

**ORIGINAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Steven H. John, Circuit Court Judge

Case No. 2009-CP-26-10523

Appellate Case No. 2012-213287

Elizabeth A. Crotty and  
James K. Orzech, Ph.D.,

*Pro Se* Appellants

v.

Windjammer Village Property  
Owners' Association,

Respondent

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**DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL  
(Revised May 24, 2013)**

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Appellants propose that the following be included in the Record on Appeal, replacing that which was submitted on March 13, 2013:

**Basic Documents of the Windjammer Village POA**

1. 2009 Windjammer Village of Little River, SC, Property Owners' Association Restrictions-Rules-Regulations (revision of July 2009), including, as Attachment #1, Declaration of Restrictions & Easements (revision of January 30, 1997). (22pp)

**ORIGINAL**

2. 2009 Windjammer Village of Little River, SC, Property Owners Association By-Laws (revision of July 11, 2009). (11pp)
3. 2008-2012 Photo Album of Windjammer Village Parking Patterns. Appellants Elizabeth A. Crotty and James K. Orzech, Ph.D. (14pp).

**Documents Involving Civil Action #2009-CP-26-10523,  
The Court of Common Pleas, Fifteenth Judicial Circuit**

4. 2009 10 28 VERIFIED COMPLAINT with Exhibits A-C. Richard M. Lovelace, Jr., Esq. (5pp)
  - Exhibit **A1**: 2002 07 15 Title to Real Estate. (4pp) along with
  - Exhibit **A2**: 2005 09 07 Warranty Deed. (3pp) and
  - Exhibit **A3**: 1998 11 16 Plat Lot A Block E, showing ‘one-story frame Bathhouse’ and Lot B Block E with community mailboxes, two-way ‘Paved Driveway’ and ‘Reserved Common Area,’ as well as the locations of Gamecock Circle and Little River Drive. (1pp)
  - Exhibit **B1**: 2009 09 Page #1 of *The Windjammer Village Breeze* (1pp) with
  - Exhibit **B2**: 2009 10 08 Concern Form. (Appellant) James K. Orzech (4pp)
  - Exhibit **C**: 2009 10 Windjammer Village Mail-In Ballot (annotated). (2pp)
5. 2009 10 28 ORDER FOR TEMPORARY INJUNCTION, The Honorable Larry B. Hyman, Jr. (3pp)

**ORIGINAL**

6. 2009 11 04 ORDER (extending Temporary Injunction), The Honorable Benjamin H. Culbertson (1pp)
  
7. 2010 03 24 PETITION FOR ORDER AND RULE TO SHOW CAUSE (Contempt of Court) with Exhibits **A** through **D**. Richard M. Lovelace, Jr., Esq. (4pp)
  - Exhibit **A**: ORDER FOR TEMPORARY INJUNCTION (Same as Document #5).
  - Exhibit **B**: ORDER (extending Temporary Injunction) (Same as Document #6).
  - Exhibit **C**: 2010 03 16 Partial Transcript of Board Meeting, March 16, 2010 at 7pm (audio-recording available). (Appellant) Elizabeth A. Crotty. (2pp).
  - Exhibit **D**: 2010 03 17 & 18 (Two) Letters to (Appellants) Orzech and Crotty entitled 'Re: Access to Property.' (Respondent) Windjammer Village POA Board of Directors (2pp)
  
8. 2010 04 28 ORDER (Contempt of Court) with Exhibit **A** and **B**. The Honorable Larry B. Hyman, Jr. (2pp)
  - Exhibit **A**: ORDER (extending Temporary Injunction) (Same as Document #6).
  - Exhibit **B**: ORDER FOR TEMPORARY INJUNCTION (Same as Document #5).
  
