

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

**The State of South Carolina
In The Court of Appeals**

**Appeal From Beaufort County
Court Of Common Pleas**

Marvin H. Dukes III, Judge

Case No. 2019-CP-07-01326

RECEIVED
MAR 26 2020
SC Court of Appeals

South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc.
Respondent,

v.

Zbigniew Marek Drzazgowski and Alicja Anna Drzazgowski, Defendants

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record of Appeal:

1. Transcript of HEARING Oct. 8, 2019, pp.7-8:18-25;1-16;pp.11.4- 20;
pp.15-16;11-25;1-6;pp.17-18;21-25;1-17;
2. Affidavit of Service for me and my wife

3. Confirmation of my height
4. Condition of the document which I found on a side of front steps
5. Letters to South Beach... regarding confirmation of summons delivery by Us Postal Service
6. Letter from Atlantic State Management(South Beach) confirmation about breaking to my apartment
7. Home Depot confirmation regarding requirements of the installed door
8. Cost of the damage done to my apartment after breaking presented to the Manager Atlantic States Management(South Beach...)
9. Letters to Atlantic States Management(South Beach....) about invoice for the door replacement.
10. Letter from South Carolina Court of Appeals regarding Initial Brief and Designation of Matter.
11. Confirmation (Certified Mail Receipts) regarding Proof of Service

March 23, 2020

cc:

Jannine M. Mutterer
Honorable Marvin H. Dukes III
Brooks R. Fudenberg

Sincerely


Zbigniew M. Drzazgowski

The South Carolina Court of Appeals

South Beach Village Bluff Apartments Horizontal
Property Regime No. 56, Inc., Respondent,

v.

Zbigniew Marek Drzazgowski and Alicja Anna
Drzazgowski, Defendants,

Of whom Zbigniew Marek Drzazgowski is the
Appellant.

Appellate Case No. 2019-001420

ORDER

On January 31, 2020, this court sent Appellant a letter, noting several deficiencies relating to Appellant's second amended initial brief. This court explained that "failure to comply with this court's request within ten days [would] result in the dismissal of this appeal." Although Appellant has filed a third amended initial brief, Appellant still has not filed a designation of matter or a proof of service showing the amended initial brief was served on Respondent. Accordingly, this appeal is dismissed. The remittitur will be sent as provided in Rule 221, SCACR.



FOR THE COURT

Columbia, South Carolina

FILED

March 18, 2020

cc:

Zbigniew Marek Drzazgowski
Jannine Maria Mutterer, Esquire
Brooks Roberts Fudenberg, Esquire

1	State of South Carolina)	Court of Common Pleas
)	14th Judicial Circuit
2	County of Beaufort)	No. 2019-CP-07-01326
3			
4	South Beach Village Bluff)	
	Apartments Horizontal)	
5	Property Regime No. 56,)	
	Inc.,)	
6	Plaintiff,)	
)	
7	vs.)	HEARING
)	October 8, 2019
8	Zbigniew Marek)	
	Drzazgowski and Alicja)	
9	Anna Drzazgowski,)	
)	
10	Defendants.)	
)	

11

12 Hearing reported by Deborah S. Thomas,

13 Certified Verbatim Reporter and Notary Public in and

14 for the State of South Carolina; said hearing held

15 before Honorable Marvin H. Dukes, III, Beaufort

16 County Master in Equity and Special Circuit Court

17 Judge in accordance with the South Carolina Rules of

18 Civil Procedure, at the Beaufort County Courthouse,

19 102 Ribaut Road, Room 212, Beaufort, South Carolina

20 on October 8, 2019, at the hour of 2:49 p.m.

21

22 DEBORAH S. THOMAS, CVRM

 156 Argent Way

23 Bluffton, South Carolina 29909

 (803) 206-7390

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Appearances

Representing the Plaintiff:

JANNINE M. MUTTERER, ESQUIRE
Mutterer Law Firm, LLC
Post Office Box 29
Bluffton, South Carolina 29910
jannine@muttererlaw.com

Representing the Defendant Zbigniew M. Drzazgowski:

ZBIGNIEW M. DRZAZGOWSKI, PRO SE
9 West District Road
Unionville, Connecticut 06085
drzazgowski@sbcglobal.net

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Exhibit Index

3

Certificate of Reporter

20

Word Index

* * * * *

EXHIBIT INDEX

Exhibits:

Marked at Page

(Exhibits retained by Clerk of Court.)

NONE PROFFERED

* * * * *

1 This hearing is conducted in
2 accordance with the South Carolina Rules of Civil
3 Procedure.

4 JUDGE DUKES: Good afternoon. We're
5 here in 2019-CP-07-01326. This is South Beach
6 Village Bluff versus Drzazgowski, which I
7 apologize --

8 MR. DRZAZGOWSKI: We have two names.
9 My wife is too on there.

10 JUDGE DUKES: Oh, okay. I just saw
11 yours on --

12 MR. DRZAZGOWSKI: No, my wife, too.

13 JUDGE DUKES: Okay. So --

14 MR. DRZAZGOWSKI: We have two person.

15 JUDGE DUKES: Drzazgowski and her
16 last name is the same as yours then.

17 MR. DRZAZGOWSKI: Alicja, yes.

18 JUDGE DUKES: Okay. Ordinarily, we
19 just refer to the first name, but I note that the
20 case --

21 MR. DRZAZGOWSKI: We have two
22 persons.

23 JUDGE DUKES: -- involves two of
24 them. Okay. So, thank you so much for that
25 correction, sir. This matter was the subject of an

1 HOA foreclosure and was scheduled for sale. And
2 then, at some point, the party -- the Defendants
3 filed a notice of intent to appeal with the Court of
4 Appeals. That was filed very close to the sale
5 date.

