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07/27/2013 (843)651-2422 10:54:24 AM

Product Description	Sales Receipt Sale Qty Unit Price	Final Price
00 MYRTLE BEACH SC 29577 Zone-1 Priority Mail Flat Rate Env 1 lb. 9.50 oz. Scheduled Delivery Day: Mon 07/29/13 Label #: 9505 5101 8933 3208 3923 74		\$5.60
Issue PVI:		===== \$5.60
Total:		\$5.60

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Discover \$5.60  
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Approval #: 02751R  
Transaction #: 811  
23 902980697 1602870220

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AUG 06 2013  
SC Court of Appeals

Exhibit A

Ronald Jarmuth  
249 Pickering Drive  
Murrells Inlet, SC 29576  
843-314-4355  
July 26, 2013

RECEIVED  
AUG 06 2013  
SC Court of Appeals

Alicia Thompson  
McNair Law Firm, P.A.  
2411 Oak Street; Suite 206  
Myrtle Beach, SC 29577-3164  
843-444-1107  
athompson@mcnair.net

Re: Record on Appeal, Jarmuth v IHOA in the SC Court of Appeals  
Tracking No 2013000714

References:

- a. June 12, 2013 Service of Appellant's Designation of Record on Appeal.
- b. July 11, 2013 Service of Record on Appeal on Counsel for Respondent.
- c. January 23, 2012 Defendant's Brief in Opposition to Post-Trial Motions Exhibit I (Juxtaposition) RoA Pp 904 - 927.

Dear Ms. Golding:

I am surprised by your claim that four (4) business days before your Final Response Brief is due and fifteen (15) days after service of your copy of the Record on Appeal (on you) you have suddenly discovered discrepancies in the Record on Appeal – all of which could easily been timely remedied or explained if you had “consulted” with me as the rules seem to require prior to filing any motion. I note that not a single one of your alleged issues precluded you from timely filing your final Response Brief and sufficient time remains (it is due to be mailed on July 31, 2013) to remedy the issue without interfering with your filing.

I also note that you have had a copy of the Transcript of Trial since at least January 23, 2012, and that you used said Transcript to prepare your January 23, 2012 Brief. In your Exhibit I (Juxtaposition) you cite to Transcript page and line number. I note that although I paid for the preparation of the Transcript for the Court I did not get my copy until January 25, 2012.

I note that all you are permitted to do at this point is to replace page references to actual documents to the page numbers where the same pages are found in the Record on Appeal - a simple matter for you.

I address each of your issues in turn.

**EXHIBIT B**

- (1) "The Order Denying Respondents' Motion to Dismiss filed May 6, 2012"

There is no order filed on May 6, 2012 and none with the title you cite.

On May 7, 2012 you filed a Motion for a Protective Order.

On May 17, 2012 the Court entered an Order permitting me to Amend my Complaint(s).

On May 17, 2012 the existing Order on page 6 of the RoA which compelled discovery was granted.

On May 17, 2012 the Court granted your Protective Order.

And on May 17, 2012 (last in the order these Orders were filed), the Court entered a Consent Order that no unresolved motions remaining – the Order which you have provided a copy of.

I note that in your Response Brief your argument does not depend on any of these Orders. I also note from past experience that if I had used the title you suggest for the Order you provide that you would have accused me of misrepresenting the tenet of the Order.

As a courtesy to you I am replacing the discovery Order with the one you provided. A duplex printed replacement page with that order (as page 6) with the existing page 5 on the obverse, is provided for your use.

- (2) "Two copies of Record pp. 101 and 2852 are included;

I have examined my copy of the RoA and the Appellate Court copies and the problem does not exist there. I suggest you simply "pull" or ignore the duplicate pages. Their presence does not alter the page numbering of any other page and thus does not interfere with your citing to the pages in the RoA – the sole task before you at this time.

