

The State Of South Carolina
In the Court of Appeals
(not in The Supreme Court)

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SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS

Marvin H. Dukes III, Court Judge

Case NO 2019-CP-07-01326

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

v.

Zbigniew Marek Drzazgowski and Alicja Anna Drzazgowski, Defendants,

Of whom Zbigniew Marek Drzazgowski is the Appellant.

[INITIAL] BRIEF OF APPELLANT

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Description of Hearing Court Of Common Pleas 14th Judicial Circuit
No. 2019-CP-07-01326 October 8, 20192

STATEMENT OF ISSUES ON APPEAL

1. I Zbigniew Marek Drzazgowski and my wife Alicja Anna Drzazgowski have never received Summons from The South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc. in the proper way. I and my wife never received the summons and never confirm obtain them.
2. The South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc. sent me a letter dated July 26, 2019 which I received on August 3, 2019. It was Saturday. Practically, I had only 3 days on sending request to postpone the Court with my Case. I never had chance to defense myself in this Case.
3. The South Beach Village Bluff Apartments Horizontal Property Regime No. 56. Inc. on February, 2016 broke in to my apartment Bluff Villa #1711 and make damages inside of the unit and programmable electronic lock.

STATEMENT OF THE CASE

1. The South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc. opened the Case 2019-CP-07-01326 in the Beaufort County, Court of Common Pleas against me, Zbigniew Marek Drzazgowski and me wife Alicja Anna Drzazgowski. The delivery of SUMMONS to me and my wife Alicja Anna Drzazgowski was delivered and left under my door-mat. I guess, they must have met my carpenter working on the roof before coming rain. After the rain, when I found those documents, their condition was so bad that even Beaufort Court Of Common Pleas did not recognize them. AFFIDAVIT OF SERVICE has never been signed by me or my wife. Thirty days later July 26, 2019 I received a latter from The South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc. in which they presented to me Affidavit of Service. It was August 3, 2019, five days before the HEARING in Court. In description, the Affidavit of Service does not present my person as they suggested I'm 5'10 not 5'4" which is in the description . To this day (January 22, 2020) we have not received the SUMMONS.

2. The South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc., sent me only the Affidavit of Service, and documents like date of the Case. The letter dated July 26, 2019 which I received on August 3, 2019 Saturday (it normally takes 4 days for delivery). I had only 3 days to hearing and still no summons. In this situation, I was eliminated from self defense in this Case. I requested the summons from The South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc. twice: July 23, 2019 and August 5, 2019.
3. The entire story started in February 2016 during replacement of the panel doors. The South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc. broke in to my apartment without my knowledge , Bluff Villa #1711, and made a lot of damage inside of the unit as well as to the electronic lock which is programmable. The lock provides my guests with codes to access my apartment. Apartment is my rental business.
4. Within last 8 years of the possession of the apartment, the other Managements have never had problems with accessing my unit. They always had the keys. This time they destroyed the lock and destroyed all the codes in it and they did not inform me about that. The new key that I received 2 weeks later, after the Construction company finished the installation of the door panels, did not work (police statement). In addition to it, it looked as they used my unit during the installation of the panels. It took me 9 days to repair all the damages. This includes the repair of the lock by a specialist, buying new washer, replacing the lock box, two trips CT-SC to bring the new washer, leave for 9 days my Remodeling business. In addition, they did not have a permit to change the door in my apartment. These are the proofs that the door to mu unit was installed illegally.
5. Because this unit is my rental business I requested a detailed invoice for installation of the door, which I have never received (more then 10 requests).
6. During the entire process I found out that the panel door does not have the safety standards which are required in the hurricane and tornado areas. Plus, very important, this panel door doesn't have the fire standards required for public buildings. In this situation, when I have guests, their safety is jeopardized. For more than 3 years I requested to replace my panel door with the standards which are required in the area like Hilton Head Island . They completely disregarded my request. To this day, with around 50 letters with request to replace the panel door, I am still afraid about safety of my guests staying in my unit and survive any unexpected circumstances.

