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JUL 12 2021

SC Court of Appeals

The South Carolina Court of Appeals

V. Claire Allen

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

v.

Zbigniew Marek Drzazgowski and Alicja Anna Drzazgowski

Of whom Zbigniew Marek Drzazgowski

Appellate Case No. 2019-001420

Regarding the letter dated July 09, 2021 regarding the request of extension of time for consideration and decision of the Appellate Case No. 2019-001420 I would like to inform the South Carolina Court Of Appeals that I have decided to refer my case to the Supreme Court of the United States if I do not receive such a decision base on the facts presented by me.

I. STATEMENT OF ISSUE ON THE APPEAL

Decision of the South Carolina Court of Appeals

“ On January 31, 2020, this court sent Appellant a letter, nothing 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.”

1. The statement regarding my response to the court letters: The US Post Service on April 17, 2020, Article Number 000004253 issued a statement to customers information “USPS Coronavirus Updates: Expected delivery Changes. “ USPS products and packages may require more time to be delivered due to limited transportation availability as a result of the ongoing COVID-19 impacts”.

The next statement states that " First Class Mail two and three day service commitments will be extended to three and four days respectively."

2. Supreme Court issued an order supplementing and altering current practices regarding the operation of the appellate courts. See RE: **Operation of the Appellate courts During the Coronavirus Emergency** (SC: Sup. Ct. Order dated March 20, 2020, amended May 29, 2020). It allows to use emails in communication with Appellate Courts. I was informed about those changes on **March 15, 2021**.

3. Next, the reason of my appeal was dismissed because "**Appellant still has not filed a designation of matter or proof of service showing the amended initial brief was served on Respondent.**"

After few requested changes from SC Court of Appeals on July 01, 2020, my Appellant's petition to reinstate appeal was granted with designation of matter. On July 08, 2020 I got information that initial brief and designation of matter are due within thirty days.

4. On November 18, 2019, SC. Court of Appeals stated "Accordingly, the time for service and filing of the appellant's initial brief and designation of matter has expired and December 31, 2019, SC, Court of Appeal stated "appellant's initial brief and designation of matter outside of the filing deadlines."

After that SC: Court of Appeals on July 01, 2020 said "After careful consideration and because the designation of matter has been filed, Appellant's petition to reinstate is Granted."

5. Designation of matter (in acceptable form, for SC. Court of Appeals) was accepted July 19, 2020. Before July 19, 2020 I was sending copies of Certified Mail Receipts to all the persons which this case required and SC. Court of Appeals.

II. Statement of Case - Facts

1. The distance between CT and SC is approximately 1000 miles. Based on the US Post Service criteria, one way mail delivery takes four days, multiply by 2 (two ways delivery) it is eight days.

2. In accordance with Federal Rules of Appellate procedure, Rule 26, point (1), (A) and (B), taking into account, the first and last day of the event that triggers the period will be ten days for delivery. Within ten days there is, additionally, Saturday and Sunday which extend the time of delivery to twelve days. It is impossible to respond in the ten days, even assuming that nothing additional will happen on the way.

3. The format of initial brief was used on the basis of the template provided by the US Court of Appeals. The South Carolina Court of Appeals does not have a template of its own to be available. The rules of SCAPER, do not say that some parts of the initial brief supposed to be on separate pages or different location and I was never informed about that.

Adoption of initial brief form to the requirements of the SC Court of Appeals required from me more time. (I have been trying defend me and my wife by my self). The corrections suggested by SC. Court of Appeals were unitary and resulted in that correction being done several times.

4. The designation of matter was send to SC. Court of Appeals in requested format on July 19, 2020 and it was accepted. I would like to inform the Court that all the elements of designation of matter have been attached in the first initial brief (and the next one) on August 19, 2019, however it was not was specified on the separate page but in a form of attachments. (Lock of correct templates of the brief of SC Court of Appeals Rules caused the problem for me.)

5. The proof of service has always been presented in a form of the copies of USPS Certified Mail Receipt, and were always attached to the responding letter. Few times correction was so marginal that required only to include or add one word.

III. Conclusion

1. Initial Case in Beaufort County, Court of Common Pleas, Case No. 2019-CP-07-01326 regarding burglary to my business apartment.

Before the burglary the Management of Bluff Villas had never had a problem to access my apartment. The signatures of the pest control services in the apartment can confirm that. Despite that the Management broke to my apartment without my knowledge. I received the new key after 2 weeks after the burglary. Because this is my Rental Business I have an electronic programmable lock on the door to manage access for rental guests. The burglary destroyed the programmed codes in the lock for at least 10 guests. In consultation with KABA, which controls the lock and the codes, informed me that the lock must be reset and reprogrammed again by KABA specialist. Special module is required.

In this situation, I did not have a choice but leave my remodeling business in CT (at the time I worked on the house preparation for sale for one of my clients) and drove to my apartment in SC to address the issues with the lock, find KABA specialist and prepare the apartment for business. When I arrived, I found in the apartment more

damages: broken washer, damages on the wall and doors. It took more than a week to bring the apartment back to rental standards. I had to order a new washer in a specific size that is available only through the internet and its delivery took 5 days.

I also had to repair the walls, doors and the bathroom and clean the entire apartment.

