are some limbs on some other trees, but NOT ABOVE WHERE MY BOAT WAS PARKED. I hope that is settled .

Respectfully submitted,



William B. Chisholm

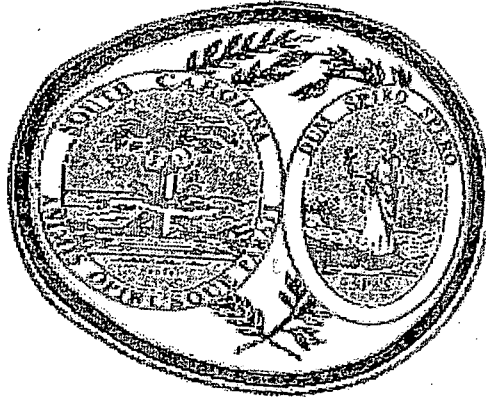
Pro Se

220 Riverside Drive

Greenville, S. C. 29605

864 -884 - 1487

February 17, 2020



Fairview Austin Summary Court  
205 North Maple Street, Suite 4  
Simpsonville, SC 29681  
864-963-3457

April 12, 2019

William Chisholm

Re: Civil Case 2018CV2310201966 & 2018CV2310201811

Dear Mr. Chisholm:

We received your request for the tapes of your cases held on March 13, 2019 after much searching it appears that the recording device that was used had lost power and deleted all cases for that day.

We are sorry for any inconvenience this may have caused.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean Ford", written over a horizontal line.

Judge Dean Ford

TRIM ALL TREE SERVICE, LLC  
406 Fairview Church Road  
Fountain Inn, SC 29644  
(Tel): 864-862-230-3647

September 21, 2018

Judge in the Magistrate's Court  
Fairview/Austin Summary Court  
205 North Maple Street, Suite 4  
Simpsonville, SC 29681

RE: Case Number 2018CV2310201966

Your Honor:

I am responding to the complaint brought against my company by Mr. William Chisholm for damages to his property.

While I and my crew were completing a job at Mr. Chisholm's neighbor's home, he approached me and asked would I also take down a tree on his property. There were boats located under the limbs of the tree, however, they had been there for a long time and had dead limbs on and around them.

A lift bucket truck was brought into the yard to tie off and secure the limbs to carefully remove the tree. During this process my crew did not damage his property. We were aware that the gates were very old, so they were moved to the side. We completed the work and Mr. Chisholm paid me for my services.

With regard to the attachments, there are no pictures of the damage to the gates or the sail boats; nor is there any invoices (only an estimate for the gate and a handwritten note regarding the mast).

I do speak to my crew in Spanish, our native language. It is much easier to explain a task or simple converse in your native language. It is never used to deliberately mislead or humiliate someone.

I do not believe my crew, or my equipment damaged any of his property. If this court decides otherwise, I will pay the amount due.

Sincerely,

  
Guadalupe Juarez

**IMPOSSIBLE**

See pictures of truck ( never moved ) note closeness to fence

## Calaulations

Estimate of RAILS

4 x 4 = 16 + 8

24 ~~1/2~~ x 27,00 = 648,00

~~ENTERWAY~~ ENTERWAY, RAILS - HARD ON  
~~ENTERWAY~~

Hardware =

32,99 v 2 = 65,98 + TAX

730.58

NOTE:

ALL PRICES, EXCEPT LABOR,  
LUMBER AND USED MAST ARE  
FROM WEST MARINE

$$\text{mass} - 31.5' \times 55^{\circ} = 1732.50$$

USED PAGE 2  
MAST

Ship

250

---

1982.50

---

RADIO maintenance

69.00 + TAX

---

COAX

31.5

10

41.5 + 1.25 = 51.88

RADIO

299.99 + TX

---

1982.50

792.95

---

2775.45

---

---



LIFELINE - <sup>9MTC</sup> 289,99

STANCHILL

By 72,99

~~28~~  
~~28~~  
~~28~~  
~~28~~  
~~12~~

LAPAM -  $10 \times 1.5 - 15 \times 65 = 975.00$

WILE -  $125 \times \frac{1.60}{2.60} = 325$

397,99 - x1.1

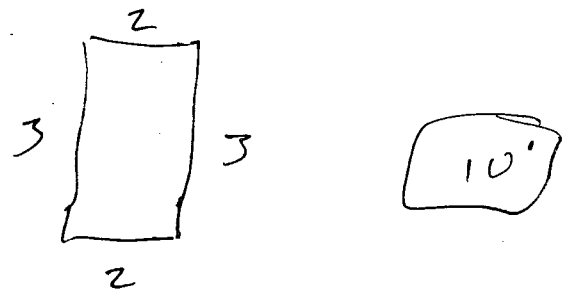
437.79

975.00 LAPAM

1412.79

COT NEUTROX EN

29



PAINT PETTIT

219.99 + TX

TURPENTINE

Roller 6.79x3

Brush 19.99x2

Cups 5.00

Cloth 329.00

Acetic 29.99

Paint thin 15.99

Filler 52.99

LABOR

10x4x65 =

~~677.11~~ + TX

707.31

<del>144.18</del>	778.04
<del>2400.00</del>	2600.00
<hr/>	<hr/>
<del>3364.18</del>	3378.04
<hr/>	

~~3635.98~~  
 3376.06

# BUC

## USED BOAT PRICE GUIDE

### 1905-1983 MODELS

Statistically Authenticated  
Current Market Prices for...  
OUTBOARDS • INBOARDS • SAILBOATS  
OUTDRIVES • POWERBOATS  
HOUSEBOATS • CUSTOM BOATS  
with Area, Condition and Equipment Scales  
and a Complete Cross Referenced Index

LOA FT IN	NAME AND/OR MODEL	TOP/RIG	BOAT TYPE	HULL MTL	TP	ENGINE # HP MFG	BEAM FT IN	WGT LBS	DRAFT FT IN	RETAIL LOW	RETAIL HIGH
42	CAPRICE	HT	SPTCR	WD	IB	T215D				22300	24800
42	CAPRICE	HT	SPTCR	WD	IB	T300D				23900	26600
42	IB T215D GRAY	HT	SPTCR	WD	IB	T215D				24600	27300
42	IB T195D	HT	SPTCR	WD	IB	T215D				18100	20100
42	CRITERION	MY	WD	IB	T225	CHRY				22000	24400
42	IB T225 GRAY	MY	WD	IB	T225	CHRY				22900	25400
42	IB T195D	MY	WD	IB	T215D					27600	30600
53	CANADIAN	MY	WD	IB	T280					37200	41400
53	IB T195D	MY	WD	IB	T280D					36800	40900
53	IB T370D	MY	WD	IB	T280D					36200	40200
53	IB T300D	MY	WD	IB	T300D					37200	41400
38	CAVALERO	DC	WD	IB	T225					11800	13500
42	CAVALERO	DC	WD	IB	T280					11800	13500
42	CHESAPEAKE	DC	WD	IB	T225					8500	9800
42	CHESAPEAKE	DC	WD	IB	T280					8700	10000
42	CHESAPEAKE	DC	WD	IB	T280					10200	11600
42	CHESAPEAKE	DC	WD	IB	T280					12900	14700
42	CHESAPEAKE	DC	WD	IB	T280					19000	21100
42	CHESAPEAKE	DC	WD	IB	T225					19200	21300
42	IB T280	DC	WD	IB	T300D					24300	27000
42	IB T215D	DC	WD	IB	T300D					24300	27000
42	CRITERION	MY	WD	IB	T225					21500	23900
42	IB T225 GRAY	MY	WD	IB	T225					23900	26900
42	IB T195D	MY	WD	IB	T280					26900	29900
53	CANADIAN	MY	WD	IB	T280					36300	40400
53	IB T370D	MY	WD	IB	T280					35300	39300
53	IB T300D	MY	WD	IB	T280D					35300	39300
38	CAVALERO	DC	WD	IB	T225					17300	19700
42	CAVALERO	DC	WD	IB	T225					14300	16200
42	IB T280	DC	WD	IB	T225					23000	25600
42	CARAVEL	DC	WD	IB	T225					21700	24100
42	IB T280	DC	WD	IB	T300D					22500	25000
42	CRITERION	MY	WD	IB	T225					21000	23300
42	IB T225 GRAY	MY	WD	IB	T280					21800	24200
42	IB T181D	MY	WD	IB	T280					27100	30100
53	CANADIAN	MY	WD	IB	T280					35500	39400
53	IB T181D	MY	WD	IB	T280D					34500	38300
41	7 CAPRICE	DC	WD	IB	T225					13600	15400
41	IB T280	DC	WD	IB	T300D					23000	25600
41	7 CARAVEL	DC	WD	IB	T225					21700	24100
41	IB T280	DC	WD	IB	T300D					22000	24500
41	10 CRITERION	MY	WD	IB	T225					20700	23000
41	IB T280	MY	WD	IB	T280					25100	27900
32		EXP	WD	IB	170					7500	8600
32		SDN	WD	IB	170					7300	8350
32		SDN	WD	IB	170					11100	12600
32		SDN	WD	IB	170					11900	13600
32		SDN	WD	IB	170					12500	14300
32		SDN	WD	IB	170					14400	16400
32		SDN	WD	IB	170					19000	21100
32		SDN	WD	IB	170					16700	19000
32		SDN	WD	IB	170					20100	22300
32		SDN	WD	IB	170					22000	24500
32		SDN	WD	IB	170					11400	12900
41	CUSTOM	DC	WD	IB	T170					22000	24500
41	CUSTOM	DC	WD	IB	T188					22200	24700
42	FISHERMAN	DC	WD	IB	T170					22000	24500
42	IB T188	DC	WD	IB	T188					22200	24700
30		EXP	WD	IB	T170					6300	7250
30		SDN	WD	IB	T170					6100	7000
30		SDN	WD	IB	T170					10300	11700
30		SDN	WD	IB	T170					10100	11400
30		SDN	WD	IB	T170					9100	10200
30		SDN	WD	IB	T170					9250	10500
30		SDN	WD	IB	T170					13500	15300
30		SDN	WD	IB	T170					18200	20200
30		SDN	WD	IB	T170					20300	22600
30		SDN	WD	IB	T170					19300	21400
30		SDN	WD	IB	T170					14500	16400
42		EXP	WD	IB	T170					19100	21200
24		EXP	WD	IB	T170					2400	2750
24		URL	WD	IB	T170					2250	2600
24		EXP	WD	IB	T170					10300	10300
24		SDN	WD	IB	T170					8450	9700
24		EXP	WD	IB	T170					11800	13400
24		SDN	WD	IB	T170					10500	12000
24		SDN	WD	IB	T170					15400	17500
24		SDN	WD	IB	T170					19900	22200
24		SDN	WD	IB	T170					10500	11900
33		EXP	WD	IB	T125					8500	9800
33		SDN	WD	IB	T125					8000	9200
33		SPTCR	WD	IB	T150					7400	8500
33		EXP	WD	IB	T150					12500	13100
33		SDN	WD	IB	T150					12500	13100
33		SPTCR	WD	IB	T150					10300	11700
33		EXP	WD	IB	T125					8400	9650
33		SDN	WD	IB	T125					8100	9300
33		SPTCR	WD	IB	T125					7300	8400
33		EXP	WD	IB	T150					11400	12900
33		SDN	WD	IB	T150					12300	14000
32		EXP	WD	IB	T125					7300	8400
32		SDN	WD	IB	T125					7100	8200
32		SDN	WD	IB	T150					11200	12800
32		SDN	WD	IB	T150					10500	12000
32		SDN	WD	IB	T150					10000	11400
37		EXP	WD	IB	T125					5600	6450
37		SDN	WD	IB	T125					12100	13800
37		SDN	WD	IB	T175					12100	13800
35		EXP	WD	IB	T115					9350	10600
35		SDN	WD	IB	T115					9850	11200
35		SDN	WD	IB	T115					10500	11900
34		EXP	WD	IB	T115					7750	8900
34		SDN	WD	IB	T115					8350	9600
33		HT	SPTCR	WD	SV	IB				**	**
33		HT	SPTCR	WD	SV	IB				**	**