STANDARDS OF REVIEW

1. Based on existing facts, the Court of Common Pleas in Beaufort County in South Carolina accepted Affidavit of Service presented by The South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc. This document in existing form do not confirm receiving by Zbigniew Marek Drzazgowski and Alicja Anna Drzazgowski summons which supposed to allow me presents my arguments and defent my sell in the Court.
2. In all my contacts with The South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc . by mail I never had a time and opportunity to present the existing problems related to the process of this Case. Lack of summons, lock of time to get all required information before the Hearing on August 8 2019 in Beaufort County Court of Common Pleas ,caused that the verdict was made without my presence in the Court .

FACTS

1. Atlantic States Management (which presents South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc.) February 3, 2016 statement about break in to my apartment.
2. Estimate of damages by Atlantic States Management presents by Stacy Keading which manage the Bluff Villas Complex which belong to South Village Bluff Apartments Horizontal Property Regime No. 56 Inc.
Letters requested detailed invoice for the panel door installation and request to replace door panel with a correct requirements regarding fire, impact and energy standards for this area.
 1. Door standards which was installed and Town Inspector statement regarding permit
 2. Cost of repairs after the break in
 3. Police Report stating that I did not have an access to my apartment because of the wrong key sent me by South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc.
 4. Requests for Summons from South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc.
 5. Affidavit of Service received from South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc.

6. Copy of my driving License and business Permit
7. Picture of the place where the Summons have been delivered and condition of the first page.
8. Door standards which was installed and Town Inspector statement regarding permit

ARGUMENTS

1. With fabricated AFFIDAVID OF SERVICE The South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc. planned to gain \$9583.71 and put my unit Bluff Villa #1711 apartment on foreclosure.

CONCLUSION

1. I request to cancel the amount of \$9583.71 suggested by South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc. and of my unit foreclosure.
2. I request to reverse the judgment of the Court of Common Pleas.
3. I request a full compensation of my time loses that I suffered after their breaking to my apartment, the time that I had to use to bring my unit back to the original condition, writing and sending the letters and preparation of the documents regarding the Case.
4. I request compensation for my three times travel between CT and SC.
5. I request compensation for repairs of the damages which have been done by South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc. after they broke in my apartment Bluff Villa #1711 and losing 6 days Rental and 9 days in my Home Improvement business on the amount \$7102.52 .
6. I request compensation for sending and preparing of the documents regarding repairs of the damages in my apartment, sending almost 50 letters requesting to replace the installed door with an appropriate ones to ensure the safety of my guests and my own.
7. I also request a proper invoice for my rental business (I sent around 10 letters with this request), and an invoice for sending the letters regarding the case in the Common Pleas (including the time that used to found a right Court and request Summons). All together it accumulated to 87.5 hours. Each hour is \$160.00 which gives the total amount of \$21102.52.

8. The original charge for panel door without any safety standards was \$1000.00 although in Home Depot the same door costs \$162.00.

July 19, 2020

Sincerely,

Zbigniew Drzazgowski
9 West District Rd.
Unionville, CT, 06085
Appellate
860 675-4025

Jannine M. Mutterer
21 Promenade St. Suite 205
Bluffton, SC 29910
Respondant
843 640-5700

Honorable Marvin H. Dukes III
State of South Carolina
Court of Beaufort
The Court of Common Pleas
P.O. Drawer 1128
Beaufort, SC 29901

PROOF OF SERVICE OF NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS

Marvin H. Dukes III, Court Judge

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Of whom Zbigniew Marek Drzazgowski

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Jannine M. Mutterer which represent The South Beach village Bluff Apartments Horizontal Property Regime No. 56 Inc. by depositing a copy of it (Certified Mail) in the United States Mail, postage prepaid, on January 24, 2020. The copy was addressed to their attorney of record, Jannine M. Mutterer 21 Promenade St. Suite 205, Bluffton, South Carolina 29910 and copy sent by (Certified Mail) in the United States Mail, postage prepaid on January 24, 2020 to Honorable Marvin H. Dukes III, State of South Carolina, Court of Beaufort, The court of Common Pleas, P.O. Drawer 1128, Beaufort , South Carolina 29901.

July 19, 2020



s/ Zbigniew Marek Drzazgowski
Zbigniew Marek Drzazgowski
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860 675-4025

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Menny Abbott Kitchings Clerk
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