

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Master in Equity/ Circuit Court Judge

RECEIVED

AUG 02 2013

SC Court of Appeals

Case No. 2009-CP-07-00036

Madeline R. Arata and Kenneth C. Arata.....Appellants,

v.

Village West Owners' Association, Inc.
d/b/a Village West Horizontal Property Regime.....Respondent.

SUPPLEMENTAL RECORD ON APPEAL

Jack D. Simrill
Simrill Law Firm
5 Pine Field Road
Hilton Head Island, SC 29926-2013
(843) 415-5293
ATTORNEY FOR APPELLANTS

Brian C. Pitts, Esquire
Smoot & Pitts
Post Office Box 23439
Hilton Head Island, SC 29925-3439
(843) 681-3200
ATTORNEY FOR RESPONDENT

INDEX

Page

Defendant's Trail Exhibit 1.....1
Certificate of Counsel.....4

STATE OF SOUTH CAROLINA)
BEAUFORT COUNTY)

IN THE CIRCUIT COURT FOR THE
FOURTEENTH JUDICIAL CIRCUIT

VILLAGE WEST HORIZONTAL PROPERTY)
REGIME, Plaintiff)

COVER SHEET FOR
CIVIL ACTIONS

vs.)

KENNETH C. ARATA AND)
MADELEINE R. ARATA Defendant)

Docket No. 05-CP-07-475

The cover sheet and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this Cover Sheet must be served on the defendant(s) along with the Summons and Complaint.

NATURE OF ACTION: (check one category for the main cause of action)

- TORT - Motor Vehicle
- TORT - Professional Malpractice
- TORT - Unfair Trade Practices, and Other Economic or Business-Related Wrongs
- TORT - Products Liability
- TORT - General or Other
- PCR
- GOV/ADM - Property Seizure
- GOV/ADM - General or Other
- CONTRACT - Debt Collection
- CONTRACT - Employment
- CONTRACT - Construction
- CONTRACT - Wrongful Breach
- CONTRACT - General or Other
- REAL PROPERTY
- MINOR SETTLEMENTS
- DOMESTICATE FOREIGN JUDGMENT
- OTHER (Please Describe)

05 MAR 14 AM 11:40
CLERK OF COURT
BEAUFORT, S.C.

JURY DEMAND () YES (X) NO

Note: Information requested on this form is preliminary in nature, and for administrative purposes only. The response to this request for information on jury demand merely indicates a likelihood that a jury trial will or will not be requested and does NOT constitute a demand for or a waiver of trial by jury pursuant to applicable rules or statutes.

DOCKETING INFORMATION (Check one box.)

- This case is subject to arbitration (all cases with monetary damages less than \$25,000 are subject to arbitration, unless otherwise exempt).
- This case is subject to mediation (all cases not subject to arbitration must be mediated, unless otherwise exempt).
- This case is exempt from ADR, and certificate is attached.

Spina N. Friedman

Signature of Plaintiff/Plaintiff's Attorney

POST OFFICE DRAWER 21784

Mailing Address

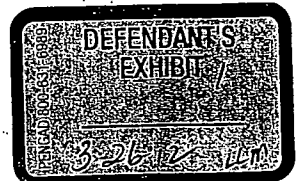
HILTON HEAD, SOUTH CAROLINA 29925

City, State, Zip Code

(843) 689-2525

Telephone

Date: 11 MARCH 2005



SEE REVERSE SIDE FOR FURTHER IMPORTANT INFORMATION

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 05-CP-07-_____

VILLAGE WEST HORIZONTAL)
PROPERTY REGIME,)
)
Plaintiff,)

v.)

KENNETH C. ARATA AND)
MADELEINE R. ARATA,)
)
Defendants.)

CERTIFICATE OF EXEMPTION/
WITHDRAWAL FROM
ARBITRATION/MEDIATION

05 MAR 14 AM 11:40
CLERK OF COURT
BEAUFORT COUNTY
S.C.

I CERTIFY THAT THIS ACTION IS EXEMPT FROM ARBITRATION BECAUSE:

- _____ monetary relief requested in this case exceeds \$25,000.00;
- _____ this is a class action;
- _____ there is a substantial claim for injunction or declaratory relief requested in this case;
- X this case involved (*check one or more of the following*)
 - X title to real estate;
 - _____ wills, trusts and decedents' estates;
 - _____ mortgage foreclosure;
 - _____ partition;
- _____ this is a special proceeding or action seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
- _____ monetary relief requested in this case is unspecified but exceeds \$25,000.00;
- _____ this case is a companion or related to similar actions pending in other courts with which the action might be consolidated but for lack of jurisdiction or venue;
- _____ this action is appellate in nature;
- _____ this is a post-conviction relief matter;
- _____ this is forfeiture proceeding brought by the State; or
- _____ this is a contempt of court proceeding.