LOA FT IN	NAME AND/OR MODEL	TOP/RIG	BOAT TYPE	HULL MTL	TP	ENGINE # HP MFG	BEAM FT IN	WGT LBS	DRAFT FT IN	RETAIL LOW	RETAIL HIGH	
25	COLUMBIA 7.6 METER	SLP	SA/CR	FBG	KL	OB				5800	6650	
25	COLUMBIA 7.6 METER	SLP	SA/CR	FBG	KL	OB	8D	YAN	9	2	4500	3
25	COLUMBIA 8.3 METER	SLP	SA/CR	FBG	KL	OB				11200	12700	
25	COLUMBIA 8.3 METER	SLP	SA/CR	FBG	KL	OB	30	UNIV	10	4	7300	4
25	COLUMBIA 8.3 METER	SLP	SA/CR	FBG	KL	OB	30	UNIV	10	4	7300	4
25	COLUMBIA 8.7 METER	SLP	SA/CR	FBG	KL	OB	30	UNIV	10	4	7300	4
25	COLUMBIA 8.7 METER	SLP	SA/CR	FBG	KL	OB	13D-15D	10	10	8500	4	
25	COLUMBIA 9.6 METER	SLP	SA/CR	FBG	KL	OB	13D-15D	10	2	10500	5	
25	COLUMBIA 10.7 METER	SLP	SA/CR	FBG	KL	OB	13D-15D	10	2	10500	5	
25	COLUMBIA 11.8 METER	SLP	SA/CR	FBG	KL	OB	50D	PERK	12	4	23500	4
25	COLUMBIA 11.8 METER	SLP	SA/CR	FBG	KL	OB	50D	PERK	12	4	23500	4
25	COLUMBIA 11.8 METER	CUT	SA/CR	FBG	KL	OB	50D	PERK	12	4	23500	4
39	COLUMBIA 11.8 METER	CUT	SA/CR	FBG	KL	OB	50D	PERK	12	4	23500	4
22	COLUMBIA 7.6 METER	SLP	SA/CR	FBG	KL	OB				3050	3550	
25	COLUMBIA 7.6 METER	SLP	SA/CR	FBG	KL	OB				5700	5500	
25	COLUMBIA 7.6 METER	SLP	SA/CR	FBG	KL	OB	8D	YAN	9	2	4500	3
25	COLUMBIA 7.6 METER	SLP	SA/CR	FBG	KL	OB				6100	7000	
27	COLUMBIA 22	SLP	SA/OD	FBG	KL	OB				5800	6650	
27	COLUMBIA 22	SLP	SA/OD									



STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

WILLIAM B. CHISHOLM, )  
 )  
 APPELLANT, )  
 )  
 )  
 -VS- )  
 )  
 GUADALUPE JUAREZ, )  
 )  
 )  
 RESPONDENT. )  
 \_\_\_\_\_ )

2019-CP-23-02093

TRANSCRIPT OF RECORD

OCTOBER 4, 2019  
GREENVILLE, SOUTH CAROLINA

BEFORE:

THE HONORABLE EDWARD W. MILLER

APPEARANCES:

ATTORNEYS FOR APPELLANT:

PRO SE

ATTORNEY FOR RESPONDENT:

PRO SE

SUSAN W. HUDGINS  
CIRCUIT COURT REPORTER

1           **THE COURT:** Okay. What you want to tell me?

2           **MR. CHISHOLM:** I didn't hear you, sir.

3           **THE COURT:** Who's the appellant? Mr. Chisholm?

4           **MR. CHISHOLM:** Yes.

5           **THE COURT:** Okay. What do you want to tell me?

6           **MR. CHISHOLM:** I hired Mr. -- let me see what his name  
7 is.

8           **THE COURT:** Trim All.

9           **MR. CHISHOLM:** Mr. Juarez.

10          **MR. JUAREZ:** Juarez.

11          **MR. CHISHOLM:** Juarez.

12          **THE COURT:** Okay.

13          **MR. CHISHOLM:** I hired Mr. Juarez to cut down a tree in  
14 my back yard.

15          **THE COURT:** Okay.

16          **MR. CHISHOLM:** He said it would take a bucket truck to  
17 take the tree down, and I agreed with him. And I could not  
18 be there on the Thursday when he said that he was going to  
19 have it taken down. I had a commitment to be in Charlotte  
20 that day.

21          **THE COURT:** Okay.

22          **MR. CHISHOLM:** I don't believe he showed up that day.  
23 He had someone else come to cut the tree down. They did not  
24 use a bucket truck. And the tree fell on my boat and  
25 damaged my boat. I have pictures here for you if you would

1 like to look at them.

2 (Pause)

3 **THE COURT:** Go ahead. What else you -- I don't want to  
4 look at the pictures just yet. What is it you're asking  
5 for? You won at the lower level. You got a judgment and  
6 you were paid at the lower level. So why are you  
7 complaining? That's what we're here about.

8 **MR. CHISHOLM:** The boat is worth about ten to twelve  
9 thousand dollars. I got three hundred and something dollars  
10 at the lower level.

11 **THE COURT:** Five hundred.

12 **MR. CHISHOLM:** Three hundred.

13 **MR. JUAREZ:** Five hundred.

14 **THE COURT:** The record shows five hundred dollars at  
15 the lower level.

16 **MR. CHISHOLM:** The record needs to be corrected.

17 **MR. JUAREZ:** Gave a check for five hundred.

18 **THE COURT:** Okay. All right. Go ahead, Mr. Chisholm.

19 **MR. CHISHOLM:** I want my money for the boat that's  
20 damaged about ten to twelve thousand dollars. I have a used  
21 boat -- which would tell the price of the boat, the value of  
22 the boat.

23 At the lower level the judge looked up an NADA price.  
24 That's the National Association ---

25 **THE COURT:** I'm familiar with that. Go ahead.

1           **MR. CHISHOLM:** --- Automobile Dealers.

2           **THE COURT:** Uh-huh (affirmative).

3           **MR. CHISHOLM:** They're not exactly what I would  
4 consider qualified to specify the price of boats.

5           He cut the tree -- he had someone cut the tree down.  
6 The tree fell on my boat. It ruined it.

7           **THE COURT:** So -- okay. What are you asking for?

8           **MR. CHISHOLM:** I think nine thousand dollars is the  
9 most I can get, isn't it? I have prices figured up on this  
10 if you want me to add them up.

11           (Pause)

12           **THE COURT:** You presented all this to Magistrate Ford,  
13 is that correct?

14           **MR. CHISHOLM:** Not exactly. I didn't get to present  
15 much in magistrate court.