6 And although no bond had been posted, out
7 of an abundance of caution and taking into account
8 the amount of judgment, which I understand to be a
9 first lien on this property, and the value of the
10 property itself, which I really have no idea of but
11 certainly know it to be, certainly, well in excess
12 of the judgment amount, I felt that equity dictated
13 that I pull that sale and -- to give us time to try
14 to work out, agree on or have the issue -- the
15 appropriate bond amount that is required in this
16 situation to stay the sale of the real estate
17 pending the appeal. And so in that regard, we are
18 here today.

19 So let me begin with Plaintiff. Does the
20 Plaintiff have a proposed -- the statute is
21 problematic. Sometimes it talks about rental value.
22 That's always difficult to do. It talks about --
23 depends on where you look. But I think wide
24 latitude is given to the court to set the bond. But
25 does the Plaintiff have a prayer or request for bond

1 in this matter?

2 MS. MUTTERER: Your Honor, given the
3 amount that -- of the Plaintiff's judgment and the
4 amount of the fair market value that we believe the
5 property has and because it's unencumbered, I think
6 we are going to defer to the court in terms of
7 setting the bond.

8 We would simply request that the bond
9 amount be at least the judgment amount just to
10 protect their interest in that judgment. But we
11 will refer to the court to set what it feels is
12 appropriate.

13 JUDGE DUKES: Does the Plaintiff have
14 any idea what a fair monthly rental rate would be
15 for this particular unit?

16 MS. MUTTERER: It would be a
17 speculation as an attorney and not as a Realtor.
18 But I would anticipate that given the area and given
19 the proximity to the ocean and that location in
20 Hilton Head, it would probably be approximately
21 \$2,000 per month.

22 JUDGE DUKES: How much are the
23 ongoing HOA fees on this?

24 MS. MUTTERER: The assessments, Your
25 Honor, the normal regime fees -- for regime fees and

1 the cable fees are only \$206 per month. A fairly
2 small amount.

3 JUDGE DUKES: Okay. So, a whole year
4 of that would be times 12, obviously. But -- okay.
5 Not very much. You believe the market value, based
6 on sheer speculation, I understand, to be roughly
7 \$2,000 a month. Would that be during the high
8 season? I'm guessing the low season we're not
9 talking about that much around there.

10 MS. MUTTERER: I would agree with
11 that, Your Honor.

12 JUDGE DUKES: So, certainly for three
13 months maybe 2,000, but then balance of it, who the
14 heck knows. So, okay. Mr. Drzazgowski, you are pro
15 se which means you're here without an attorney, of
16 course. Do you understand what we're doing here
17 today?

18 MR. DRZAZGOWSKI: Yes, sir, but let's
19 start from the beginning. This court -- this case
20 doesn't have to happen. I never got the summons,
21 and my wife. If you have any confirmation that I
22 got it and that I have it, that would be great. I
23 never got it. That's the stuff which I find on my
24 steps. Exterior of the steps of the house. I don't
25 know how long it was there. But this is affidavit

1 of the services on two persons.

2 If you read carefully this stuff, you
3 don't have any confirmation that I got it or my
4 wife. Plus, in the description, he said, white
5 male, 60s. That's fine. Five' 4". That's me?
6 One-sixty centimeters. That's me, sir?

7 He met my carpenter which works on the
8 roof because I expect the rain which they said by
9 two next days. And he work on the roof to fix the
10 stuff because I had the leak on -- in the inside.
11 In this situation, he met my Carpenter, not me. And
12 he just left it stuck behind the doormat and left.

13 If you have any confirmation, let me know
14 because the person like from the other side is
15 supposed to be -- she bring the confirmation. She
16 supposed to send me by the mail, registered and
17 certified mail to be sure that I got summons.

18 JUDGE DUKES: Okay. Well, let me --

19 MR. DRZAZGOWSKI: I never got them.
20 I mentioned twice to her that I don't have the
21 stuff. Nothing happened. No reaction. She
22 manipulate the time to let me last letter write to
23 you on August 5th. And she expected -- then this
24 letter came to you after this, your decision. Do
25 you understand this?

1 JUDGE DUKES: Let me -- let me --

2 MR. DRZAZGOWSKI: This case doesn't
3 have to happen.

4 JUDGE DUKES: Hold on one second,
5 sir. So, the case already happened. Okay? And
6 you're -- you've appealed it.

7 MR. DRZAZGOWSKI: But --

8 JUDGE DUKES: I understand that you
9 have --

10 MR. DRZAZGOWSKI: But on the
11 fabricated documents.

12 JUDGE DUKES: Okay. Well --

13 MR. DRZAZGOWSKI: The fabrication
14 cause that she just got the money from me for
15 nothing. This is manipulation. This status right
16 now is a criminal case.

17 JUDGE DUKES: Okay. Hold on one
18 second, sir, because all we're really here today is
19 to figure out an appropriate amount of bond because
20 the law requires that if we're not going to sell the
21 property that I understand --

22 MR. DRZAZGOWSKI: Sir, you make the
23 wrong decision on the -- based on the wrong
24 information which are getting. This case doesn't
25 have to happen. How she fill out the case in your

1 court without confirmation that she just delivered
2 the summons. This is -- this is base of the law.
3 Sir, this is base of the law. You want me to find
4 -- you want me to tell article about the law in the
5 state? Do you want it?

