

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
JUL 27 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

July 19, 2020

cc:

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

Sincerely



Zbigniew M. Drzazgowski

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State of South Carolina)	Court of Common Pleas
)	14th Judicial Circuit
County of Beaufort)	No. 2019-CP-07-01326
South Beach Village Bluff)	
Apartments Horizontal)	
Property Regime No. 56,)	
Inc.,)	
)	
Plaintiff,)	
)	
vs.)	
)	
Zbigniew Marek)	
Drzazgowski and Alicja)	
Anna Drzazgowski,)	
)	
Defendants.)	
)	

HEARING

October 8, 2019

Hearing reported by Deborah S. Thomas,
 Certified Verbatim Reporter and Notary Public in and
 for the State of South Carolina; said hearing held
 before Honorable Marvin H. Dukes, III, Beaufort
 County Master in Equity and Special Circuit Court
 Judge in accordance with the South Carolina Rules of
 Civil Procedure, at the Beaufort County Courthouse,
 102 Ribaut Road, Room 212, Beaufort, South Carolina
 on October 8, 2019, at the hour of 2:49 p.m.

DEBORAH S. THOMAS, CVRM
 156 Argent Way
 Bluffton, South Carolina 29909
 (803) 206-7390

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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CONTENTS

	Page
Exhibit Index	3
Certificate of Reporter	20
Word Index	

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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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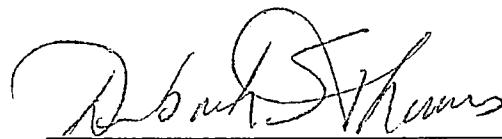
Certificate of Reporter

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.

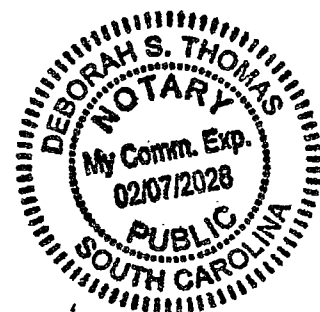
I further certify that the original of said transcript shall be hereafter delivered to Zbigniew Drzazgowski, 9 West District Road, Unionville, Connecticut 06085.

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



Point 2
sorry, I got a copie in bad condition

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, Michelle R. Campbell being duly sworn, depose and say that on the 18th day of June, 2019 at 11:00 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 service, 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

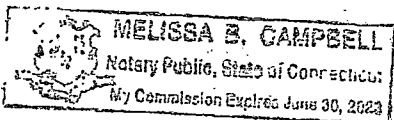
I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and Sworn to before me on the 18th day of June, 2019 by the affiant who is personally known to me.

Michelle R. Campbell
NOTARY PUBLIC

1116
PROCESS SERVER # 1116
Appointed in accordance with State Statutes

Hilton Head Investigations, Inc.
1 Corpus Christie Place Ste#102
P.O. Box 5458 (29933)
Hilton Head Island, SC 29928
(843) 842-1234
Our Job Serial Number: 2019000739



Sorry, I go feopy in bad condition
Point 2

ELECTRONICALLY FILED - 2019 Jun 27 1:03 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701326

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:
ZBIGNIEW MAREK DRZAZGOWSKI AND ALICJA ANNA DRZAZGOWSKI

For: Jannine Mutterer, Esquire
Mutterer Law Firm

Received by Hilton Head Investigations, Inc. to be served on Zbigniew Drzazgowski, 9 West District Drive, Unionville, CT 06085. I, Jessie Decker, being duly sworn, depose and say that on the 7th day of June, 2019 at 10:30 am, executed service by delivering a true copy of the Summons and Notice, Complaint and Exhibits A through F totaling 31 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: _____ as _____, 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, 60s, about 5'8, 160 lbs, grey hair, shaved
no European accent

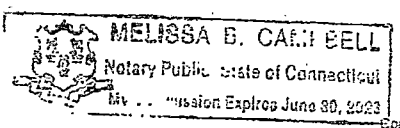
I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and Sworn to before me on the 7th day of June, 2019 by the affiant who is personally known to me.