16           **THE COURT:** You had a hearing, correct?

17           **MR. CHISHOLM:** Sir?

18           **THE COURT:** Did you have a hearing in front of Judge  
19 Ford?

20           **MR. CHISHOLM:** There was a hearing, yes, sir.

21           **THE COURT:** All right.

22           **MR. CHISHOLM:** He wouldn't let me talk.

23           **THE COURT:** I don't see that in your appeal.

24           **MR. CHISHOLM:** Well, I'm telling you now.

25           **THE COURT:** Well. Okay, you're telling me, but that's

1 inappropriate for me to consider since it's not been  
2 included as one of your grounds for appeal.

3 **MR. CHISHOLM:** I did not get to present my photographs  
4 to him. I did not get to present -- well, I did present the  
5 cost of the boat, the value of the boat.

6 **THE COURT:** Okay.

7 **MR. CHISHOLM:** But he didn't look at it. I did not get  
8 to present my estimates on what it would take to repair the  
9 boat.

10 **THE COURT:** Okay.

11 **MR. CHISHOLM:** I didn't get to say anything.

12 **THE COURT:** And you still won the case and got five  
13 hundred dollars.

14 **MR. CHISHOLM:** Three hundred.

15 **THE COURT:** Well, something's in error here. All  
16 right. Yes, sir. Anything?

17 **MR. JUAREZ:** The other judge listened like you  
18 listened, and he see everything.

19 **THE COURT:** And, sir, you are?

20 **MR. JUAREZ:** Guadalupe Juarez.

21 **THE COURT:** Okay.

22 **MR. JUAREZ:** And if you don't understand my English,  
23 that's why I got him here to interpret. My English is not  
24 too good sometimes.

25 **THE COURT:** Okay.

1           **MR. JUAREZ:** But how I got to do his work, these trees  
2 fell in his neighbor's house -- in the neighbor's house, his  
3 trees. So I come and then look at tree work for her  
4 neighbor. And when he was there he tell me to come and take  
5 this tree, so I did.

6           I didn't make no damage. And I didn't touch his boat.  
7 And it's his boat. If he got pictures, if you'd like to see  
8 the pictures, how it was and how it is right now, the boats  
9 and what condition they are, and that just grow out in  
10 trees. So I didn't make no damage.

11           And that judge, the other judge, he see that he was no  
12 -- no damage. And I got pictures. I didn't do no damage  
13 ---

14           **THE COURT:** So the judge looked at the pictures, is  
15 that ---

16           **MR. JUAREZ:** Yes, sir. Yes, sir.

17           **THE COURT:** Okay. And who gave the pictures to the  
18 judge?

19           **MR. JUAREZ:** I did. I got pictures in here if you'll  
20 like to see it. How he showed the pictures he got and how  
21 the boats they are -- how they are and what condition they  
22 are.

23           **THE COURT:** Okay.

24           **MR. JUAREZ:** And I didn't make no damage, sir. No.

25           **THE COURT:** And you paid him ---

1           **MR. JUAREZ:** And he paid me. I mean, after I finished  
2 he paid me. And later on I come -- I was in the street and  
3 he asked me if I got insurance, he was going to sue me  
4 because I make damage to his boat. And this is about four  
5 years ago.

6           **THE COURT:** Okay. All right. Anything else? Mr.  
7 Chisholm.

8           **MR. CHISHOLM:** I agreed that he would have to have a  
9 bucket truck to take down the tree. He did not use a bucket  
10 truck. The way I know that is I have a pickup truck that's  
11 been parked behind my gate for some 14 years. It has not  
12 moved. My dog ate the wiring off of it.

13           **THE COURT:** Bad dog.

14           **MR. CHISHOLM:** He was a good dog. He just liked to  
15 pick on me because I'd pick on him. And he also ate up the  
16 gas line, too, but ---

17           **THE COURT:** Well, now that's a bad dog. That's a sick  
18 dog.

19           **MR. CHISHOLM:** He was a fun-loving dog.

20           **THE COURT:** Yeah, yeah. Okay.

21           **MR. CHISHOLM:** But, anyway, the man -- the boat I  
22 bought, I paid seventy-seven hundred and seventy-five  
23 dollars for it.

24           **THE COURT:** And you want twelve thousand dollars for  
25 damage?

1           **MR. CHISHOLM:** Let me finish.

2           **THE COURT:** Okay.

3           **MR. CHISHOLM:** I had to drive to Dover, Delaware to  
4 pick the boat up. The boat was a liveaboard. There was a  
5 guy living on it. He died. I bought the boat from his two  
6 sons.

7           **THE COURT:** Okay.

8           **MR. CHISHOLM:** I hauled the boat back.

9           **THE COURT:** How long ago was that?

10          **MR. CHISHOLM:** About 16 years ago.

11          **THE COURT:** Sixteen. That's before the truck got  
12 parked.

13          **MR. CHISHOLM:** Sir? The truck wasn't eaten up at that  
14 time. That's right.

15          **THE COURT:** Okay.

16          **MR. CHISHOLM:** It was parked in the back yard. There  
17 are trees in the back yard. It was not parked under a tree  
18 that had limbs on it. It was in a little open space.

19          **THE COURT:** Okay.

20          **MR. CHISHOLM:** I bought another engine to go in the  
21 boat. And I bought the paint to go on the boat. The boat  
22 needs -- needed painting.

23          **THE COURT:** All right.

24          **MR. CHISHOLM:** I bought the paint, and I bought an  
25 engine. I have not put the engine in.

1           **THE COURT:** So you've got an engine -- brand new  
2 engine?

3           **MR. CHISHOLM:** No, no, no, no, no.

4           **THE COURT:** Used.

5           **MR. CHISHOLM:** Got a rebuilt engine.

6           **THE COURT:** Rebuilt.

7           **MR. CHISHOLM:** I got a job out of town at that time  
8 down at Savannah River Site. And I was going down there on  
9 Sunday night and coming back on Saturday night for several  
10 years.

11          **THE COURT:** You a nuclear engineer?

12          **MR. CHISHOLM:** Sir?

13          **THE COURT:** Are you a nuclear engineer?

14          **MR. CHISHOLM:** No, sir, but I'm a damn good one.

15          **THE COURT:** Okay. All right.

16          **MR. CHISHOLM:** I'm a mechanical engineer.

17          **THE COURT:** Mechanical. All right.

18          **MR. CHISHOLM:** I've got three degrees in it.

19          **THE COURT:** Clemson?

20          **MR. CHISHOLM:** Where else?

21          **THE COURT:** Well, I don't know. Virginia Tech?

22          **MR. CHISHOLM:** I shouldn't have said that.

23          **THE COURT:** Yeah.

24          **MR. CHISHOLM:** But I was going down to Savannah River

25

1           **THE COURT:** Okay. What were you doing?

2           **MR. CHISHOLM:** --- about 5:00 on Sunday and drive down  
3 and we'd work six days.

4           **THE COURT:** Okay.

5           **MR. CHISHOLM:** So the boat has sat there.

6           **THE COURT:** Yeah.

7           **MR. CHISHOLM:** But it hasn't been damaged any sitting  
8 there..

9           **THE COURT:** Okay. You told all this or you had the  
10 opportunity to tell all this to Judge Ford.

11          **MR. CHISHOLM:** If you say so.

12          **THE COURT:** Well, I don't have any evidence otherwise.  
13 Boats, you know, they just sit there. Wood dry rots. Sun  
14 beats ---

15          **MR. CHISHOLM:** Fiberglass boat.

16          **THE COURT:** --- down on them. Sun beats down on the  
17 fiberglass. You're an engineer. You know what happens to  
18 them. Anybody in here know about boats?

19          (No response)

20          **THE COURT:** Guess not. Okay.

21          **MR. CHISHOLM:** Judge Ford? Is that his name?

22          **THE COURT:** Yes, sir. Dean Ford.

23          **MR. CHISHOLM:** He looked up a -- in the NADA he looked  
24 up about a 16 foot Columbia, which is the only one he could  
25 find on there. And I guess he judged the price by that.

1 There's a lot of difference between a 16 foot boat and a 28  
2 foot boat. And the difference isn't 12 feet.

3 **THE COURT:** Yeah, you got to be careful when you say  
4 Judge Price around this courthouse.

5 **MR. CHISHOLM:** Sir?

6 **THE COURT:** Nothing. I was just thinking out loud.  
7 I'm looking through here, and I don't -- I find that -- I  
8 don't find Judge Ford got into that. He just said that Mr.  
9 Juarez didn't complete the work.

10 **MR. CHISHOLM:** No, he ...

11 **THE COURT:** Uh-huh (affirmative). That's what he said.  
12 Both parties agreed. Both parties.

13 **MR. CHISHOLM:** I did not agree to that.

14 **THE COURT:** That Trim All left the property without  
15 completing the work. Appellant was awarded five hundred  
16 dollars for incomplete work. Trim All paid the appellee at  
17 the conclusion -- appellant at the conclusion of the trial.

18 **MR. CHISHOLM:** That is not ---

19 **THE COURT:** He said, ---

20 **MR. CHISHOLM:** --- a factual statement.

21 **THE COURT:** --- at the trial, Trim All denied doing  
22 damage to the items in the yard. And the judge found that  
23 the appellant failed to prove to the court that the damage  
24 was, in fact, caused by the defendant. So he considered all  
25 this. He made a factual determination and made a decision.