Date: 3/11/05

Eric N. Friedman
Attorney for Plaintiff

NOTE: Motion must be presented to the court, a hearing held, and a finding made, for exemption or withdrawal from arbitration for "strong and compelling reason" sought pursuant to Rule 1(d), Rules of Circuit Court Arbitration.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 05-CP-07-_____

VILLAGE WEST HORIZONTAL)
PROPERTY REGIME,)
)
Plaintiff,)

v.)

LIS PENDENS

KENNETH C. ARATA AND)
MADELEINE R. ARATA,)
)
Defendants.)

05 MAR 14 AM 11:41
BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.

Notice is hereby given that an action has been commenced and is now pending in this Court upon Complaint of the above-named Plaintiff against the above-named Defendants, and affecting title to the below-described real property belonging to the Defendants, KENNETH C. ARATA AND MADELEINE R. ARATA:

Unit # 6, Village West Horizontal Property Regime,
Hilton Head Island, Beaufort County, South Carolina.

LAW OFFICES OF EDWARD E. BULLARD

BY: Sonja N. Friedman

Sonja N. Friedman, Esquire
S.C. Bar Number 69298
8 Lafayette Place, Suite 101
Post Office Drawer 21784
Hilton Head, South Carolina 29925
(843) 689-2525
Attorneys for Plaintiff

Hilton Head, South Carolina
March 11, 2005

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Master in Equity/ Circuit Court Judge

Case No. 2009-CP-07-00036

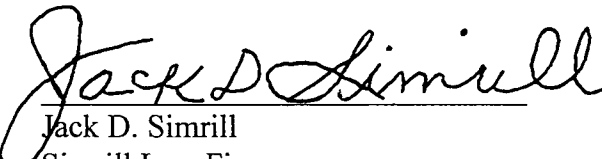
Madeline R. Arata and Kenneth C. Arata.....Appellants,

v.

Village West Owners' Association, Inc.
d/b/a Village West Horizontal Property Regime.....Respondent.

CERTIFICATE OF COUNSEL

I hereby certify that the Supplemental Record on Appeal includes all material proposed by the Appellants and the Respondent to be included in the Appeal and no other material.



Jack D. Simrill

Simrill Law Firm
5 Pine Field Road
Hilton Head Island, SC 29926-2013
(843) 415-5293
ATTORNEY FOR APPELLANTS

July 31, 2013

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Master in Equity/Circuit Court Judge

Case No. 2009-CP-07-00036

Madeline R. Arata and Kenneth C. Arata.....Appellants,

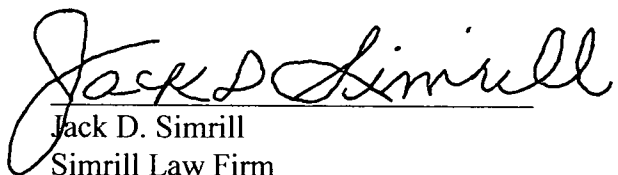
v.

Village West Owners' Association, Inc.
d/b/a/ Village West Horizontal Property Regime.....Respondent.

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2013, a copy of the Supplemental Record on Appeal including Appellants' filed copies of the (3) pages of Defendant's Trial Exhibit 1 matter was served on the Respondent, Village West Owners' Association, Inc., d/b/a Village West Horizontal Property Regime, by hand delivery in the manner prescribed by the applicable rules of Civil Procedure addressed to its counsel as follows:

Brian C. Pitts, Esquire
Smoot & Pitts
15C Lafayette Place
P.O. Drawer 23439
Hilton Head Island, SC 29925-3439

A handwritten signature in black ink that reads "Jack D. Simrill". The signature is written in a cursive style with a large initial "J".

Jack D. Simrill

Simrill Law Firm

5 Pine Field Road

Hilton Head Island, SC 29926-2013

(843)415-5293

ATTORNEY FOR APPELLANTS

July 31, 2013