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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

The Honorable William P. Keesley
Dorchester County
Appellate Case Number 2022-000952

Trial Court Case No.: 2009-CP-18-2200

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OCT 27 2022

SC Court of Appeals

Rene McMasters, now known as Rene McMasters Ronaghan,.....Respondent,
V.
H. Wayne Charpia and Jody E. Charpia,Defendants,
Of Whom H. Wayne Charpia is the.....Appellant.

MOTION TO DISMISS OR IN THE ALTERNATIVE TO REQUIRE THE APPELLANT TO
SERVE RESPONDENT’S ATTORNEY WITH THE AMENDED RECORD ON APPEAL
AND TO CORRECT THE RECORD ON APPEAL TO INCLUDE ALL OF THE
DOCUMENTS CONTAINED IN RESPONDENT’S DESIGNATION OF MATTER AND TO
CORRECT THE INDEX TO THE AMENDED RECORD ON APPEAL

The Respondent, Rene McMasters Ronaghan, hereby petitions the Court for an Order Dismissing the Appellant Appeal, or in the alternative, to issue an Order requiring the Appellant to serve the Respondent’s attorney with the amended record on appeal and to correct the record on appeal to include all documents contained in the Respondent’s Designation of Matter to be Included in the Record on Appeal and to correct the index in the amended record on appeal.

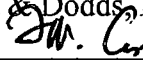
Respondent also requests that the time for serving the Respondent’s Final Brief be extended until the Appellant serves Respondent’s counsel with the amended record on appeal which has been supplemented by the addition of Respondent’s designation number 12 and a

corrected index.

The basis for this motion are that the Respondent's attorney has not been served with the amended record on appeal as required by Rule 210 (a) SCACR and the Appellant did not include all of Respondent's Designation of Matter to be Included in the Record on Appeal as required by Rule 210 (c) SCACR and the index to the amended record on appeal does not match the page numbering on the documents included in the amended record on appeal or the page numbering on the first record on appeal that was served on Respondent's attorney.

This motion is supported by the Affidavit of Respondent's attorney which is attached.

Cisa & Dodds, LLP



Frank M. Cisa

858 Lowcountry Blvd., Suite 101

Mt. Pleasant, SC 29464

(843) 442-3353

fax:(843) 881-5433

E-mail: frank@cisadodds.com

Attorney for Respondent

This 25th day of October, 2022

Appellants of Record:

H. Wayne Charpia

106 Axtell Drive

Summerville, SC, 29485

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H. Wayne Charpia and Jody E. Charpia,Defendants,

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AFFIDAVIT OF FRANK M. CISA

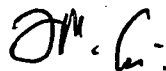
PERSONALLY, appeared before, Frank M. Cisa, who being duly sworn, deposes and says as follows:

1. That he is the attorney for the Respondent relative to the above appeal.
2. That I served the Respondent's Designation of Matter to Be Included in the Record on Appeal, a copy of which is attached, on the Appellant on August 18, 2022, as shown by the Proof of Service, a copy of which is attached.
3. The Respondent's Designation of matter included item number 12, Assignment of Bid filed August 1, 2017.
4. The amended record on appeal does not include Respondent's designation

number 12.

5. By letter dated September 27, 2022, the Chief Deputy Clerk advised the Appellant that the record on appeal was deficient in that the caption did not comply with Rule 267(a) SCACR and that the record on appeal did not contain an index as required by Rule 210(c) SCACR. The Appellant then filed an amended record on appeal which changed the caption and included an index.
6. Although I was served with the deficient record on appeal, I have not been served with a copy of the Amended Record on Appeal by the Appellant. There is no Proof of Service of the amended record on appeal that I could find in my review of the appellant court file in the South Carolina Case Management System. I found out about the Amended Record on Appeal by reviewing the appellant court file in the South Carolina Case Management System on October 24, 2022.
7. Except for the first item in the index to the amended record on appeal, all other numbers contained in the index do not match the designations and the amended record does not contain Respondent's designation number 12.
8. The index lists the Assignment of Bid as appearing on page 62, however, the Assignment of Bid is not contained anywhere in the amended record on appeal.
9. Respondent also requests that the time for serving the Respondent's Final Brief be extended until the Appellant serves Respondent's counsel with the amended record on appeal which has been supplemented by the addition of Respondent's designation number 12, Assignment of Bid and a corrected index.

FURTHER THE DEPONENT SAYETH NOT!

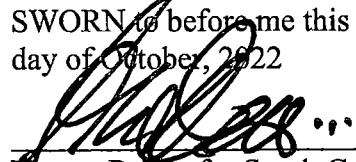


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E-mail: frank@cisadodds.com

Attorneys for the Respondent,
Renee McMasters Ronaghan

SWORN to before me this 25th
day of October, 2022



Notary Public for South Carolina

My Commission Expires: 04/05/2039

This 25th day of October, 2022

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SC Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

APPELLATE CASE NUMBER 2022-000952

The Honorable William P. Keesley
Dorchester County
Trial Court Case N. 2009CP1802200

Rene McMasters now known as Rene McMasters Ronaghan..... Respondent

vs.