Price report  
01-19-75

1 Okay.

2 Mr. Chisholm, I understand that you're upset and  
3 unsatisfied.

4 **MR. CHISHOLM:** I'm not upset.

5 **THE COURT:** Well, I guess if your dog chews up your  
6 truck and you don't get upset about that, you're not too  
7 worried about something like this.

8 **MR. CHISHOLM:** I bought another one. It's sitting  
9 right beside it.

10 **THE COURT:** Huh?

11 **MR. CHISHOLM:** It's sitting right beside the Chevy.

12 **THE COURT:** Oh, okay. All right. Well, -- so I don't  
13 find that you have met your burden here that would require  
14 me to overturn the decision of the magistrate.

15 **MR. CHISHOLM:** Number one, when you look at the used  
16 boat prices, ---

17 **THE COURT:** I, you know, you were up here earlier this  
18 week, and we talked a little bit ---

19 **MR. CHISHOLM:** Last week.

20 **THE COURT:** Last week was it?

21 **MR. CHISHOLM:** Yes, sir.

22 **THE COURT:** It was this week, Mr. Chisholm. I can look  
23 on the docket. You were up here this week ---

24 **MR. CHISHOLM:** The 4th. You're right, you're right,  
25 you're right, sir.

1           **THE COURT:** Yeah. It's kind of like 300/500. And I --  
2 this is not a new trial. You don't get to go through the  
3 whole thing again, the whole -- this is an appeal. And  
4 you've got to show that the lower court made mistakes that  
5 require it to be sent back to the lower court again, okay?  
6 And I don't find it in here.

7           I've looked through your stuff. I've listened to you.  
8 And I know you're not happy with the award you got, but I'm  
9 going to have to deny your appeal.

10          **MR. CHISHOLM:** That's your job.

11          **THE COURT:** That's my job. So it's been a pleasure  
12 seeing you again today.

13          **MR. CHISHOLM:** I think you're lying to me.

14          **THE COURT:** Not so. Not so.

15          **MR. JUAREZ:** And I just -- I want to be sure this man  
16 don't bother me no more about this. This is four years and  
17 it's still going. So if ---

18          **THE COURT:** Well, I can't help you with that. That's  
19 not -- that issue is not before me. Okay.

20          **MR. CHISHOLM:** I won't add anymore.

21          **THE COURT:** All right. Okay.

22          **MR. CHISHOLM:** These are the same pictures I got back  
23 last time.

24          **THE COURT:** There you go.

25          **MR. CHISHOLM:** If I can prove to you that Judge Ford

1 made some errors ...

2 **THE COURT:** Well, that's what you were here to do  
3 today, and you just -- it didn't happen.

4 **MR. CHISHOLM:** Well, I didn't know you were going to  
5 bring up the three hundred dollar settlement I got.

6 **THE COURT:** Well, it's in the papers. And it wasn't  
7 three hundred, it was five hundred.

8 **MR. CHISHOLM:** It wasn't five hundred, Your Honor. I'm  
9 going to leave it with you.

10 **THE COURT:** All right.

11 **MR. CHISHOLM:** Y'all have a good time.

12 **THE COURT:** Well, I don't know that it'll get any  
13 better than this, Mr. Chisholm. I appreciate it.

14 **MR. CHISHOLM:** Well, let me tell you, that was a fine  
15 dog.

16 **THE COURT:** Oh, sounds like that dog has moved on.

17 **MR. CHISHOLM:** That dog was ---

18 **THE COURT:** What kind of dog did you have?

19 **MR. CHISHOLM:** Labrador Retriever.

20 **THE COURT:** Yellow? Black? Brown?

21 **MR. CHISHOLM:** Black lab. Not a genetically inferior.

22 **THE COURT:** Well, they're good dogs. I've got -- I've  
23 been yellow for a long time.

24 **MR. CHISHOLM:** I just like black. You have a good day,  
25 Judge.

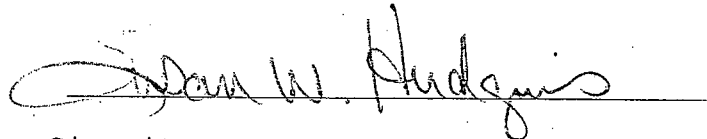


## Certificate of Reporter

I, the undersigned, Susan W. Hudgins, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Greenville County, South Carolina, on the 4th day of October 2019.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

December 6, 2019

A handwritten signature in cursive script, reading "Susan W. Hudgins", is written over a horizontal line.

Circuit Court Reporter

Smiling Faces. Beautiful Places.

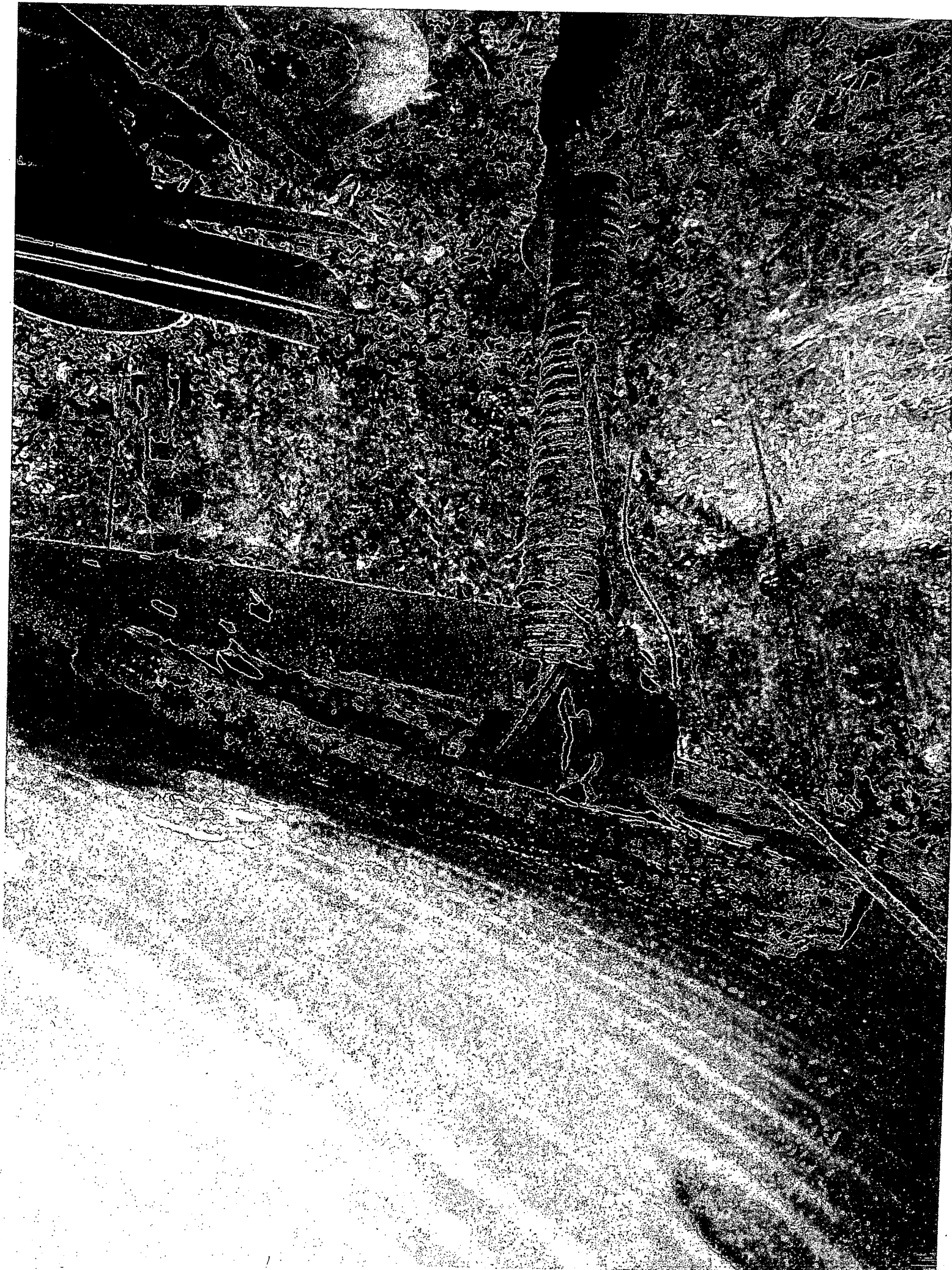
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South Carolina