6 JUDGE DUKES: Sir, I'm really just
7 trying to figure out under the rules what the
8 bond --

9 MR. DRZAZGOWSKI: This case doesn't
10 have to happen.

11 JUDGE DUKES: All right. Well, the
12 case happened, past tense.

13 MR. DRZAZGOWSKI: That's not --
14 that's not my fault.

15 JUDGE DUKES: Okay. Well -- and I
16 see affidavits of service in here. I understand you
17 must be contesting the affidavits of service where,
18 if I'm reading this right, individual service, white
19 male, 60s, about 5'4", 160 pounds, gray hair,
20 beard --

21 MR. DRZAZGOWSKI: Yes.

22 JUDGE DUKES: -- with European
23 accent.

24 MR. DRZAZGOWSKI: Yes. Yes. That's
25 me? That's me?

1 JUDGE DUKES: Okay.

2 MR. DRZAZGOWSKI: That's me, sir.

3 JUDGE DUKES: Okay. Well --

4 MR. DRZAZGOWSKI: You could go on the
5 street, 90 percent males in my age would fit this
6 description. Ninety percent.

7 JUDGE DUKES: Okay. Well, here's --

8 MR. DRZAZGOWSKI: It proves -- first,
9 sir, find out the rest of it. She don't deliver to
10 my wife. It's separate. This -- all the Defendants
11 have to receive separate.

12 JUDGE DUKES: Okay.

13 MR. DRZAZGOWSKI: Not together.

14 JUDGE DUKES: Sir, I would love to
15 hear from you on --

16 MR. DRZAZGOWSKI: Sir, this case
17 doesn't have to happen.

18 JUDGE DUKES: Okay.

19 MR. DRZAZGOWSKI: It's happened. We
20 have to make cancellation.

21 JUDGE DUKES: I'm happy to hear from
22 you on what you believe an appropriate bond --

23 MR. DRZAZGOWSKI: Because you have --
24 you have the -- you have the publication documents.
25 On base of it, you make decision. You blame me for

1 it? You want me punished for it? Sir --

2 JUDGE DUKES: No. I --

3 MR. DRZAZGOWSKI: -- this is law and
4 logic.

5 JUDGE DUKES: Sir, sit down for me.
6 The -- do you have any thoughts on bond amount?

7 MR. DRZAZGOWSKI: It's nonsense that
8 I put the amounts is the case that it has to happen.
9 That's my point. I came here to put the balance, but
10 what it change?

11 JUDGE DUKES: Okay. I --

12 MR. DRZAZGOWSKI: You'll change
13 decision? Sir, you'll change decision?

14 JUDGE DUKES: Here's what I'm going
15 to do. I think I'm going to require --

16 MR. DRZAZGOWSKI: That's -- they
17 manipulated you. That's -- I'm sorry. Don't blame
18 me for it. Don't punish me for it.

19 JUDGE DUKES: Okay. I'm really just
20 asking you if you have a suggestion on what the bond
21 might be to stay the sale pending appeal.

22 MR. DRZAZGOWSKI: Five hundred.

23 JUDGE DUKES: Five hundred.

24 MR. DRZAZGOWSKI: That's what it --
25 don't touch -- what I got. This is my only good

1 gesture.

2 JUDGE DUKES: Okay.

3 MR. DRZAZGOWSKI: Because I'm not
4 feel that I am guilty.

5 JUDGE DUKES: Okay.

6 MR. DRZAZGOWSKI: Because this case
7 goes by -- from 1970 when I sued them for breaking
8 to my apartment. This is very long case. Very long
9 case.

10 JUDGE DUKES: All right.

11 MR. DRZAZGOWSKI: They broke to my
12 apartment, make a lot of damage and I sued them in
13 Bluffton small court claims.

14 JUDGE DUKES: Okay.

15 MR. DRZAZGOWSKI: What happened over
16 there you can read the entire history in my appeal.
17 This is another (inaudible) of the law. But I
18 accept it. Okay? Fine. This is consequences of it
19 because a lot of stuff come up with it and they
20 didn't react to any of my questions and problems
21 which I had after that.

22 Sir, this is wrong stuff. This is not
23 what happened to yesterday. This is entire
24 manipulation that goes by two years to this point
25 which you have right now. And I promise you that I

1 will sue them anyway. This is for me like a
2 criminal case.

3 JUDGE DUKES: Okay. Well, here's
4 what I'm going to do. Somewhere between the more or
5 less speculated \$2,000 a month and your payment of
6 500 is some appropriate amount. I've got to come up
7 with some sort of an amount. I still feel like the
8 purpose of the bond --

9 MR. DRZAZGOWSKI: Five hundred fifty.

10 JUDGE DUKES: Hold on a second. Is
11 to protect the Plaintiff and their judgment. I
12 cannot imagine that there's not good solid
13 collateral to see this through the balance of the
14 appeal.

15 Obviously, if it is not sold, then the
16 property remains in the hands of and the name of the
17 Defendants and they would continue to be responsible
18 for costs including the ongoing --

19 MR. DRZAZGOWSKI: Sir, we have to
20 open another case.

21 JUDGE DUKES: I'm sorry?

22 MR. DRZAZGOWSKI: This is -- we have
23 to open another case. This is not over. Sir, you
24 understand this?

25 JUDGE DUKES: I hope --

1 MR. DRZAZGOWSKI: I assume.

2 JUDGE DUKES: -- I understand it.

3 MR. DRZAZGOWSKI: I assume.

4 JUDGE DUKES: But anyway -- so, what
5 I'm going to do is set the bond at \$1,000. One time
6 payment of \$1,000.

7 MR. DRZAZGOWSKI: And I appreciate if
8 you open another case.

9 JUDGE DUKES: Okay. I can't just
10 open cases, sir. But -- so, do you understand --

11 MR. DRZAZGOWSKI: No. No. Sir, you
12 understand what happened. The case which was goes
13 to your court wasn't done properly.