- (3) "Two copies of the Respondents' proposed Final Order are included in the Record, pp. 563-610 and 611-658;"

I am providing you replacement pages 611 and (duplexed) 612 which have the notation that pages 611 through 658 have been deleted. If the presence of duplicates is intellectually troubling to you simply pull them from your copy. The duplication does not hinder your substitution of RoA page numbers for document citations. Just be careful to use those in the range 563 through 610.

The replacement of pages 611 through 659 with the "delete" page will be made to the Court of Appeals copies.

- (4) "Record pp. 2853 through 2876 are not in proper order"

This is perplexing because none of the other sets have this problem. According to you this involves twelve duplexed sheets of paper. Clearly this will not interfere with your citing to the RoA page numbers since both the original transcript page number and RoA

page numbers are on the upper right of each page . Perhaps it will take you a half a minute to log them. For your convenience you don't even have to look at the RoA to make the conversion from Initial Response Brief Transcript page number to RoA page number:

“Add 1865 to the Trial Transcript Page to get the RoA page”,

So as far as going from references to trial transcript pages in your Initial Brief to RoA Transcript Page Numbers, the RoA is superfluous.

(5) “Trial Transcript pp. 1012, 1014, 1016, 1018, 1020, 1022, 1024, 1026, 1028, 1030, 1032, and 1034 are missing”

Please recall that you have been in possession of those pages since at least January 23, 2012 (I paid for the preparation of the trial transcript). Clearly you have already found the citations you desire ever before I delivered the RoA – since you cited to them in your Initial Response Brief which you are not permitted to change.

Simply add 1865 to the page numbers you have already identified in your Response Brief.

These pages are not missing from any other copy of the RoA.

Rather than dispute the existence of the issue I am providing you duplexed (and pre-punched) pages 2877 through 2900 so you now have a “complete” set for your file.

(6) “Appellant's notations are included on the Respondents' August 8, 2012 pre-trial brief, Record pp. 3065-3071“.

The document you refer to ends on RoA page 3077. Page 3071 is my “screen shot / dump” or your CD document titles and the notation on that page is as it appeared on the corresponding page handed at trial to the Special Referee, and was created by the computer's file system when the screen shot was taken.

I am providing you a copy of pages 3065 to 3070 without any notations. Corresponding pages will be inserted into the Court of Appeals copies.

(7) “Appellant's notations are added throughout the transcripts of the proceedings and depositions, including on Record pp. 1388 and 2024, which is improper.”

Looking at the RoA pages you cited, these are the notations required by SCACR Rule 210(c), the relevant portion of which I quote below:

“RULE 210 RECORD ON APPEAL

(c) Content. ...

Where witness testimony is included in the Record on Appeal, the first page of each witness's direct, cross, redirect and recross examination must show the name of the

witness, the phase of examination and the name of the counsel conducting the examination. If this information is not already reflected on the page, the top of the page shall be annotated with the required information in the following form: John H. Doe--Direct (Cross) (Redirect) (Recross) Examination by Mr. Smith.”

I suspect that if I had not inserted the required notations you would have complained about their absence as much as you complain about their presence. While I do not have exemplars of your work, it appears that if you have done these in the past you have ignored the mandate of this rule, else you would not have raised my compliance with the rule as a putative non-compliance.

(8) “Exhibit lists found in the Record with your notations, pp. 3089 - 3099, were not handed up to the trial judge and should be stricken”

I referred to the marked up copies of your January and August (2012) Rule 16 material and the CD in my initial Brief and Reply Brief, and listed them

On June 12, 2013 I served my Designation of Record on Appeal on you. If you look at page 3 under the category “Additional Material” you will see these three items listed beginning with the phrase “August 8, 2012 ...” I plainly informed you of my intention to include this material. I note that your Rule 16 material itself is NOT an actual pleading and was not itself filed BY YOU with the Court. My Rule 16 pleadings, on the other hand, were all filed and clocked by the Clerk of Court. Thus if you insist that my Rule 16 markups of your submissions are improper than you may not depend on your citations to your Rule 16 submissions – which you specifically designated for inclusion on June 3, 2013.