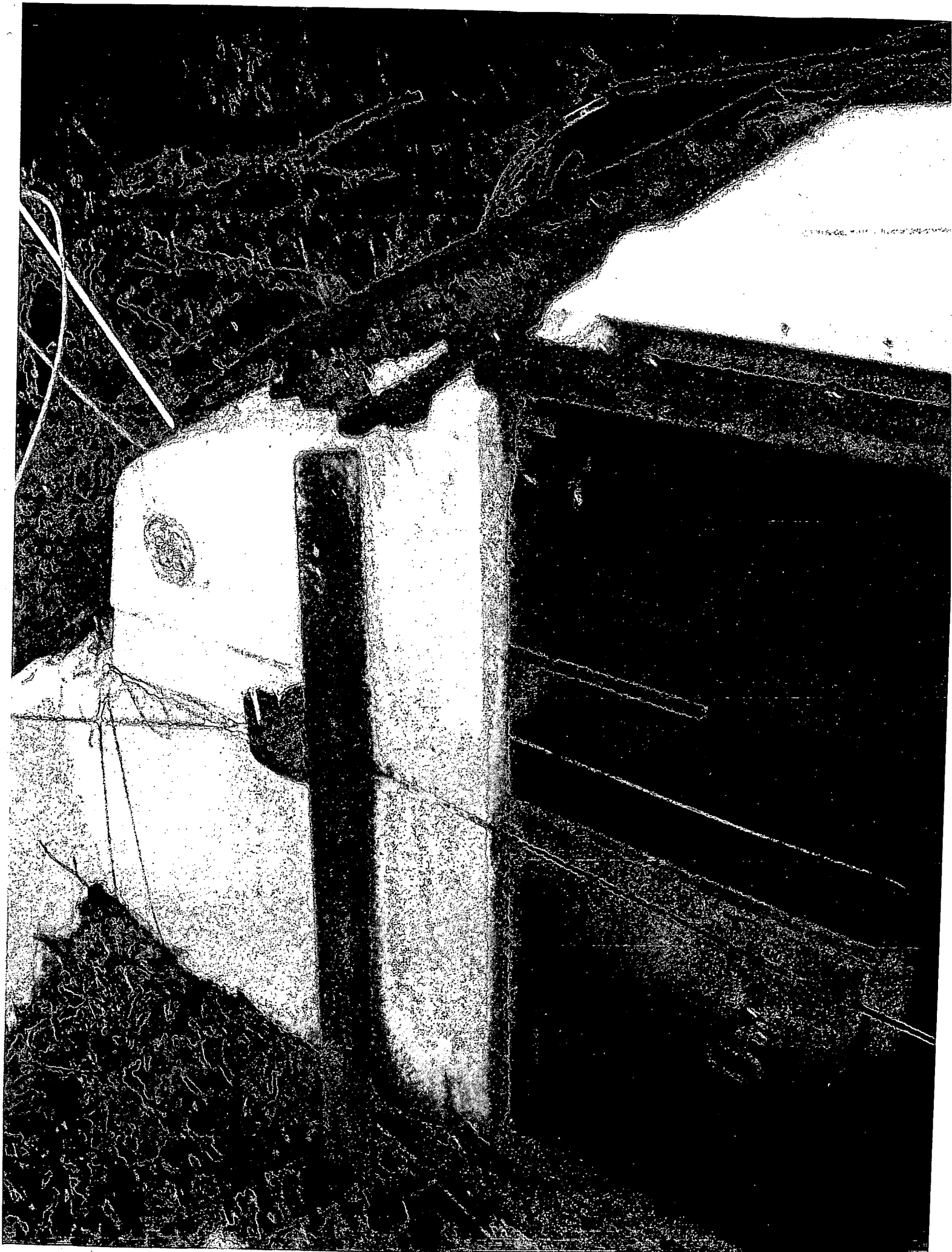
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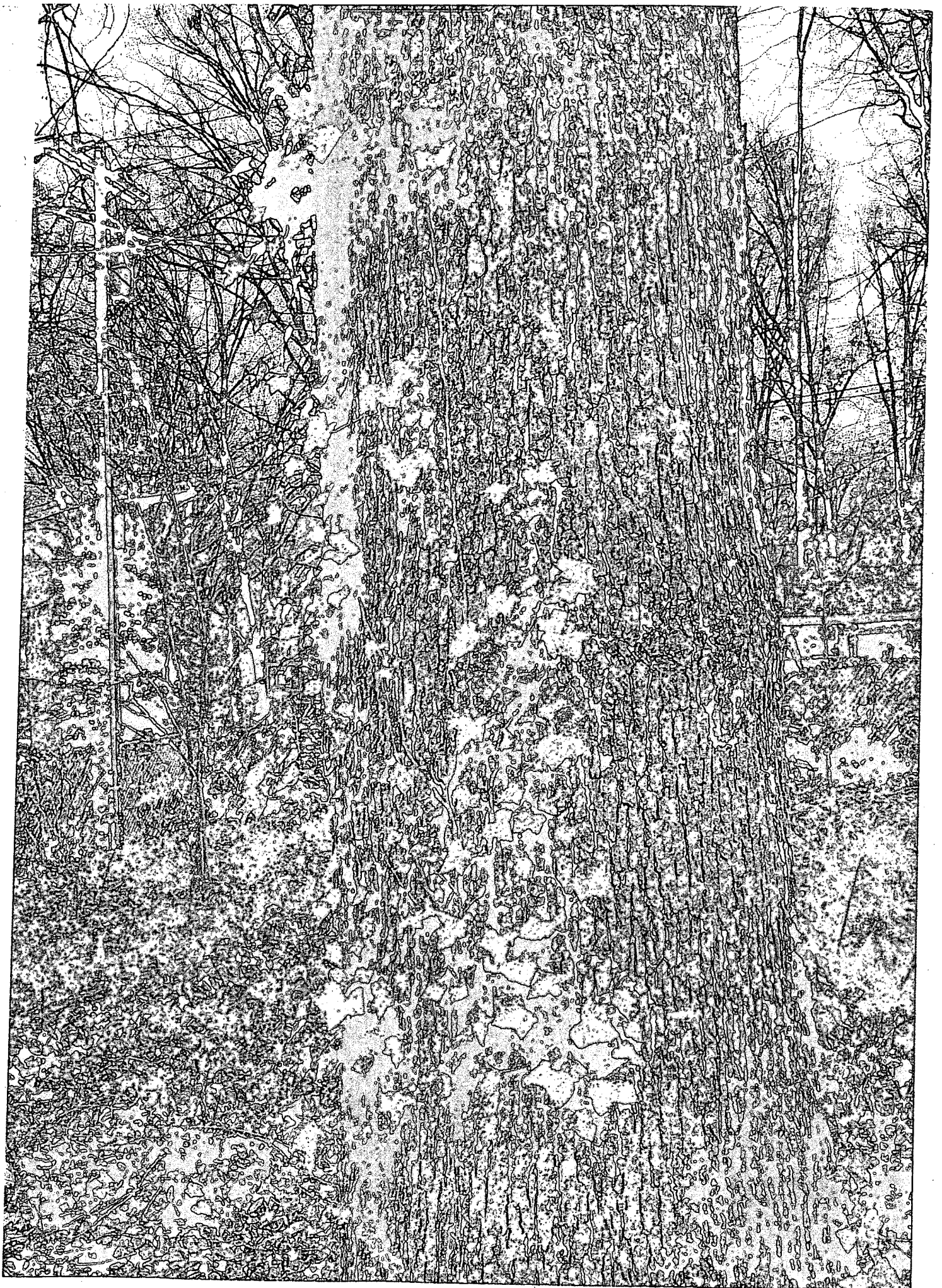