14 JUDGE DUKES: I understand that is
15 your opinion.

16 MR. DRZAZGOWSKI: No. No.

17 JUDGE DUKES: I believe --

18 MR. DRZAZGOWSKI: Sir, I have -- I
19 have --

20 JUDGE DUKES: -- that you believe
21 that.

22 MR. DRZAZGOWSKI: I have evidence.

23 JUDGE DUKES: Okay.

24 MR. DRZAZGOWSKI: I don't have this
25 summons which are the base of the case. And you

1 have to first send the summons, have the
2 confirmation that those Defendants got the summons.
3 After that she suppose to fill out the case in the
4 court.

5 JUDGE DUKES: Okay.

6 MR. DRZAZGOWSKI: That's the proper
7 way to start the case.

8 JUDGE DUKES: All right. Well, let
9 me do this.

10 MR. DRZAZGOWSKI: Correct?

11 JUDGE DUKES: What I'm going to do is
12 ask the Plaintiff's attorney to please draft an
13 order that says we came here together on the 8th at
14 3:00, that the Defendant was here, that the
15 parties -- the Plaintiff sought -- I'm not exactly
16 sure what you sought. But somewhere between \$2,000
17 a month and some other number as a bond, that based
18 on the fact that I believe based on an analysis of
19 the case that there is sufficient collateral to
20 protect the Plaintiffs with a minimal bond, that I
21 find that \$1,000 -- that the Defendant suggested 500
22 as a one time, that I believe that 1,000 as a one
23 time bond is appropriate, that he should post that
24 with the Beaufort County Clerk of Court within the
25 next 30 days.

1 MR. DRZAZGOWSKI: Okay.

2 JUDGE DUKES: That if he fails to
3 post that bond with the Beaufort County Clerk of
4 Court then the Plaintiff may proceed with the sale
5 by presenting another notice of sale to the court.
6 And --

7 MR. DRZAZGOWSKI: Sir, did you plan
8 -- make consolation of your decision on the base of
9 the information which you got?

10 JUDGE DUKES: Sir, we're just here
11 about a bond. Okay? And you have --

12 MR. DRZAZGOWSKI: No.

13 JUDGE DUKES: -- filed an appeal.

14 MR. DRZAZGOWSKI: This is another
15 example. I ask you something.

16 JUDGE DUKES: So, all right. Is
17 there anything else from the Plaintiff then?

18 MS. MUTTERER: No, Your Honor.

19 JUDGE DUKES: Okay. Sir, anything
20 else from you?

21 MR. DRZAZGOWSKI: Sir, I think you
22 have explained everything what we're supposed to do.
23 And I think that this next step is make the
24 cancellation of your decision and go to another case
25 in the proper way, the summons, everything like

1 that. You -- it's supposed to be everyone
2 (inaudible). This is -- sir, that's the point.
3 Let's go with the law.

4 JUDGE DUKES: Well, in the interim, I
5 would encourage the parties to see if they can work
6 out a final resolution of this which would suit me
7 just fine. And if that happens, that would be
8 wonderful. So, I don't know if you all have a means
9 of communication by e-mail or otherwise.

10 MR. DRZAZGOWSKI: No. This is
11 official papers which they issue. Sorry. This is
12 official. And on base of it, you make decisions,
13 sir.

14 JUDGE DUKES: Okay. Thank you, sir.

15 MR. DRZAZGOWSKI: She manipulate the
16 time, everything to -- didn't allow me to be here
17 and defend myself.

18 JUDGE DUKES: Let's do this. If the
19 parties can resolve this by some form or fashion,
20 that would be wonderful. If not, please issue that
21 order -- please give me that order which I'll issue.
22 And then, sir, you understand that you have 30 days
23 to post the \$1,000 with the clerk of court that's
24 right across the hall.

25 MR. DRZAZGOWSKI: Okay. If I get the

1 exact information what I suppose to do, yes, sir.

2 JUDGE DUKES: It will be in the order
3 that you'll get a copy of.

4 MR. DRZAZGOWSKI: Yes. And I sue
5 them. I opened another case.

6 JUDGE DUKES: Okay. But anyway, then
7 you take that order to the clerk of court with the
8 \$1,000 and they'll take care of it from there.
9 Okay?

10 MR. DRZAZGOWSKI: Okay.

11 JUDGE DUKES: Do you have any further
12 questions, sir?

13 MR. DRZAZGOWSKI: Not yet. Let's
14 wait, sir --

15 JUDGE DUKES: All right. Any further
16 questions from the Plaintiff?

17 MR. DRZAZGOWSKI: -- and see what
18 happens.

19 MS. MUTTERER: No, Your Honor. Thank
20 you.

21 MR. DRZAZGOWSKI: Thank you.

22 JUDGE DUKES: All right. Thank you
23 so much and that will conclude the hearing.

24 (Whereupon, the hearing was concluded
25 at 3:05 p.m.)

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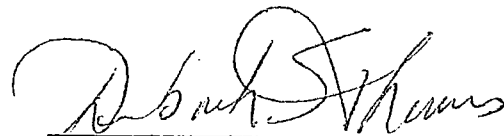
Certificate of Reporter

I, Deborah S. Thomas, Certified Verbatim Reporter and Notary Public in and for the State of South Carolina, do hereby certify that I reported the hearing of 2019-CP-07-01326, South Beach Village Bluff Apartments Horizontal Property Regime No. 56, Inc. v. Zbigniew Marek Drzazgowski, et al, on the 8th day of October, 2019; and that the foregoing pages constitute a true and correct transcription of the said hearing.