The actual Record on Appeal was served on you July 11, 2013, so for the last fifteen (15) days you ignored the issue. You clearly had read (and responded) to my references to my markups which were in my Initial Brief served on you April 27, 2013 and did not raise this issue at that time. If this were in the lower court you had ten (10) days to file an objection.

That being said you have previously asserted the obligation to include, in the Record on Appeal, any matter designated by a party, without regard to it’s bearing on the issues raised. These documents bear on critical issues – the failure of the Special Referee to deal with “Trial By Ambush”. These documents are clearly relevant to the decision on this issue by the Court of Appeals.

You were physically in the Courtroom when I handed the Judge the three marked up documents. He had them in his hand and retained the copies I provided him. You were simultaneously handed likewise marked up copies of the same documents and you kept your copies.

The transcript relates that I addressed the “Trial By Ambush” (which is an ethics violation as well) at trial:

**Transcript Page 80 RoA Page 1942**

**23 EXHIBITS, I BELIEVE, IN JULY, AND THEY WERE IDENTIFIED BY -- IF I MAY**

**Transcript Page 81 RoA Page 1943**

**1 PASS THIS TO THE DEFENDANT AND I CAN PASS IT TO YOU, THIS IS HOW THEY'RE IDENTIFIED ON THE CD, WITH THE TITLES OF THE EXHIBITS.**

**20 MR. JARMUTH: BUT AS YOU CAN SEE, THERE ARE BATES NUMBERS ON EACH AND A CRYPTIC DESCRIPTION,**

**Transcript Page 87 RoA Page 1949**

**10 THE BIG PROBLEM IS IT ADDED THREE WITNESSES WHO WERE NOT ON THE JANUARY 11TH LIST, AND THEREFORE, I DID NOT HAVE AN OPPORTUNITY TO DEPOSE THEM, AND I BELIEVE THAT THAT CONSTITUTES A TRIAL BY AMBUSH.**

**Transcript Page 88 RoA Page 1950**

**1 SECONDLY, THE JANUARY 11TH VERSION OF THE RULE 16, WAS THE 79 EXHIBITS.**

**9 THAT. IN THE THING THAT I GOT BY EMAIL YESTERDAY, WHICH I'VE NEVER GOTTEN PAPER, WHICH WAS DATED TODAY, AS A MATTER-OF-FACT, THE RULE 16 IS SIGNED BY MS. GOLDING, AUGUST 8TH AS THE DATE, THEY LISTED A TOTAL AMOUNT OF 114 EXHIBITS, WHICH ARE COMPLETELY DIFFERENT THAN THE LIST ON THE JANUARY 11TH THING AND, MOST IMPORTANTLY, IF YOU LOOK AT THE EXHIBIT LIST, THEY BEAR ABSOLUTELY NO RELATIONSHIP TO THE THING THEY GIVE ME**

**Transcript Page 89 RoA Page 1951**

**1 ON THE CD. EARLIER, THEY SHOULD BE INADMISSIBLE BECAUSE IT'S TRIAL BY AMBUSH. YOU CAN'T ON THE DAY OF THE TRIAL BRING IN EVIDENCE THAT YOU HAVEN'T PROVIDED THE OTHER SIDE,**

**As a test I went to my copy of your Initial Response Brief and converted your page numbers to RoA Page numbers. It took me less than two hours. With two staff attorneys assigned to this case (yourself and Ms. Golding) I don't see why you can't do the same in the remaining three (3) business days before you are required to mail your copy of the Respondent's Final Response Brief at the end of Wednesday, July 31, 2013 next week.**

**(9) After receipt of your email I again examined the RoA and found that the Brief and Memo supporting my proposed trial order were omitted from the Order. I have printed them and provide them to you, page numbered for the end of the RoA. I note that neither of us actually refer to those pages in our respective briefs.**

**(10) I have revised the Index to reflect the issue at page 611 and the insertion of the Brief**

and Memo (#9 above). I provide you a complete revised Index.