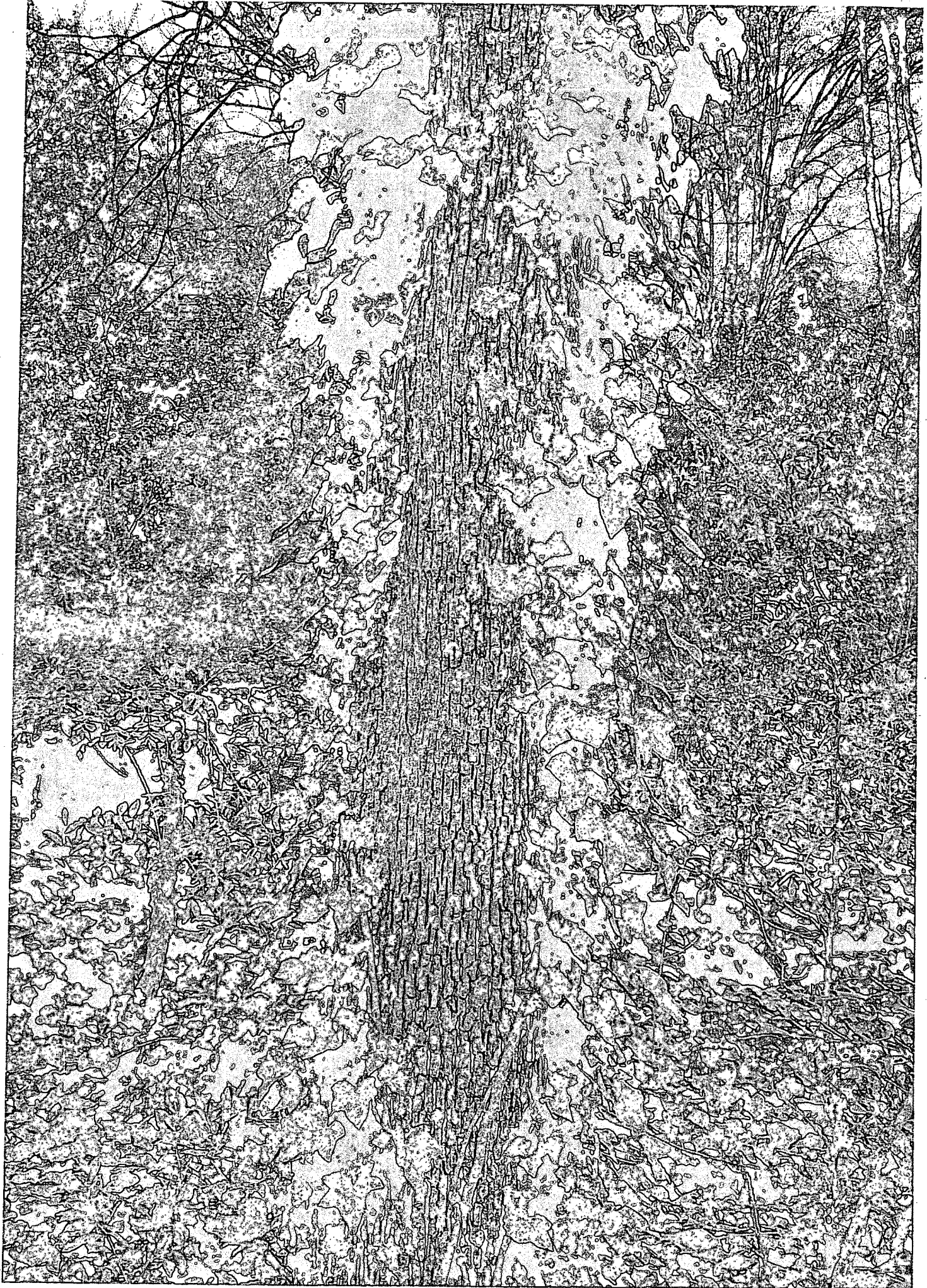


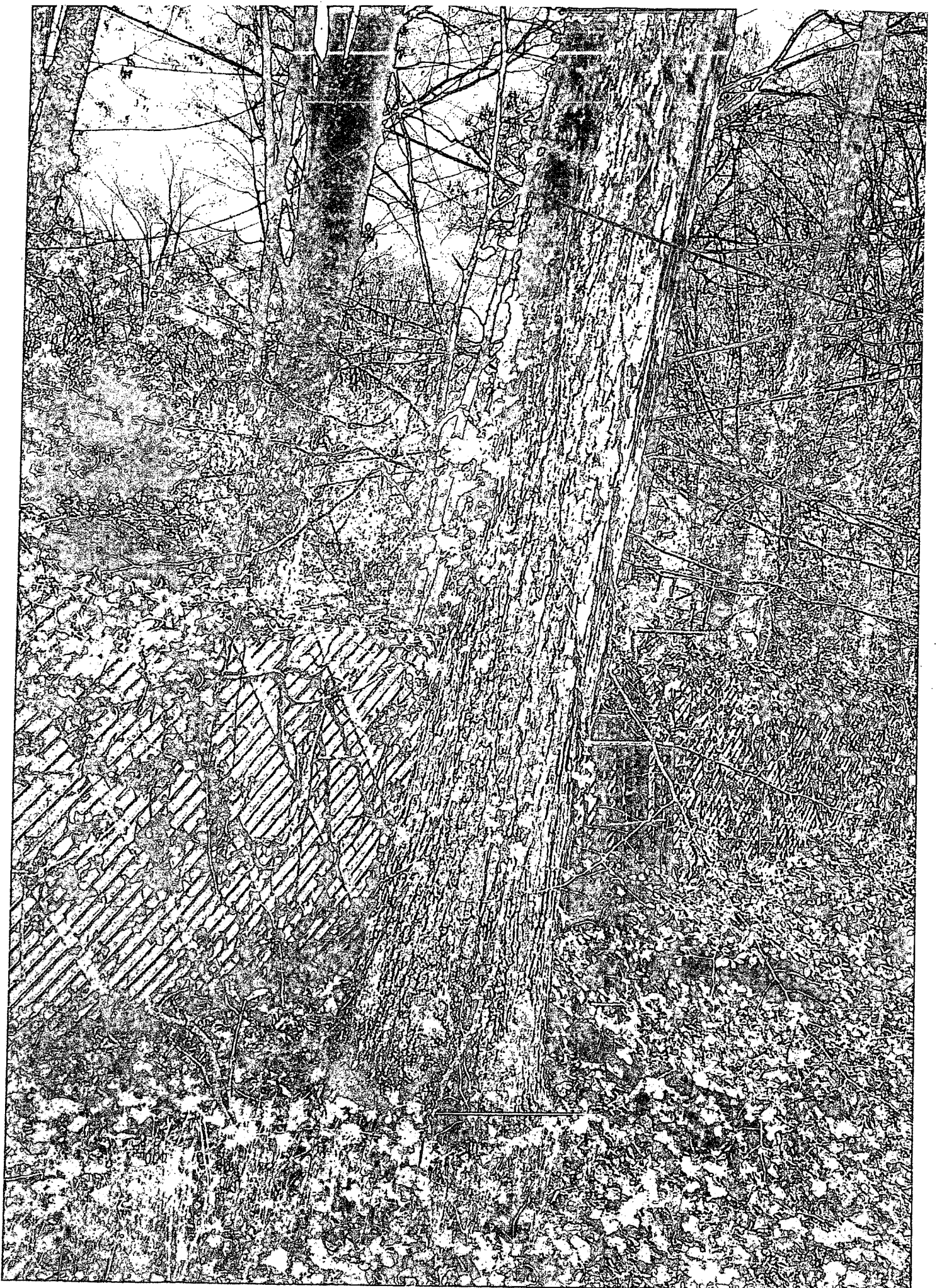




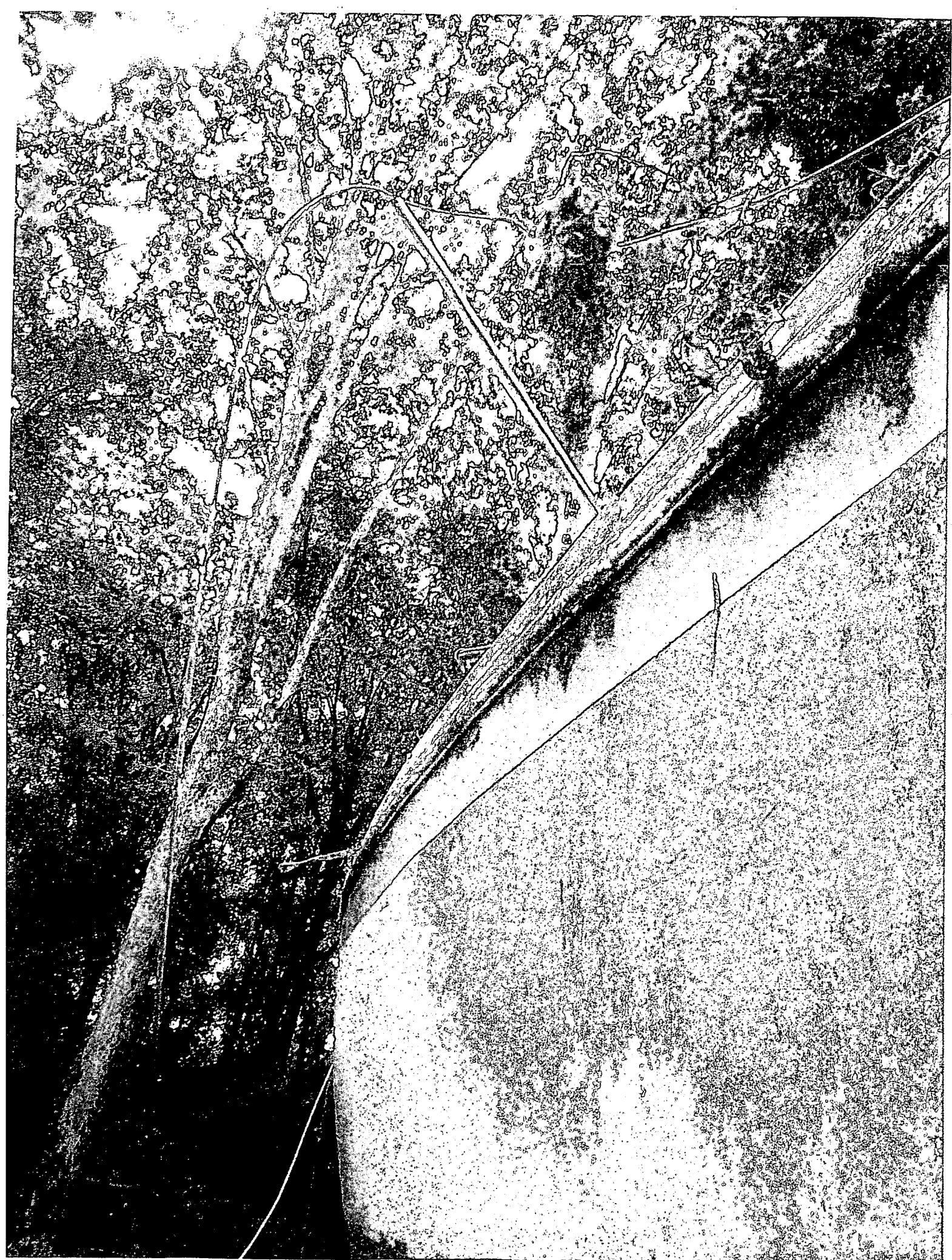