9. 2011 06 23 NOTES on Judge John's Spoken Orders from the Bench. (Appellants) Elizabeth A. Crotty and James K. Orzech, Ph.D. (2pp)
  
10. 2011 08 05 FINAL ORDER (Ending Action). The Honorable Steven H. John (8pp)

**ORIGINAL**

11. 2011 08 12 PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR RECONSIDERATION PURSUANT TO RULE 59(e), SCRPC. Richard M. Lovelace, Jr., Esq. (2pp)

12. 2012 02 27 ORDER UPON PLAINTIFFS' MOTION FOR RECONSIDERATION PURSUANT TO RULE 59(e), SCRPC. The Honorable Steven H. John (4pp)

13. 2012 05 15 RECORDING MEMORANDUM. The Honorable Steven H John (2pp)

14. 2012 08 23 RE: AUGUST 30<sup>TH</sup> RULE TO SHOW CAUSE HEARING: PLAINTIFFS' MEMORANDUM REQUESTING THAT THE COURT RE-VISIT THE FINAL ORDER IN THE NAME OF JUSTICE (Court accepted as a RULE 60(b) MOTION) with attachment **A-F.** (Appellants) Elizabeth A. Crotty and James K. Orzech (14pp)

- Attachment **A1:** 2002 05 13 Contract of Sale (with Plat) to Elizabeth A. Crotty. Windjammer Village Property Owners' Association (6pp)
- Attachment **B:** 2003 07 14 Letter RE: Bathhouse #1 to Elizabeth A. Crotty. Angela Marcotte, Board Secretary, on behalf of Paul Reinhardt, Architectural Committee Chairman, Windjammer Village Property Owners' Association (1pp)
- Attachment **C:** 2009 09 Page #1 - The Windjammer Village Breeze. (1pp)
- Attachment **D:** 1998 10 24 Memorandum. Barbara Culver, Treasurer, Windjammer Village Property Owners' Association (4pp)
- Attachment **E:** 1996 Definitions of Words 'access,' 'from' and 'entrance.' *Merriam-Webster Dictionary* (1pp)

**ORIGINAL**

- Attachment F: 2007 06 28 Protest Letter to the Windjammer Village POA.  
(Appellants) Elizabeth A. Crotty and James K. Orzech, Ph.D. (3pp)

15. 2012 08 30 TRANSCRIPT OF RECORD. Dixie Cox Eubank, Circuit Court Reporter,  
Fifteenth Judicial Circuit (50pp)

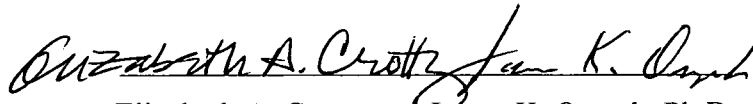
16. 2012 11 05 AFFIDAVIT OF PLAINTIFFS' COMPLIANCE WITH THE COURT'S  
FEBRUARY 22, 2012, ORDER. Kenneth R. Moss, Esq. (3pp)

17. 2012 09 14 ORDER UPON PLAINTIFFS' MEMORANDUM REQUESTING THAT THE  
COURT RE-VISIT THE FINAL ORDER IN THE NAME OF JUSTICE (*Court accepted  
as a Rule 60(b), SCRC Motion*). The Honorable Steven H. John (7pp).

We certify that this designation contains no matter, which is irrelevant to this appeal.

Respectfully submitted,

*Pro Se* Appellants



Elizabeth A. Crotty and James K. Orzech, Ph.D.

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Little River, South Carolina

May 24, 2013

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas of the Fifteenth Judicial Circuit  
Steven H. John, Presiding Judge

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MAY 28 2013

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SC Court of Appeals

Appellate Case No. 2012-213287

Elizabeth A. Crotty and James K. Orzech, Appellants,

v.


Windjammer Village of Little River, Property Owners' Association, a South Carolina  
Eleemosynary Corporation, Respondent.

**PROOF OF SERVICE**

We certify that we have served a copy of our MOTION TO AMEND AND REPLACE APPELLANTS' DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL, along with the attached DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL (revised May 24, 2013), in the above-captioned Appeal, to Respondent's Counsel of Record by United States Mail, with sufficient first-class postage affixed, addressed as follows:

Kenneth R. Moss, Esq.  
Wright, Worley, Pope, Ekster & Moss, PLLC  
1180 Highway 17 North, Suite 2  
Little River, SC 29566

Respectfully submitted,

  
Elizabeth A. Crotty and James K. Orzech, Ph.D.  
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May 24, 2013