**(11) I have revised the Certificate of Counsel and Proof of Service to reflect this matter and provide you copies of same with revised page numbers (reflected in the revised Index).**

**For the reasons cited above I will oppose any extension you may request for you to submit your final Response Brief.**

**Sincerely,**

**Ronald Jarmuth**

**RoA Encl:**

- \*      Page 5 – 6.**
- \*      Page 611 – 612**
- \*      Pages 2877 – 2900**
- \*      Pages 3065 – 3070**
- \*      Pages 4425 – 4648 (added)**
- \*      Revised Index**
- \*      Page 4649 Revised Certificate of Counsel**
- \*      Page 4650 Revised Proof of Service**

**CF: Clerk of Court of Appeals**

**Exhibits to Appellant's Response**      **Page 8**  
**Jarmuth v. International Club HOA et al.**

From: **Brady, Donna** (DBrady@mcnair.net) This sender is in your safe list.  
Sent: Fri 7/26/13 4:19 PM  
To: 'Ronald Jarmuth' (ronaldjarmuth@hotmail.com)  
Cc: Thompson, Alicia (AThompson@mcnair.net); Golding, Henrietta (HGolding@mcnair.net)  
1 attachment  
7-26-13 ltr Jarmuth re Record.pdf (108.1 KB)

Attached please find a letter from Alicia Thompson relating to the above matter.

**MCNAIR**  
ATTORNEYS

Donna M. Brady

Secretary

[dbrady@mcnair.net](mailto:dbrady@mcnair.net) | 843 443 3061 Direct

McNair Law Firm, P.A.

Myrtle Beach Office Founders Centre, 2411 Oak Street | Suite 206 | Myrtle Beach, SC 29577

843 444 1107 Main | 843 946 5969 Fax

Mailing Post Office Box 336 | Myrtle Beach, SC 29578

[VCard](#) | [Web site](#)

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SC Court of Appeals

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**Exhibit C**

July 26, 2013

Alicia E. Thompson

VIA EMAIL - [ronaldjarmuth@hotmail.com](mailto:ronaldjarmuth@hotmail.com)  
CONFIRMATION VIA FIRST CLASS MAIL

athompson@mcnair.net  
T (843) 444-1107  
F (843) 443-9137

Ronald Jarmuth  
249 Pickering Drive  
Murrells Inlet, SC 29576

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

Dear Mr. Jarmuth:

As a follow up to the July 23, 2013 letter from the Clerk of the South Carolina Court of Appeals relating to the deficiencies in the Record, please note that we have discovered several other errors in the Record as follows:

- The Order Denying Respondents' Motion to Dismiss filed May 6, 2012 is missing (copy enclosed for your convenience);
- Two copies of Record pp. 101 and 2852 are included;
- Two copies of the Respondents' proposed Final Order are included in the Record, pp. 563-610 and 611-658;
- Record pp. 2853 through 2876 are not in proper order;
- Trial Transcript pp. 1012, 1014, 1016, 1018, 1020, 1022, 1024, 1026, 1028, 1030, 1032, and 1034 are missing;
- Appellant's notations are included on the Respondents' August 8, 2012 pre-trial brief, Record pp. 3065-3071;
- Exhibit lists found in the Record with your notations, pp. 3089-3099, were not handed up to the trial judge and should be stricken;
- Appellant's notations are added throughout the transcripts of the proceedings and depositions, including on Record pp. 1388 and 2024, which is improper.

Please accept this as a formal request to correct the Record. Please also note that we are still in the process of reviewing the Record, and therefore, reserve the right to provide notice of other deficiencies in the Record not listed herein. We encourage you to review the Record and the Respondents' Designation filed in this case to ensure that all errors are corrected.