I further certify that I am neither attorney nor counsel for, nor related to or employed by, any of the parties connected with this action, nor am I financially interested in said cause.

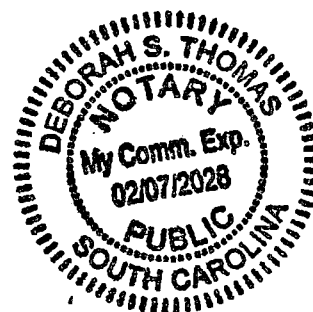
I further certify that the original of said transcript shall be hereafter delivered to Zbigniew Drzazgowski, 9 West District Road, Unionville, Connecticut 06085.

In witness whereof, I set my hand and sealed this 13th day of October, 2019.



Deborah S. Thomas, CVRM
and Notary Public for the
State of South Carolina

My Commission
expires 2/7/28



AFFIDAVIT OF SERVICE

State of SOUTH CAROLINA

County of BEAUFORT

Common Pleas Court

Case Number: 2019-CP-07-01326

Plaintiff:
SOUTH BEACH VILLAGE BLUFF APARTMENTS HORIZONTAL
PROPERTY REGIME NO 56, INC.

vs.
Defendant:
ZBIFNIEW MAREK DRZAZGOWSKI AND ALICJA ANNA DRZAZGOWSKI

For: Jannine Mutterer, Esquire
Mutterer Law Firm

Received by Hilton Head Investigations, Inc. to be served on Alicia Anna Drzazgowski, 9 West District Drive, Unionville, CT 06085. I, Jason Douglas, being duly sworn, depose and say that on the 13th day of June, 2019 at 9:30 a.m., executed service by delivering a true copy of the **Summons and Notice, Complaint and Exhibits A through F** totaling **81** pages in the above action in accordance with state statutes in the manner marked below:

- () INDIVIDUAL SERVICE: Served the within-named person.
- SUBSTITUTE SERVICE: By delivering to: Zbifniew Marek Drzazgowski as Spouse, a person authorized to accept service and a person of discretion and appropriate age, residing at the residence of the within named person.
- () Based upon Observation, Inquiry and or the Individuals Age, we saw no evidence of the party being in the Military of the United States of America.
- () Non Service: Due to reason detailed in Comments below.

COMMENTS: white male 60's, about 5'4" 160, grey hair, beard with European accent

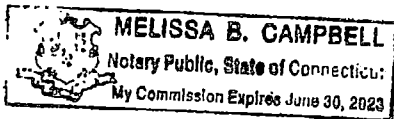
I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and Sworn to before me on the 15th day of June, 2019 by the affiant who is personally known to me.

Melissa B. Campbell
NOTARY PUBLIC

[Signature]
PROCESS SERVER # N/A
Appointed in accordance with State Statutes

Hilton Head Investigations, Inc.
1 Corpus Christie Place Ste#102
P.O. Box 5458 (29938)
Hilton Head Island, SC 29928
(843) 842-1234
Our Job Serial Number: 2019000739



DL *Connecticut*
Class: D

DRIVER LICENSE
NOT FOR FEDERAL IDENTIFICATION


1 Class: **D** 12 Restr: **NONE** 18a Endors: **NONE**

4d Lic #: **056284308** 15 Sex: **M**
3 DOB: **05-30-1953** 16 Ht: **70 in**
4b Expires: **05-30-2023** 18 Eyes: **BLU**

1 **DRZAZGOWSKI**
2 **ZEIGNIEW**
3 **9 WEST DISTRICT RD**
4 **FARMINGTON CT 06032**

4a Issued: **05-05-2017**

276



→ 5110"

ELECTRONICALLY FILED 2019 JUN 03 12:40 PM - DEBAUTORT1 - COMMON PLEAS - CASE#2019CP0701320

PLAINTIFF
vs.
DEFENDANT

COURT OF COMMON PLEAS
4TH JUDICIAL CIRCUIT
CIVIL NO. 2019 CP-07-_____

SUMMONS

TO: THE DEFENDANT(S) ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served on you, at the address above. Your answer to said Complaint upon the subscribed line M. Mutlere, Esq., at her office, 1600 E. 10th Street, Suite 201, F... South Carolina, 295... the mailing address which is Post Office Box 29,uffton, South... days after the... hereof, exclusive of the day of such service; except that the United States of America, if named, shall have sixty (60) days to answer after the service hereof... exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff herein, South Beach Village Bluff Apartments Horizontal Property Regime No. 56, Inc. ("Plaintiff") will apply to the Court for the relief demanded in the Complaint, and judgment by default may be rendered against you.

TO MINOR(S) UNDER FOURTEEN YEARS OR TO THE PERSON WHO HAS CUSTODY OF THE MINOR(S) RESIDE, AND/OR TO PERSONS UNDER SOME LEGAL DISABILITY:

YOU ARE HEREBY FURTHER SUMMONED AND NOTIFIED to apply for the appointment of a guardian ad litem within thirty (30) days after the service of this Summons and Notice upon you. If you fail to do so, the undersigned shall make application for such appointment.

