

95299

RECEIVED

DEC 31 2021

SC Court of Appeals

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Perry H. Gravely, Circuit Court Judge

Case No. 2020-CP2305762

Jo Ellen Johnson, Plaintiff, et al

Respondent,

v.

Frank M. Warlick, Defendant, et al

Appellant.

NOTICE OF APPEAL

Frank M. Warlick appeals the order [judgment] of the Honorable Peter H. Gravely dated December 3, 2021. Appellant received written notice of entry of this order [judgment] on December 20, 2021.

December 31, 2021



Frank M.
Warlick
Post Office Box 3871
Greenville, South Carolina 29608
(864) 517-7657
Appellant

Other Counsel of Record:
Bruce W. Bannister,
Esquire
Post Office Box 10007
Greenville, South Carolina 29603
Attorney for Respondent
(864) 298-0084

STATEMENT OF ISSUES ON APPEAL

1. HOW CAN A FAIR TRIAL TAKE PLACE WHEN ONE SIDE WASN'T SERVED?

STATEMENT OF THE CASE

The erroneous comingling of served defendants having nothing to do with this dispute and situated six Counties South of Greenville County has resulted in a lower court decision being made in the absence of any courtroom testimony or presentation of evidence from the real defendant(s). Given sufficient opportunity to present evidence confirming South Carolina Secretary of State records, executed and notarized contractual agreements, appraisals, Greenville County zoning documents, architectural and engineering records, Greenville County Metropolitan Sewer Authority contracts, proof of Attorney's illegal use of escrowed funds, proof of falsified lien documents, etc., appellant respectfully requests the case to be returned to the Greenville Court of Common Pleas in order to be adjudicated.

On December 3, 2021, the case was found for Plaintiffs and awarded them \$2,633,433.56 in damages. On December 31, 2021, the Notice of Appeal was served.

FACTS

1. The Certificate of Service (attached) is the first and only notification received about the judgement described herein. It was not preceded by any notification of an upcoming hearing on this matter. Also attached is a copy of the official Secretary of State record of existence for the firm Red Clay Development, LLC. This is the only Red Clay Development, LLC operating in the State of South Carolina, and has not associated in any way with the subject Greenville County land purchase.

2. Attached are copies of the only two land purchase contracts associated with this dispute. Both contracts deal with the same tract of land:

Contract #1: The land is purchased by Red Clay Development, SC, LLC = \$2,517,000

Contract #2: The land is sold by Red Clay Development, SC, LLC = \$8,857,000

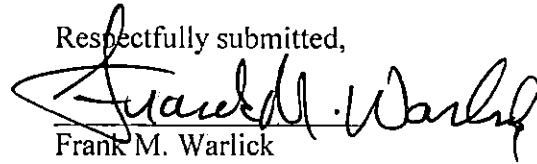
The **ONLY** Frank M. Warlick signatures appearing on either of these documents are as "agent" for Red Clay Development, SC, LLC. At no time during this entire transaction were personal signatures or commitments involved.

CONCLUSION

For the reasons stated herein, this Court should reverse the judgment of the circuit court.

December 31, 2021

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank M. Warlick", written over a horizontal line.

Frank M. Warlick

P. O. Box 3871

Greenville, South Carolina 29608

(864) 517-7657

Appellant

Business Entities Online

File, Search, and Retrieve Documents Electronically

RED CLAY DEVELOPMENT, LLC

Corporate Information

Entity Type: Limited Liability Company

Status: Good Standing

Domestic/Foreign: Domestic

Incorporated State: South Carolina

Important Dates

Effective Date: 10/26/2001

Expiration Date: N/A

Term End Date: N/A

Dissolved Date: N/A

Registered Agent

Agent: C DENNIS MCKITTRICK

Address: 140 N MAIN ST STE 201
SUMMERVILLE, South Carolina 29483

Official Documents On File

Filing Type	Filing Date
Organization	10/26/2001

RECEIVED
DEC 31 2021
SC Court of Appeals