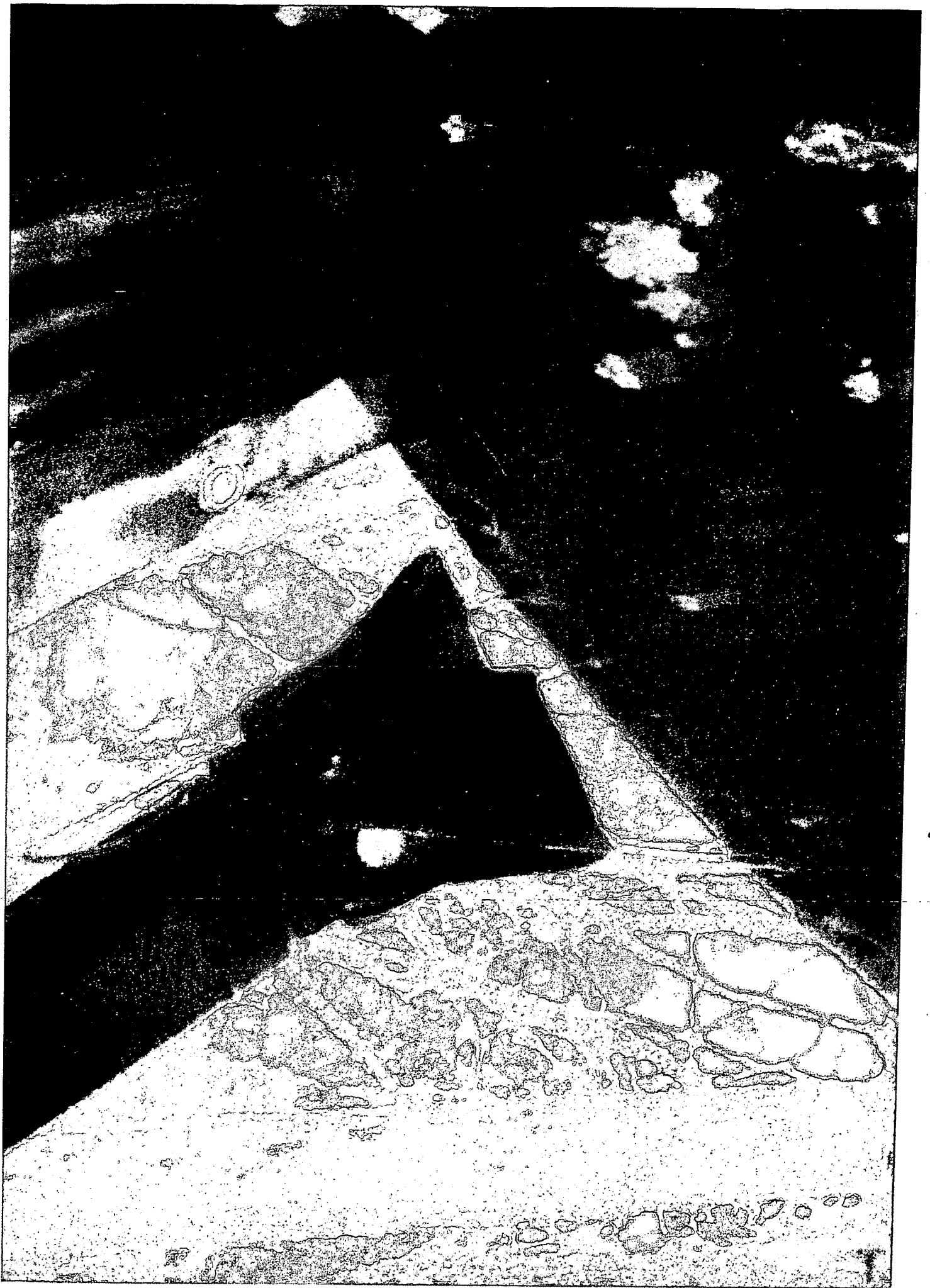




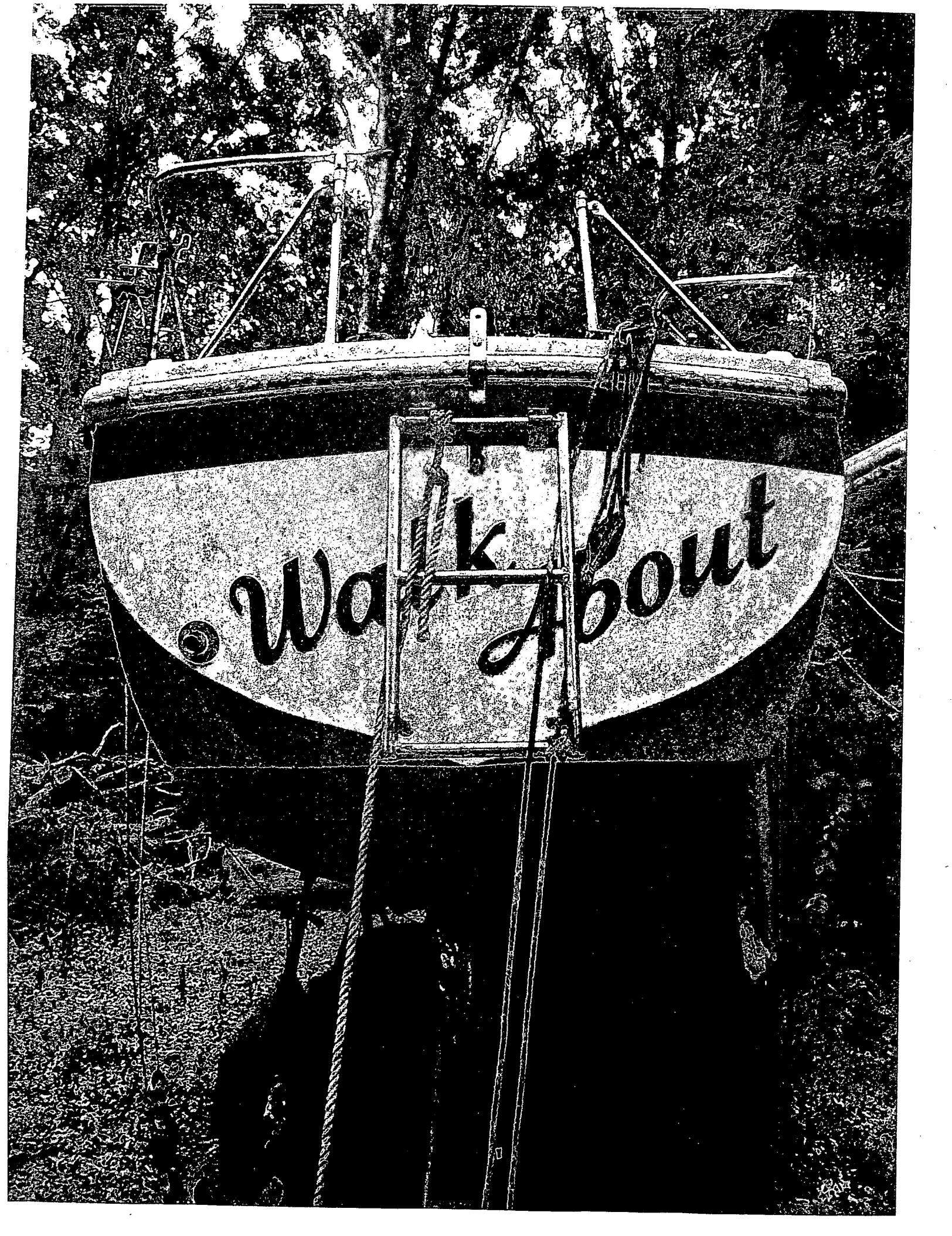


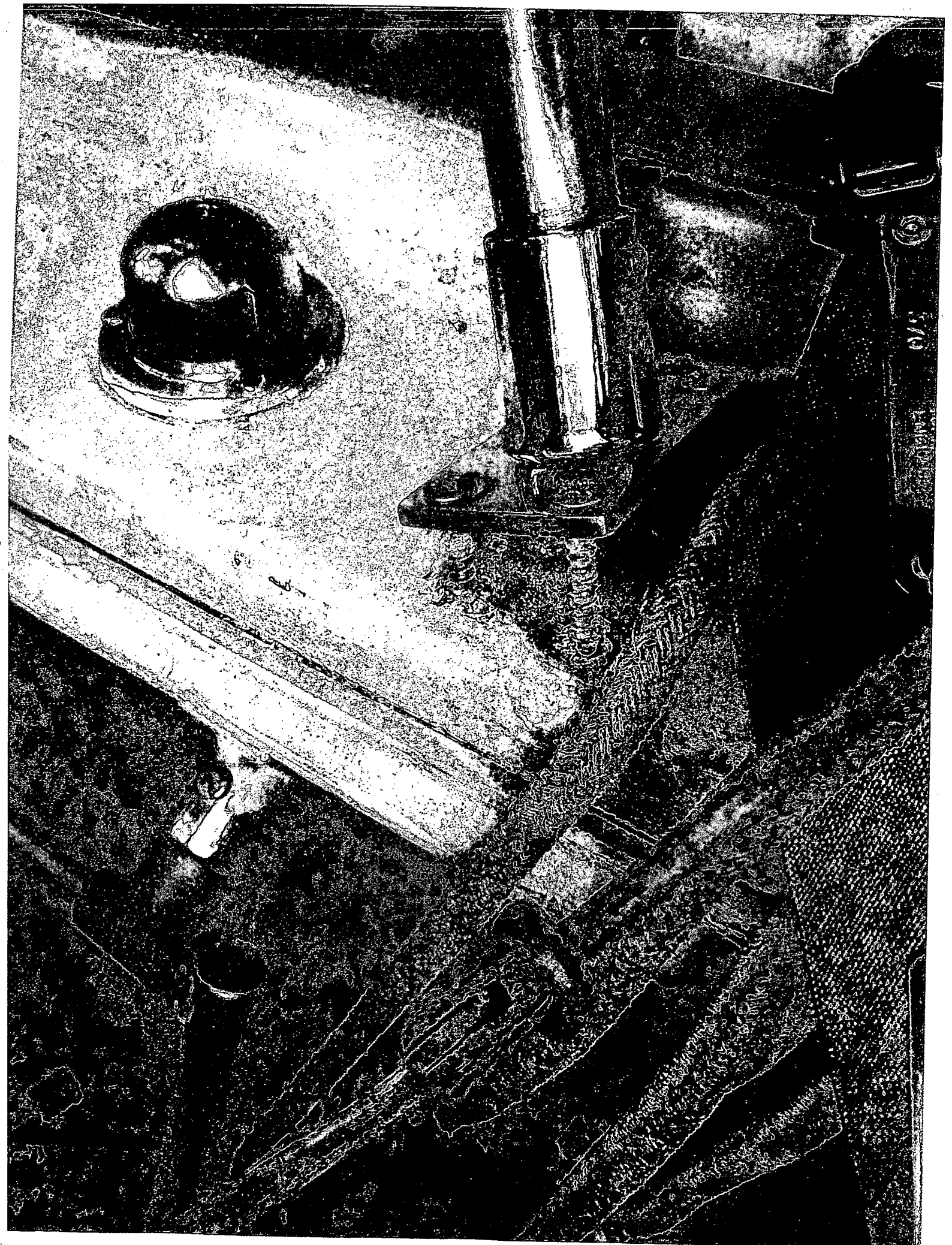


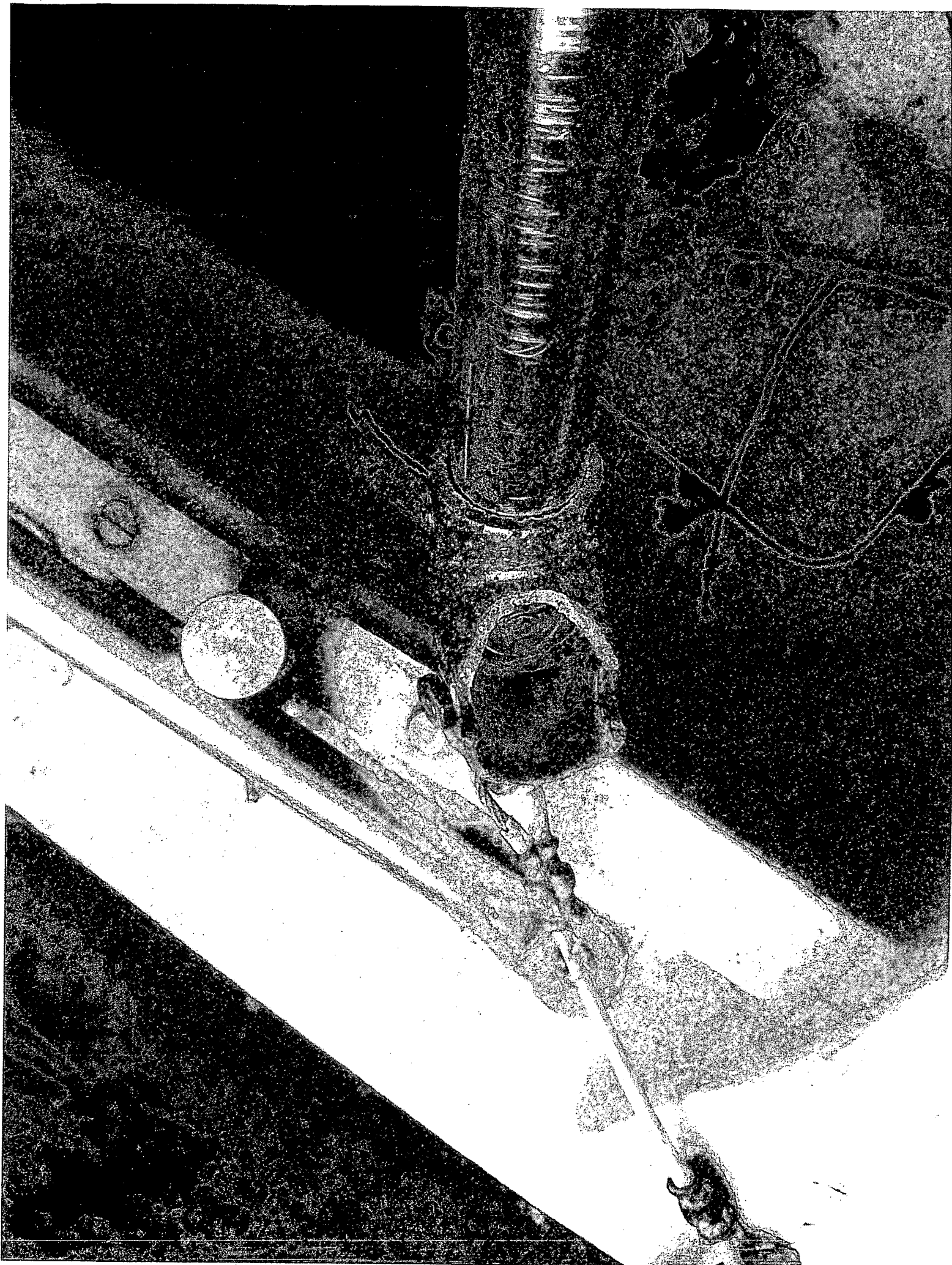