Zbigniew Drzazgowski shared 1 photo with you

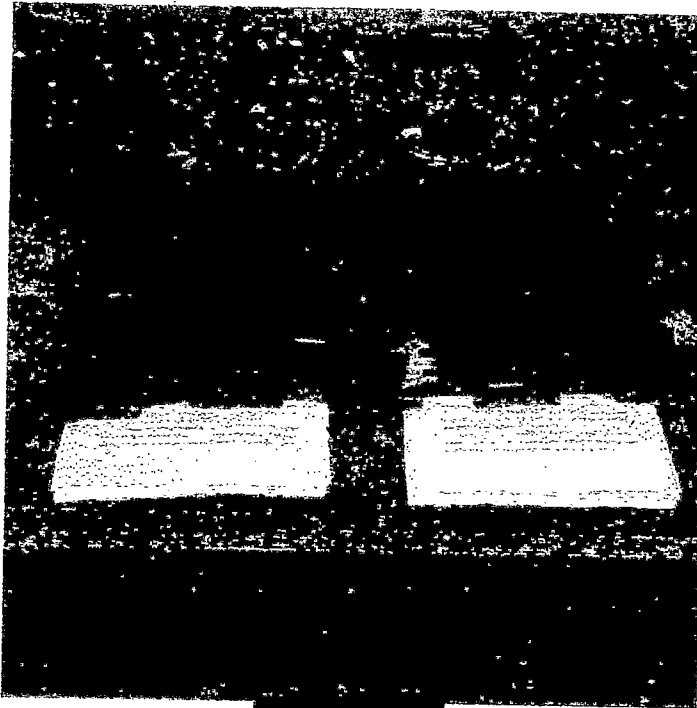
From: Zbigniew Drzazgowski (via Google Photos) (noreply-517789e443d586d8402d7175db0271e1@google.com)

To: drzazgowski@sbcglobal.net

Date: Saturday, August 17, 2019, 8:58 AM EDT



Zbigniew Drzazgowski shared a photo with you



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Zbigniew, Alicja Drzazgowski
9 West District Rd.
Unionville CT 06085

Jannine M. Mutterer
21 Promenade St. Suite 205
PO. Box 29 SC 29910

07/23/2019

Regarding your letter of 07/17/2019, I received some documents from you regarding your complain. As I already described in the leatter to the court dated 07/07/2019 that I found outside of my house some documents and I was asking if these documents belong to Bluffton Magistrate. The answer I received was that it belonged to another court. The condition of these documents did not allow me to read their affiliation.

In your statement, you claim that I had received these documents by first class mail. The condition in which I received these papers certainly was not mailed first class mail.

From the condition of these papers it was difficult for me to guess what it is and what it concerns.

If you have any confirmation that you sent something to me by US POST OFFICE then I would like to get it to be sure in the court that you do not lie and fabricate documents.

I am adding copies of the description of how I came into possession of some papers, that I suspect may have been from you, and copies of the appearance of the first page.

In this situation (it looks like purposeful action) I was not given the opportunity to be in the court and to present my position in this matter. Therefore, I will ask you to start this process again in a form that will allow me to summarize my arguments and prove deliberate manipulation of the facts of Mutterer Law Firm.

Zbigniew, Alicja Drzazgowski

CC:
State of South Carolina
County of Beaufort
Common of Pleas
for the 14 th Judicial Circuit
Civil Action #2019-CP-07-01326

Zbigniew, Alicja Drzazgowski
 9 West District Rd.
 Unionville CT 06085

Jannine M. Mutterer
 21 Promenade St. Suite 205
 PO. Box 29 SC 29910

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Total Postage and Fees \$4.05

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Sent to Jannine M. Mutterer /2019

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 PO Box 29

City, State, ZIP+4®
 Bluffton, SC 29910

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Regarding your letter of 07/17/2019, I received some documents from you regarding your complain. As I already described in the letter to the court dated 07/07/2019 that I found outside of my house some documents and I was asking if these documents belong to Bluffton Magistrate. The answer I received was that it belonged to another court. The condition of these documents did not allow me to read their affiliation.

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Zbigniew, Alicja Drzazgowski

CC:
 State of South Carolina
 County of Beaufort
 Common of Pleas
 for the 14 th Judicial Circuit
 Civil Action #2019-CP-07-01326

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Postage \$0.00

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Sent to Beaufort County Clerk of Court

**Atlantic
States
Management, INC**



February 3, 2016

Zbigniew Drzazgowski
9 West District Road
Farmington, CT 06035

Re: 1711 Bluff Villas

Hello Mr. Drzazgowski,

During the installation of the doors at Bluff Villas we tried to get in touch with you several times regarding access to your villa. We were unable to reach you for access and as such, we were forced to contact a locksmith. The new key to your villa is enclosed.

The cost for the locksmith as well as the cost for the door project will be invoiced to you shortly but we wanted to be sure to get the keys to you as soon as possible. Should you have any questions about this or any other regime matter, please do not hesitate to contact me.

Sincerely,

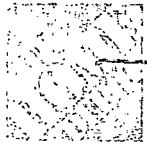


Katie Kabala
Assistant Property Manager

The Home Depot Special Order Quote

Customer Agreement #: H6229-12291

Printed Date: 9/20/2016



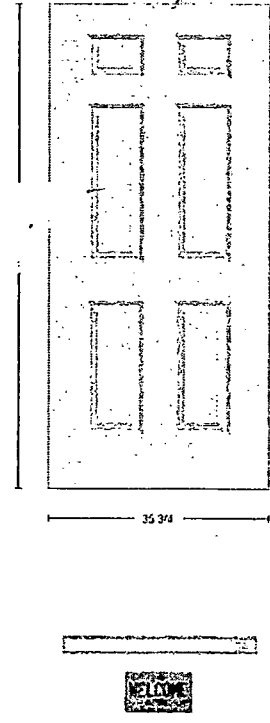
Customer Information		Store Information	
Name	ZIBBY DRZAZGOWSKI	Store Number	6229
Address	9 W DISTRICT RD FARMINGTON, CT 06032	Address	1149 FARMINGTON AVE BRISTOL, CT 06010
Primary Phone	860-675-4025	Associate	ERIC
Secondary Phone	860-675-4025		