H. Wayne Charpia and Jody E. Charpia..... Defendants

Of Whom H.Wayne Charpia is theAppellant

RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON
APPEAL

Respondent proposes the following to be included in the Record on Appeal:

1. Order of Judge William P. Keesley filed May 31, 2022, Administrative Order Of Dismissal On Motion By Howard W. Charpia To Set aside A Void Sale.
2. Judge Edgar Warren Dickson's Order of Foreclosure and Sale filed November 27, 2012.
3. Filed copy of judgment filed August 5, 2004 in case number 2002-CP-18-932.
4. Unpublished opinion of the South Carolina Court of appeals filed October 5, 2016, Unpublished opinion number 2016-UP-423

5. Order from the South Carolina Supreme Court dated February 8, 2017 which denied Appellants Petition for a Writ of Certiorari.
6. Filed copy of Order Granting Summary Judgment on Plaintiff's Claims Against Defendant Rene McMasters filed November 23, 2021 in case number 2021-CP-18-1390.
7. Filed copy of Complaint in case number 2009-CP-18-2200.
9. Filed copy of the Complaint in case number 2021-CP-18-1390.
10. A filed copy of Respondent's Motion for Summary Judgment filed September 17, 2021 in Case Number 2021-CP-18-1390.
11. A filed copy of Appellants Motion To Set Aside Sale/Void and Set Aside Judgment filed October 21, 2021.
12. Assignment of Bid filed August 1, 2017.

I certify that this designation contains no matters which are irrelevant to this appeal.

Cisa & Dodds, LLP

FM C:

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SC Bar No. 1237
858 Lowcountry Blvd., Suite 101
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(843) 881-6530
fax:(843) 881-5433
E-mail: frank@cisadodds.com
Attorney for Respondent

August 18th, 2022

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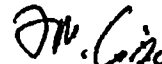
H. Wayne Charpia and Jody E. Charpia,Defendants,

Of Whom H. Wayne Charpia is the.....Appellant.

PROOF OF SERVICE

I certify that I have served a copy of the Respondent's Initial Brief and Designation of Matter to be included in the Record On Appeal, by United States Mail, postage prepaid, on August 18, 2022, addressed to the Appellant, H. Wayne Charpia located at 106 Axtel Drive, Summerville, SC 29485.

Cisa & Dodds, LLP



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858 Lowcountry Blvd., Suite 101
Mt. Pleasant, SC 29464
(843) 881-6530
fax:(843) 881-5433
E-mail: frank@cisadodds.com
Attorney for Respondent

August 18, 2022

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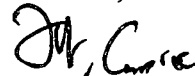
H. Wayne Charpia and Jody E. Charpia,Defendants,

Of Whom H. Wayne Charpia is the.....Appellant.

PROOF OF SERVICE

I certify that I have served a copy of the Respondent’s Motion to Dismiss or in the alternative, to require the Appellant to serve Respondent’s counsel with the amended record on appeal and to correct the record on appeal to include all of the documents contained in Respondent’s designation of matter and to correct the index to the amended record on appeal, by United States Mail, postage prepaid, on October 25, 2022, addressed to the Appellant, H. Wayne Charpia located at 106 Axtel Drive, Summerville, SC 29485.

Cisa & Dodds, LLP



Frank M. Cisa
858 Lowcountry Blvd., Suite 101
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E-mail: frank@cisadodds.com
Attorney for Respondent

October 25, 2022

CISA & DODDS, LLP
ATTORNEYS AND COUNSELORS AT LAW
858 Lowcountry Boulevard, Suite 101
Mt. Pleasant, South Carolina 29464
Telephone (843) 881-6530 Fax (843) 881-5433

FRANK M. CISA
JOHN J. DODDS III

frank@cisadodds.com
john@cisadodds.com

October 25, 2022

The Honorable Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: Rene McMasters Ronagham v. H. Wayne Charpia
Case No.: 2009-CP-18-2200
Appellant No.: 2019-001516
Our file: 09-084

Dear Ms. Kitchings:

Enclosed is the original and six (6) copies of the Respondent's Motion To Dismiss Appeal or in the Alternative together with my Proof of Service and my firm check payable to the Clerk's office in the amount of \$50.00. I would appreciate you filing the original and returning one (1) filed copy of the Proof of Service to me in the self addressed stamped envelope.

With kindest regards, I am

Very truly yours,

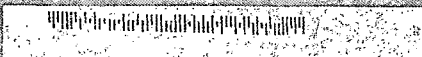


Frank M. Cisa

FMC/alp

Enclosures

cc: H. Wayne Charpia (w/enc.)



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