

# The South Carolina Court of Appeals

Allen Livingston, Respondent,

v.

Harold Simmons, Appellant.

Appellate Case No. 2016-001201

**RECEIVED**

**Oct 28 2021**

S.C. SUPREME COURT

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## ORDER

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After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

U. Ke J.  
D. Man li J.  
3h l J J.

Columbia, South Carolina

cc:

Harold Simmons, Jr.

Bruce Alan Berlinsky, Esquire

**FILED**  
**Sep 28 2021**

# The South Carolina Court of Appeals

Allen Livingston, Respondent,

v.

Harold Simmons, Appellant.

Appellate Case No. 2016-001201

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## ORDER

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Appellant received written notice of entry of the order on appeal on April 27, 2016. Appellant served the notice of appeal on May 30, 2016. Pursuant to Rule 203(b)(1), SCACR, the notice of appeal must have been "served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment." Because Appellant failed to timely serve Respondent with the notice of appeal, this appeal is dismissed. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, i.e., if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice."). The remittitur will be sent as required by Rule 221(b), SCACR.



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FOR THE COURT

Columbia, South Carolina

**FILED**  
**Aug 04 2021**

cc:

Harold Simmons, Jr.

Bruce Alan Berlinsky, Esquire

File Fee \$50.00

RECEIVED

The South Carolina Court of Appeals

Aug 17 2021

SC Court of Appeals

Allen Livingston, Respondent

v

Harold Simmons, Appellant

Appellant Case No. 2016-001201

Motion of Re Hearing or Reverse order

In Respond to this letter Dated Aug 04, 2021

The court is in error. The Judgement entered 27<sup>th</sup> Day of April 2016, But mailout First Class 28<sup>th</sup> day of April, But US Postage stamp 02<sup>th</sup> day of May 2016 But Deliver 03<sup>th</sup> day of May 2016, Appellant 30 days Starts to run 04<sup>th</sup> day of May 2016 End 02<sup>th</sup> day of June 2016

Documents Provided

Notice of Entry

Postal U.S. Envelop

1, 2, 3, 4 Steps.

*Harold Simmons Jr*

Harold Simmons Jr

If Appellant was NOTIFY about this Back in 2016 Appellant had two other orders that came after. That Appellant would have use For Appellant Appeals.

*Harold Simmons Jr*

cc cc Court of Appeals  
Bruce Alan Bedinsky Esquire

JULIE J. ARMSTRONG  
CLERK OF COURT, C.P. & G.S.  
100 BROAD STREET, SUITE 106  
CHARLESTON, SC 29401-2258  
RETURN SERVICE REQUESTED



Copy

clerkofcourt.charlestoncounty.org

Exhibit (2)



162



JACKSON SETH WHIPPER  
PO BOX 70070  
N CHARLESTON SC 29415-0070

**NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC**

**Order-defnt's mot to alter or amend is denied**

**CASE NO: 2014CP1001635**

**Allen Livingston VS Harold Simmons**

This judgment was entered on the <sup>①</sup>27th day of April, 2016, and notice mailed first class on <sup>②</sup>Thursday, April 28, 2016, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at <http://clerkofcourt.charlestoncounty.org> or obtain a copy in person at the Clerk of Court's Office during regular Charleston County business hours.

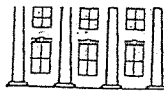
④

Received MAY 3 2016

For (2)



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REQUESTED

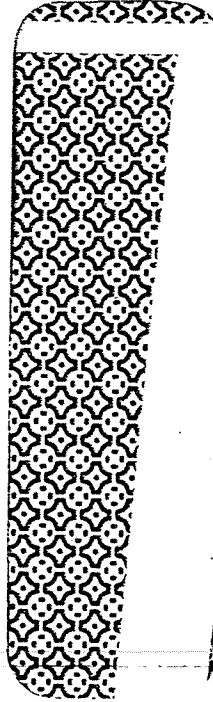


clerkofcourt.charlestoncounty.org

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Exhibit (3)

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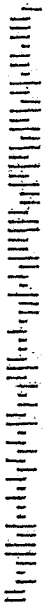
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April

You

copy

DATE  
NUMBER



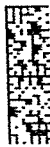
TO RULE 77 SCRPC

be mailed first class on Thursday,  
receive notice.

[charlestoncounty.org](http://charlestoncounty.org) or obtain a  
on County business hours.

POSTED  
MAY 02 2016

PRESORTED  
FIRST CLASS



US POSTAGE  
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APR 29 2016  
ZIP 30541  
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Exhibit (1)

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Mikell R. Scarborough, Circuit Court Judge

Case No. 2014-CP-1001635

HAROLD SIMMONS JR.,

Appellant,

v.

ALLEN LIVINGSTON,

Respondent.


NOTICE OF APPEAL

For (1)

Harold Simmons Jr., appeals the order Lis Pendens of the Honorable Mikell R. Scarborough dated April 25, 2016. Appellant Attorney at the time received written notice of entry of this order Lis Pendens on April 27, 2016.

May 30, 2016

April 27, 2016

  
Harold Simmons Jr.  
1182 King Street  
Charleston, South Carolina 29403  
(843) 480-8694  
Pro Se, Appellant  
(843) 480-8694

Trail Date  
12-17-2014  
order Filed  
4-8-2015  
motion Filed  
4- -2015  
motion Hearing  
4-25-2016  
motion Filed  
4-27-2016

Other Counsel of Record:  
Bruce A Berlinsky  
One Carriage Lane, Bldg F  
Charleston, South Carolina 29407  
Attorney for Respondent  
(843) 852-2282

(19)

THE STATE OF SOUTH CAROLINA  
in the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
MASTER-IN-EQUITY LAW COURT

Mikell R. Scarborough, Master-In-Equity Law Judge

Case No. 2016-001201

Harold Simmons Jr.....Appellant,

v.

Allen Livingston.....Respondent.

CERTIFICATE OF SERVICE

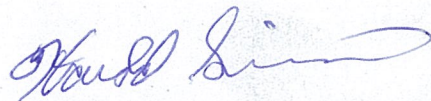
I, Harold Simmons Jr, Pro Se, hereby certify that I have, on date indicated below, served counsel below with a Appellants' *Motion of Rehearing* of matter to be included in Record on Appeal by mailing a copy of same via Certified US Mail, postage pre-paid and return address clearly indicated on said envelope, to counsel at the following address:

Bruce A. Berlinsky, P.A.  
One Carriage Lane Bldg. F  
Charleston, SC 29407  
(843) 852-2202  
Attorney for Respondent



Harold Simmons Jr.

Aug 18, 2021



10/26/2021