2. During the burglary they replaced the entry door panel and requested me to pay for it without any invoice. Since the apartment is my rental business, I refused and requested detailed invoice. In addition this panel door does not have standards for fire, tornado and hurricane, which is very common in this area. My request was refused. When I checked the manufacture specifications of that panel, this panel completely did not fully fill those requirements. In this situation, I requested to replace this panel with the one that would be proper for public buildings for this area, and gave safety for my guests. South Beach Village Horizontal Property Regime 56 refused to provide me with the invoice.

3. When I was waiting for the replacement of the panel and the invoice, South Beach Village... opened the Case in the Beaufort County, Court of Common Pleas No. 2019-CP-07-01326. The case was opened without delivery of summons for me and my wife.

I noticed some papers under the doormat at the entry door to my house which I do not use (have two entrance doors). I had no idea how many days they were there at this time. The first few very important pages, were completely unreadable probably because we had rain for a few days. To find out which Court issued those papers I sent a copy of the first few pages to the Bluffton Magistrate Court asking if they belonged to them. On July 23, 2019 I received the negative answer, however they suggested to check with the Beaufort County Court of Common Pleas. Therefore I sent a letter to Janine M. Mutterer which represent South Beach Village... asking to send the summons for me and my wife and to give me thirty(30) days to respond to the complains and participate in the Case (Rule 4 SC Judicial Branch, Rule (b).

I sent a second request on 08/05/2019 (Certified Mail). I didn't receive any response to those requests.

Janine M. Mutterer presented in the Court of Common Pleas "Affidavit of Service" which contains statement that the delivery of summons was at 9:30 am. The person which worked on the roof of my house at this time was not paying attention to the package, and the package was placed under the doormat by the person who delivered it.

4. Lack of summons and deliberate delays in correspondence, have eliminated me and my wife from being able to participate in the defense process.

5. Court Common Pleas accepted this procedure and opened the Case without the

signed summons delivery form, for me and my wife.

6. Case was opened without my presence and the verdict was negative for me.

7. It was the reason that I decided to open Case In the South Carolina Appeals Court to finally participate in the Case and receive my money which I lost after burglary.

8. During the Appeal Case in SC. Court of Appeals, I received new documents, which I had never seen before, from Jannine M. Mutterer who represents South Beach Village... which South Carolina Court Of Appeals disregarded.

On August 25, 2020, one year after the Case in Court of Common Pleas, Mrs. Mutterer presented the confirmation of package delivery. The signature are not compatible with mine or my wife's signature. In the original USPS receipt there is the following note: "Actual Recipient Name may vary if the intended recipient is not available at the time of delivery". Neither my wife or I had seen that receipt or signed it.

- Jannine M. Mutterer presented few statements confirmed by Public Notary that the package was delivered to my house in CT, on August 10, 2020

9. On March 4, 2020, before I even received the decision of the dismissal of my Appeal, Brooks R. Fudenberg, the lawyer representing South Beach Village..., sent a letter to SC Court of Appeals requesting to dismiss my Appeal Case.

The suggestions for dismissal of my Appeal presented in his letter were following: time of delivering correspondence, the lack of designation of matter and proof of service. Identical elements were set out in the South Carolina Court of Appeals decision on March 18, 2020 regarding dismissal of my Appeal. Unfortunately these are not all the elements in this case. In addition they are not based on existing facts.

10. In each initial brief, all the attachments were specified in the text of the Appeal by stating " check the attachment..." This form of listing the attachments has the same meaning as if it was written on a separate paper. Each initial of brief was accompanied by a confirmation of sending identical documents to each person working on this case (Certified Mail Receipt). The Court of Appeals did not accepted it.

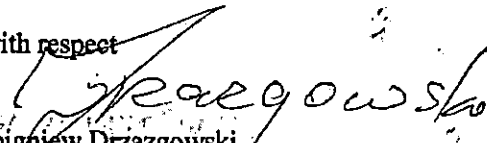
11. We have many Appeal Courts in this country and each has different Appeal Rules in presentation of the documents. Most of them present ready-to use templates . This makes it easier for a person who has chosen to defend himself in the Court and fulfill all the requirements for the Court. Nobody in United States of America knows all the procedures in the Courts.

I would like to present once again my request for an extension of time for consideration and decision of the Appellate Case No. 2019-001420 and final decision.

For South Carolina Code of Laws , please check attachment.

July 10, 2021

with respect


Zbigniew Drzazgowski

CC:
South Beach Village...
Honorable Marvin H. Dukes III

PROOF OF SERVICE OF NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
Court of Appeals

RECEIVED

JUL 12 2021

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS
Case No. 2019-CP-07-01326

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

v.

Zbigniew M. Drzazgowski and Alicja A. Drzazgowski, Appellants
Of whom Zbigniew M. Drzazgowski is the Appellant

Appellate Case No. 2019-001420

PROOF OF SERVICE

I certify that I served the notice of Answer to South Carolina Court of Appeals regarding Court Order for extension of time to serve the record on Appeal Case No. 2019-001420, to South Beach Village Bluff Apartments Horizontal Property Regime No. 56 Inc. and his attorney Jannine M. Mutterer and Honorable Marvin H. Dukes II.

July 10, 2021


Zbigniew Drzazgowski

cc:

Clerk of Court, Marvin H. Dukes
III, Court Judge. Court of Beaufort
Jannine M. Mutterer, South Beach...
21 Promenade St. Suite 205,
Bluffton SC 29910