

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Ralph P. Stroman, Special Referee

Case No.: 2009-CP-26-3596  
Consolidated With  
Case No.: 2010-CP-26-11320  
Appellate No.: 2013-000714

**RECEIVED**  
AUG 02 2013  
SC Court of Appeals

Ronald Jarmuth, ..... *Pro Se* Appellant,

v.

The International Club Homeowners  
Association, Inc., Rosemary Toth, and  
K.A. Diehl & Associates, Inc., ..... Respondents.

RESPONDENTS' MOTION TO AMEND THE RECORD

The Respondents, The International Club Homeowners Association, Inc., Rosemary Toth, and K.A. Diehl & Associates, Inc. ("Respondents"), hereby move before this Honorable Court for an Order requiring the Appellant to amend the Record on Appeal pursuant to SCACR, Rules 210(c) and 212(b). The Record should be supplemented to include the entire trial transcript and other documents designated by the Respondents as reflected in the Designation attached hereto as Exhibit "A". The items omitted from the Record include the following:

1. Order Denying Respondents' Motion to Dismiss filed May 16, 2012;

2. Trial Transcript pp. 1012, 1014, 1016, 1018, 1020, 1022, 1024, 1026, 1028, 1030, 1032, and 1034;
3. An unaltered copy of Respondents' August 8, 2012 Witness and Exhibit Lists;
4. A complete copy of Respondents' Exhibits 53;
5. An unaltered copy of Respondents' Exhibits 88;
6. An unaltered copy of Appellant's Exhibit 556.

Attached hereto as Exhibit "B" is a proposed Appendix to the Record that includes copies of the omitted matters. Appellant has consented to the supplementation of the Record with numbers 2 and 3 above as set forth in his correspondence attached hereto as Exhibit "C".<sup>1</sup>

Furthermore, the Appellant included materials that are irrelevant to the appeal, were not before the trial judge, and/or are duplicative. Matters that should be stricken from the Record include the following:

1. Duplicate copies of Record pp. 101, 1972, 1973, 1974, and 2852;
2. Duplicate copy of the Respondents' proposed Final Order, pp. 611 through 658;
3. Duplicate copy of Respondents' Exhibit 28, Record pp. 4207 through 4215;
4. Respondents' Witness and Exhibit Lists, Record pp. 859 through 864, 3065 through 3070, and 3089-3099 that include Appellant's notations and that were not before the trial court;
5. Appellant's Exhibit 556 with his notations, R. pp. 3795 through 3798, that was not before the trial court.

Appellant has consented to striking the matter listed in number 2 above as reflected in Exhibit "C".

---

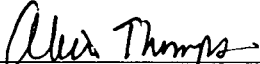
<sup>1</sup> The Appellant requests that the Record be supplemented with his Post-Trial Brief in Support of his Proposed Order, proposed Record pages 4425 through 4647, however, that document is reflected in the Record, pp. 928 through 1054.

Finally, the following errors in the Record should be corrected pursuant to Rule 210, SCACR:

1. Record pp. 2452 through 2500 and 2853 through 2876 are not in numerical order;
2. Unfiled Memorandums, Briefs, Proposed Orders, and Correspondence of the Parties should be included in other material at the end of the Record rather than with the pleadings, Record pp. 300 through 658, 757 through 927, and 2901 through 3107.

WHEREFORE, having fully set before this Court the grounds for this motion, the Respondents move for an Order requiring Appellant to amend the Record to include all matters designated by the Respondents, to strike irrelevant and duplicative matters, and to address the errors listed above pursuant to SCACR, Rule 210. In the alternative, Respondents move this Court to adopt the Appendix to the Record attached hereto as Exhibit "B" and to note the deficiencies set forth herein when reviewing the Record on Appeal.

Respectfully submitted,

  
\_\_\_\_\_  
McNAIR LAW FIRM, P.A.  
Henrietta U. Golding  
Alicia E. Thompson  
Post Office Box 336  
2411 Oak Street, Suite 206  
Myrtle Beach, SC 29578  
(843) 444-1107  
Attorneys for Respondents  
The International Club Homeowners  
Association, Inc., Rosemary Toth, and K.A.  
Diehl & Associates, Inc.

Myrtle Beach, South Carolina  
Date: July 31, 2013

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

69312  
+  
69313

APPEAL FROM Horry COUNTY  
Court of Common Pleas

Ralph P. Stroman, Special Referee

Case No.: 2009-CP-26-3596  
Consolidated With  
Case No.: 2010-CP-26-11320  
Appellate No.: 2013-000714

Ronald Jarmuth, ..... *Pro Se* Appellant,

v.

The International Club Homeowners  
Association, Inc., Rosemary Toth, and  
K.A. Diehl & Associates, Inc., ..... Respondents.

PROOF OF SERVICE

I, Donna M. Brady, an employee of McNair Law Firm, P.A., *Pro Se* Appellant Ronald Jarmuth in the above-entitled action, certify that I have served the Respondents' Motion for Extension to File Final Brief, Respondents' Motion to Amend the Record with Exhibits A-C, and Proof of Service on all parties to this matter by depositing a copy in the United States Mail, first class postage prepaid on the 31<sup>st</sup> day of July, 2013.

*Pro Se* Appellant of Record:

Ronald Jarmuth  
249 Pickering Drive  
Murrells Inlet, SC 29576  
Email: [ronaldjarmuth@hotmail.com](mailto:ronaldjarmuth@hotmail.com)

*Donna M. Brady*  
\_\_\_\_\_  
Donna M. Brady

Myrtle Beach, South Carolina

RECEIVED  
AUG 02 2013  
SC Court of Appeals

**M C N A I R**  
**A T T O R N E Y S**

Alicia Thompson

July 31, 2013

athompson@mcnair.net  
T (843) 443-3058  
F (843) 443-9137

**VIA FIRST CLASS MAIL**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

**RECEIVED**  
AUG 02 2013  
SC Court of Appeals

RE: *Ronald Jarmuth v. International Club HOA, Inc. et al.*  
Case Track #: 2013-000714  
Civil Action Nos.: 2009-CP-26-3596 and 2010-CP-26-11320  
Our File No.: 051490.00001

Dear Ms. Kitchings:

With regard to the above matter, enclosed for filing with the Court, please find the following:

- Original (unbound) and seven copies of the Respondents' Motion for Extension to File Final Brief; and
- Original (unbound) and seven copies of the Respondents' Motion to Amend the Record with Exhibits A-C;
- Check for \$50.00 representing filing fees for two (2) motions; and
- Proof of Service.

By copy of this letter to parties of record, and as shown on the Proof of Service, I hereby serve a copies of the aforementioned documents to the parties of record.

Please return to me one clocked copy of the enclosed documents in the enclosed self-addressed envelope.

Sincerely,

**McNair Law Firm, P.A.**

*Alicia Thompson*  
Alicia Thompson

AT/dmb

Enclosures

cc: Ronald Jarmuth  
Clients

McNair Law Firm, P. A.  
Founders Centre  
2411 Oak Street, Suite 206  
Myrtle Beach, SC 29577

Mailing Address  
Post Office Box 336  
Myrtle Beach, SC 29578

mcnair.net