Item ID	Description	Room Location	Unit Price	Qty	Total
---------	-------------	---------------	------------	-----	-------

100-1	35.75x79 Steel Slab Only None	none	\$162.00	1	\$162.00
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Call Width = 36
 Call Height = 80
 Unit Spec = All Products
 Building Code = Non-Certified
 Energy Star Needed = No
 Protection for Exterior Door Flyer = No
 Unit Type = Slab Only
 Handing & Swing = None
 Door Type = Panel Doors
 Door Thickness = 1 3/4"
 Door Style = 6-Panel
 Door Finish Type = None
 Door Order Method = Store Delivery
 Sweep = No
 Door Viewer/Knocker - Installed = No (Standard)
 Room Location = none
 Is This a Remake = No
 Specific Information =
 U-Factor = 0
 Solar Heat Gain Coefficient = 0
 SKU = 665683
 Vendor Name = S/O JELD-WEN DOOR SYSTMS
 Vendor Number = 60075920
 Manufacturer = JELD-WEN, North Springfield (UP)
 Customer Service = 1.800.246.9131
 Catalog Version Date = 08/10/2016



Pre-Tax Price: \$162.00

**All prices are subject to change

**Customer is responsible for verifying product selections. The Home Depot will not accept returns for the above products

**All graphics viewed from the exterior

Stacy Keading
1536 Fording Island Rd., # 201
Hilton Head Island SC 29938

12/12/2016

Zbigniew Drzazgowski
Bluff Villa # 1711
262 South Sea Pines Dr.
Hilton Head Island SC 29928

According to your Letter dated February 16, 2016 you broke in to my apartment, that's my business as a rental property which already have been booked for entire March 2016 and I had in progress booking for the last week of February. The door has the electronic lock which is programmed separately for everyone guest. The lock had, in that time already 9 codes to use by guests. Yours illegal action with breaking my electronic lock door cause huge problems. After phone consultation with KABA lock management which doing all programming on my lock, they stated that existing codes on the lock have been destroy and entire electronic lock supposed to be reset by the technician on the Hilton Head Island because the codes are disable. This situation force to leave my business in CT block all the booking in Bluff Villa and drive fast how it was possible to eliminate disaster in my rental business and avoid all conservancies with penalties payment to my already booked guests. I drove on February 17 on Hilton Head Island and what I saw was really disaster. The key which you provide do not works with electronic lock. I was not able to open my own door to my apartment. I spend more than 1 hour to get to my apartment without any results. Finally I was able rich my son and he create on the computer at his home in Cleveland new code which works accidentally one time. It was beginning a lot of problems. The key box on the door was pull out and destroy, the washer was used and destroyed, the walls and the shower had been dirty. I lost my business in CT, I lost on Hilton Head Island, I spend a lot of money to repair damages to my business. You must to April 1, 2016 repaid all my losses, if not, I will take legal action to get all what I lost. Beloved you will find all details. All documents are attached.

I request to install my previous door fast how it is possible.

\$469.93	- gas
\$120.00	- lock repair
\$45.00	-washer condition assessment
\$37.09	- key box
\$10.50	- 2 spear keys
\$660.00	- lost rental income(web sides VRBO, AIRbnb, Flipkey)
\$5760.00	- lost income from business in CT (9X\$640.00)

TOTAL losses \$7102.52 (seven thousand nine one hundred two dollars 52/100)

Zbigniew Drzazgowski
9 West District Rd.
Unionville CT, 06085

Sincerely
Zbigniew Drzazgowski

Bluff Villas
Atlantic States Management
P.O. BOX 7431
Hilton Head Island, SC 29938

06/21/2017

This is regarding to your last letter dated 05/31/2017. I have been waiting for more than 6 months to receive the detailed INVOICES.
Please provide me with these detailed invoices as soon as possible and the amounts of my fees I need to pay and specify the items that you charge me for.
Please send me a copy of the invoices base on which I will be able to find out what and where I had not paid.

Zbigniew Drzazgowski
owner Bluff Villa # 1711

116 1370 0002 3972 6781

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Postage	\$0.49
Total Postage and Fees	\$3.84

Postmark Here

06/21/2017

Bluff Villas
Atlantic States Management

South Beach Village Bluff Apartments Horizontal
Property Regime No. 56 Inc.
P.O. BOX 7431
Hilton Head Island SC 29938

01/28/2020

Zbigniew Drzazgowski
9 West District Dr.
Unionville CT 06085
Owner Bluff Villa 1711

According to yours invoices regarding the door replacement I still require that you Presented me with the original invoice from the contractor who replaced the door plus and invoice with charges you provided him with out my knowledge. Additionally, according to my evidence, the door which you installed in my unit do not fulfill the SC state's requirements for the hurricane area. Therefore I demand that you replace the new door with those requirements which had the old one. The old door had the impact, energy and fire ratings. You sending me invoice which do not presents any details charges. If you do not provide this changes I will take legal action.