Melissa B. Cammell
NOTARY PUBLIC

Jessie Decker
PROCESS SERVER # NR
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: 2019000738



Affidavit of Service

Ht. 5'4"

Point 3

Michael R. Gagne
COMMISSIONER

DL
Class D

Connecticut
USA

DRIVER LICENSE

NOT FOR FEDERAL IDENTIFICATION

9 Class: **D** 12 Restr: **NONE** 9a 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 **ZBIGNIEW**
8 **9 WEST DISTRICT RD**
FARMINGTON CT 06032

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

Farmington

276

→ 5'10"

Point 4


Zbigniew Drzazgowski shared 1 photo with you

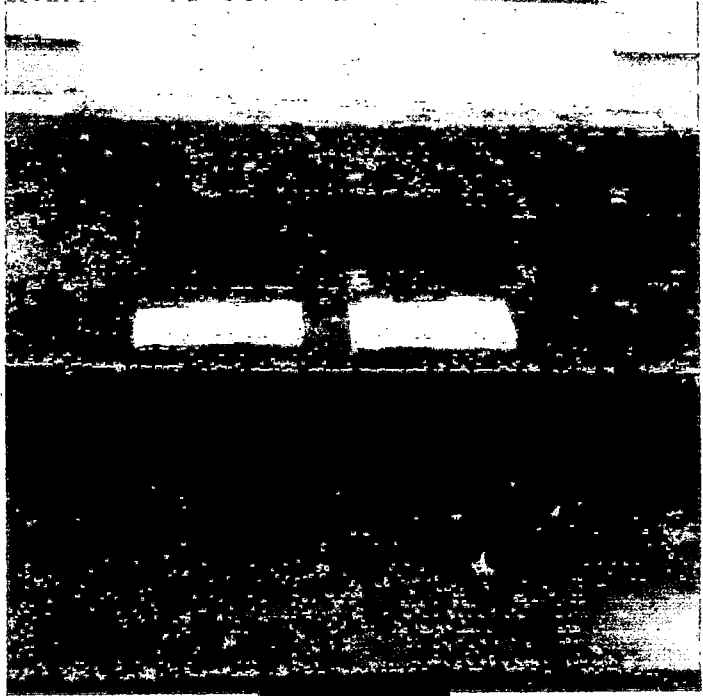
From: Zbigniew Drzazgowski (via Google Photos) (noreply-517789e443d586d8402d7175db0271e1@google.com)

To: drzazgowski@sbcglobal.net

Date: Saturday, August 17, 2019, 8:57 AM EDT



 Zbigniew Drzazgowski shared a photo with you



[View photo](#)

You received this mail because Zbigniew Drzazgowski shared these photos with you. If you no longer wish to receive email notifications of shared photos, [unsubscribe here](#).

Get the Google Photos app



Point 5

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

Alicja Drzazgowski
Zbigniew Drzazgowski

cc:

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

Rule 4 - SC Judicial Branch

<https://www.sccourts.org/courtreg/displayRule?ruleType=CIV>

The second sentence requires only copies of the original *summons* to be served with the complaint on each defendant. *Rule 4(b)* is substantially identical to the Federal *Rule*, being modified only to conform to State practice as set out in *Rule 4(a)*. The first sentence of *Rule 4(c)* continues present State practice.

Can I be sued without being served?

No it is NOT legal to be sued without notice. When someone is sued, they have to be served with the Summons and Complaint. ... Even if not served by publication, if you can prove you were not served (e.g., you were out of state on the date they claim they personally served you), you can get the judgment set aside. Aug 1, 2012

The judge can issue a bench warrant for your arrest if you fail to show up in criminal court. ... If you have a legitimate reason for non-attendance, such as moving and not receiving the summons, the court likely will set another court date. Dec 4, 2018

Can you get a Judgement without being served?

It depends but generally, no, a judgement should not be entered unless you have been served. After filing, a petitioner must also file a proof of service showing that you were properly served with the court. If you were not properly served, the judgement entered against you can be overturned. Apr 6, 2014

What happens if alias summons is not served?

If the defendant has not been served by your court date, the judge will continue your case for to give more time for service to be tried again. You will need to complete an "alias summons" to serve the defendant.

Can summons be served by mail?

In the majority of states, you can serve papers by sending them to the defendant via certified mail with a return receipt requested. In some states, service by certified (or registered) mail is one among several ways you may serve papers. ... Normally, the court clerk does the mailing for you and charges a small fee.

How are summons served?