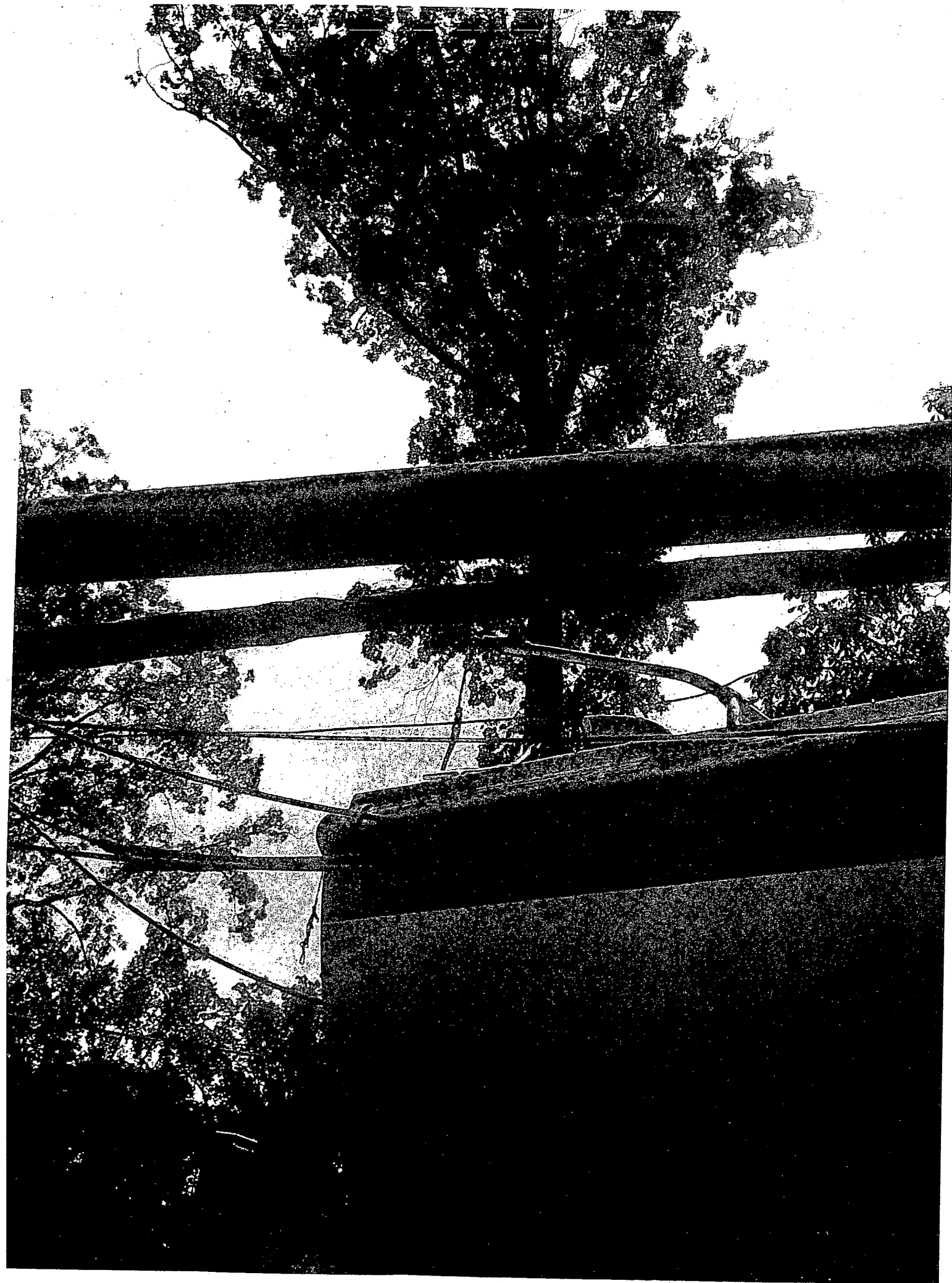


Walk About

















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