Sincerely

Zbigniew Drzazgowski

7019 3640 0007 0268 1158 9511 8268

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$4.10
Sent To	S. Beach Village Bluff Apt No. 56
Street and Apt. No., or P.O. Box No.	P.O. Drawer 5

19207223031
UNIONVILLE, CT 06085
JAN 28 2020
Postmark Here



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

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1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 31, 2020

Zbigniew Marek Drzazgowski
9 West District Rd.
Unionville CT 06085

Re: South Beach Village v. Zigniew Drzazgowski
Appellate Case No. 2019-001420

Dear Mr. Drzazgowski:

Your material was received by the Court on January 28, 2020, and is presumed to be a response to the Court's letter of January 17, 2020. The deficiencies outlined in the Court's letter of January 17 must be corrected in their entirety before this appeal can proceed. This is the Court's second request for these corrections. Failure to comply with the Court's request within ten days will result in the dismissal of this appeal. The deficiencies that still need to be corrected are the following:

- The accompanying proof of service is not in compliance with the SCACR. Your proof of service should be substantially in the format shown by Form 7 in Appendix C to part II of the SCACR. Specifically, your proof of service does not mention that you served the amended appellant's initial brief on opposing counsel.
- The caption/title does not comply with Rule 267(a), SCACR. Specifically, the title page shall only contain the case caption, the title of the case, the title of the document, and the names and addresses of the counsel submitting the document. **No other information shall be on the title page.** The table of

contents belongs on the next page, not the title page. Refer to the format shown by Form 13 in Appendix C to part II of the SCACR.

- The initial brief is not accompanied by a designation of matter to be included in the record on appeal. The material that you submitted with the initial brief is being returned to you. These documents need to only be listed in the designation of matter and included in the record on appeal.
- The document has not been signed as required by Rule 267(b), SCACR.

Very truly yours,

V. Cherie Allen, Deputy

CLERK

cc: Jannine Maria Mutterer, Esquire
Brooks Roberts Fudenberg, Esquire

Response to January 17, 2020
 1 dot hrs January 21

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Response to November 17, 2020
 I got this November 21

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Beaufort, SC 29901

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City, State, ZIP+4® *21 Promenade St. Sretelw5*
Bluffton, SC 29910

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PROOF OF SERVICE OF NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
in the Court of Appeals

RECEIVED

MAR 26 2020

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS

SC Court of Appeals

Case No. 2019-CP-07-01326

South Beach Village Bluff Apartments Horizontal Regime No. 56 Inc.
Respondent

v.

Zbigniew M. Drzazgowski and Alicja A. Drzazgowski, Appellants,

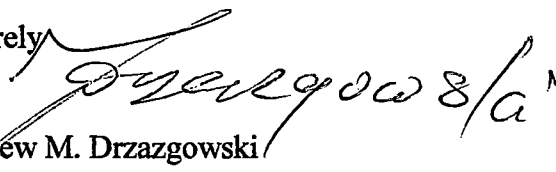
PROOF OF SERVICE

I certify that I have served the Notice of Answer to The South Carolina Court of Appeals regarding court Order, Designation of Matter, and proof of Service to South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc. and his attorney, Honorable Marvin H. Dukes II, Court Judge and Brooks R. Fudenberg by depositing a copy of it in the United State Certified Mail, prepaid on March 23, 2020.

March 23, 2020

cc:

Sincerely,


Zbigniew M. Drzazgowski

Marvin H. Dukes III, Court Judge
Jannine M. Mutterer South Beach...
Brooks R. Fudenberg

The South Carolina Court of Appeals

Appeal From Beaufort County
Court of Common Pleas

Jenny Abbott Kitchings, Clerk

Appellate Case No. 2019-001420

RECEIVED

MAR 26 2020

SC Court of Appeals

The South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc.
Respondent

v.

Zbigniew Marek Drzazgowski and Alicja Anna Drzazgowski, Defendants

Of whom Zbigniew Marek Drzazgowski

Regarding the letter that I received on March 21, 2020 regarding ORDER to dismiss my appeal case NO. 2019-001420, I would like to ask you to reconsider this decision.

Regarding the letter dated January 31, 2020, the basic information does not include my location, which is approximately 1000 miles from Columbia, South Carolina. The delivery time of letters is 4-5 days. In this situation, to meet the 10-day requirement for an answer does not only depend on me.

Regarding the Rule 208 I was supposed to receive the Respondant answer on Initial Brief, within thirty(30) days, however this had never happened RULE 208 (2) .

Other elements, like the third amendment of Initial Brief focused only on the cosmetic corrections regarding the format to be in accordance with SCACR requirements. The content and format of the issues have not changed since the first edition of Initial Brief. My efforts to adapt to all existing requirements were my priority.

Proof of Service always was present. It was documented on the last page of Initial Brief. In this situation, the amendment only required that the introduction was placed on a separate page from the Proof of Service.

Regarding designation of matter material, it was presented in Initial of Brief but it was addressed to me stating that it should be in a separate form (Letter January 31, 2020 last point).

The copies of full correspondence related to this case were sent "CERTIFIED MAIL." I have the

confirmation of sending available at any request of the Appeals Court. I was not able to attach them to the documents sent because I received the confirmation of shipment at the time of sending.

Based on the above presented information I would like to ask you to review my case documents again. I understand that the format is very important for the Court of Appeals so I would like to fulfill all the Court's wishes.

All missing documents were sent to the Court, however they were not accepted due to my unintended errors, which I always tried to correct to my best ability.

Please find the attached all CERTIFIED MAIL RECEIPTS to confirm that I have always tried to fulfill all the tasks of Court Of Appeals.

Sincerely,


Zbigniew M. Drzazgowski

cc:

Honorable Marvin H. Dukes III Judge
Jannine M. Mutterer
Brooks R. Fudenberg

Zhangwei
9 W. Danks
Unionville, C



South Carolina Court of Appeals
Jenny Abbott Kitchings Clerk
Post Office Box 11629
Columbia, South Carolina 29211

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MAR 26 2020
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