A judicial summons is served on a person involved in a legal proceeding. ... The summons announces a date by which the person or persons summoned must either appear in court, or respond in writing to the court or the opposing party or parties. The summons is the descendant of the writ of the common law.

Do you have to sign for a summons?

Only the Sheriff of the court can deliver a summons in person. Anyone else should get a signature or proof of delivery. The usual means is to deliver via registered letter, or in person requiring a signature. Mar 3, 2009

Who is responsible for serving a summons?

The plaintiff is **responsible** for having the **summons** and complaint **served** within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes **service**.

What is the purpose of an alias summons?

An **alias summons** is a second attempt by the plaintiff to notify the defendant that they need to come and defend themselves in court. It is also sometimes referred as **pluries summons**, which basically means an additional **summons**. Normally, a **summons** is served by a person.

Can I be sued without being served?

No it is NOT legal to **be sued without notice**. When someone is **sued**, they have to **be served** with the Summons and Complaint. ... Even if not **served** by publication, if you **can** prove you were not **served** (e.g., you were out of state on the date they claim they personally **served** you), you **can** get the judgment set aside. Aug 1, 2012

How many attempts will a process server make?

Generally, **process servers make** at least three **attempts** to serve somebody. These **attempts** are normally made at different times of day and on different days to maximize our chance of **servicing** the papers. We say "generally" because some jurisdictions prefer more than three.

Can process server leave papers your door?

In most cases, a **process server** — someone who delivers official **documents** like citations, depositions, warrants, etc. on behalf of the court — **can't leave papers** just sitting under the doormat, but there are situations when they might still serve the **documents** without the intended recipient present. Nov 8, 2018

Point 6

**Atlantic
States
Management, INC**

February 3, 2016

Zbigniew Drzazgowski
9 West District Road
Farmington, CT 06085

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

Point 7

The Home Depot Special Order Quote

Customer Agreement #: H6229-12291

Printed Date: 9/20/2016

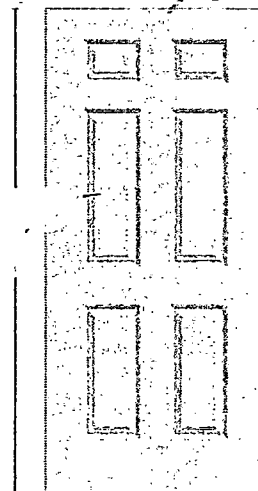
Customer Information		Store Information	
Name	ZIBBY DRZAZGOWSKI	Store Number	6229
Address	9 W DISTRICT RD FARMINGTON, CT 06032	Address	1149 FARMINGTON AVE BRISTOL, CT 06010
Primary Phone	860-675-4025	Associate	ERIC
Secondary Phone	860-675-4025		

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

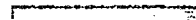
100-1	35.75x79 Steel Slab Only None	none	\$162.00	1	\$162.00
-------	-------------------------------	------	----------	---	----------



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



35 3/4



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

Subject: RE: Bluff Villas doors
From: Yates Chris (chrisdy@hiltonheadislandsc.gov)
To: drzazgowski@sbcglobal.net;
Date: Tuesday, February 23, 2016 10:31 AM

Based on a search of permits, I was unable to locate any permits for a door replacement at your unit 1711. A permit is required for door replacements where the door and the frame/jambs/sill are being replaced. A new door would be required to meet the DP ratings/Energy ratings/(Fire ratings, garage doors, etc.). However, If the door itself was removed off of the hinges and a replacement door re-installed on the original frame/jambs/sill, then this is a repair and no permit is required.

Thank you,

Christopher D Yates

Town of Hilton Head Island

Building Division

Office number 843-341-4675

Cell number 843-247-2853

chrisdy@hiltonheadislandsc.gov

From: Zibby D [mailto:drzazgowski@sbcglobal.net]
Sent: Tuesday, February 23, 2016 9:04 AM
To: Yates Chris
Subject: Bluff Villas doors

Hi, thanks for you time will be great if you send me information

Print 8

South Beach... manager

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

Point 8

South Beach Viage Bluff Apartments Horizontal Property Regime No. 56 Inc.
Jannine M. Mutterer

Zbigniew Drzazgowski
9 West District Rd.
Unionville, CT 06085

Regarding Civil Action No. 2019-CP-07-01326 and hearing which took place October 8, 2019 at the State of South Carolina County of Beaufort in the Court of Common Pleas between Judge Marvin H. Dukes III, Jannine M. Mutterer representing South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc Plaintiff and I, Zbigniew Drzazgowski defendant, new facts have emerged which I present below.

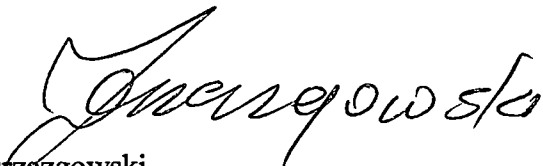
1. The Affidavits of Service presented by the Plaintiff do not have the required signatures that prove the delivery of summons to the accused persons (Civil Remedies and Procedures, Chapter 9, Sec: 15-9-210 and sec: 15-9-280 point (2))
2. No US Post Office confirmation of the delivery of summons by Certified or Registered Mail with a signature of delivery (Remedies and Procedures, Chapter 9 sec: 15-9-210 point b and sec: 15-9-280 point 1).
3. In my letters dated 07/23/2019 and 08/05/2019 (send by certified mail) I repeated my request for a proof of delivery of summons and I had never received any response.
4. Lack of sommons and deliberate delays in correspondence have eliminated me from being able to participate in the defense process which I am entitled to as a defendate.
5. Use of Decision of the Court to put my unit for forclosure and request from me of the amount \$ 9583.71 without legal grounds of the law.

Based on the facts presented above and deliberate manipulation by the Plaintiff, Jannine M. Mutterer, suffer a loss of money and time (the destruction of my apartment after breaking in 2017 by South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc. for a sum of \$ 7102.52, the travel costs and cost of sending the letters regarding the bill for door instalation (confirmation of tax expenses) and replacement of door that did not meet the basic security requirements for me and my guests. (80 hours X \$ 150.00 = \$ 12000.00). My trip in October to Court Hearing, which took place 10/08/2019 in the Court on sum of \$ 2000.00.

Therefore I ask for the sum of \$ 21,102.52 as compensation for my expenses which arose due to fabrication of the documents, and deliberate manipulation leading to my elimination from the defense in Court. The amount should be paid by 10/05/2019. If I do not receive the sum which I requested before the deadline, I will take action in the court to receive the money.

July 19, 2020

Sincerely



Zbigniew Drzazgowski

Point 9

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

136 1370 0002 3972 6781

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HILTON HEAD ISLAND, SC 29938

Certified Mail Fee	\$3.35
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<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	\$0.49
Total Postage and Fees	\$3.84

Bluff Villas
Atlantic States Management

Postmark Here
JUN 21 2017 0185
USPS

06/21/2017

Point 9

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.

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\$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

Point 10



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 08, 2020

Mrs. Jannine Maria Mutterer, Esquire
PO Box 29
Bluffton SC 29910

Mr. Brooks Roberts Fudenberg, Esquire
171 Church Street
Suite 160
Charleston SC 29401

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

Dear Counsel:

The respondent's initial brief and designation of matter are due within thirty days of the date of this letter.

Very truly yours,

V. Claire Allen

CLERK

cc: Zbigniew Marek Drzazgowski

7019 1640 0000 049T 6102

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 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$4.10

Postmark Here 05/04/2020

Sent To: *Jeanne M. Butcher*
 Street and Apt. No., or PO Box No.: *21 Promenade SFSuite 21*
 City, State, ZIP+4®: *Bluffton, SC 29910*

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

HEED 6920 1000 049T 6102

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 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$4.10

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 Street and Apt. No., or PO Box No.: *P.O. 1128*
 City, State, ZIP+4®: *Beaufort, SC 29901*

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COLUMBIA, SC 29211

Certified Mail Fee \$3.55

Extra Services & Fees (check box, add fee to postage):
 Return Receipt (hardcopy) \$0.00
 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00

Postage \$0.70

Total Postage and Fees \$4.25

Postmark Here 05/04/2020

Sent To: *The South Carolina Court of Appeals*
 Street and Apt. No., or PO Box No.: *P.O. 11639, 1220 Senate St*
 City, State, ZIP+4®: *Columbia, SC 29211*

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

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

Case NO 2019-CP-07-01326

RECEIVED
JUL 27 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

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

Zbigniew Drzazgowski
9W District
Unionville, CT 06085-1430



RECEIVED

JUL 27 2020

SC Court of Appeals

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