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

In light of the issues outlined above, the Respondents will file a motion to supplement the Record with the missing designations and to strike the Record of superfluous and improper matters. Additionally, an extension will be sought from the Court to file the Respondents' Final Brief within twenty (20) days of a complete, correct Record being filed and served as required by the South Carolina Appellate Court Rules.

If you need any further clarification of the issues with the Record, please do not hesitate to contact me.

Sincerely,

**McNAIR LAW FIRM, P.A.**

  
Alicia Thompson

AT:dmb

Enclosures

cc: Rosemary Toth  
Bill Freiboth  
Beckie Abel, K.A. Diehl  
John P. Godbout (via email - [JPGODBOU@travelers.com](mailto:JPGODBOU@travelers.com))  
T0907058

MYRTLEBEACH 172445v1

CASE NO: 2009-CP-26-3596

Ronald Jarmuth

vs.

The International Club

PLAINTIFF(S)

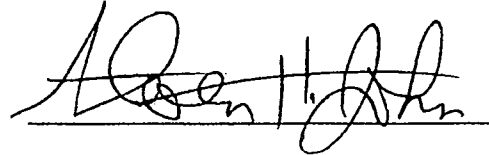
DEFENDANT(S)

FILED  
HORRY COUNTY  
MAY 17 AM 8:42  
PHILLANE HUGGINS-WARD  
CLERK OF COURT

**ORDER**  
**DISPOSITION OF MOTIONS**

Pursuant to the Defendant's Motion to Strike the Court will allow an amendment to Plaintiff's claims to add a claim of violation of the Frivolous Proceedings Act.

IT IS SO ORDERED.



**The Honorable Steven H. John**  
**Chief Administrative Judge**  
**Court of Common Pleas**

May 16, 2012 CONWAY, SC

Ronald Jarmuth, Pro Se

Henrietta Golding

ATTORNEY(S) FOR PLAINTIFF

ATTORNEY(S) FOR DEFENDANT

**RECEIVED**

MAY 21 2012

McNair Law Firm, P.A.

Ronald Jarmuth  
249 Pickering Drive  
Murrells Inlet, SC 29576  
843-314-4355  
July 26, 2013

The Honorable Jenny Abbott Kitchings, Clerk  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211-1629  
803-734-1890

Re: Issues with Respondent Concerning Record on Appeal  
Appeal 2013000714 Jarmuth v International Club HOA et al  
2009CP263596 in the Court of Common Pleas, Horry County

Dear Madam Clerk:

I am writing this to inform you about issues concerning Respondent's copy of the Record on Appeal.

Today I received (by email) and dealt with issues raised at the last moment by Respondent's Counsel concerning the Record on Appeal. The issues do not affect in any way Respondent's capability of converting page numbers from citations to documents to citations to page numbers in the Record on Appeal.

As you can see by my letter to Respondent's Counsel, all of Respondent's issues have been dealt with; most of them do not even concern the copies filed with the Court of Appeals and mysteriously are local only to Respondent's copy. While I disagree with Respondent's Counsel about two issues (which likewise have no effect on page renumbering) I am making those changes (as indicated in my Letter to Respondent's Counsel) in the Court of Appeals' copies.

Thank you for your attention to this matter.

Sincerely,

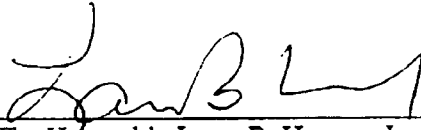
Ronald Jarmuth  
Appellant Pro Se  
249 Pickering Drive  
Murrells Inlet, SC 29576

Cf: Henrietta Golding, Attorney for Respondents

**Exhibit D**

**THEREFORE, IT IS ORDERED** that Civil Action Number 2010-CP-26-11320 is consolidated under Civil Action No. 2009-CP-26-3596 pursuant to Rule 42(a) of the South Carolina Rules of Civil Procedure, meaning that Civil Action Number 2010-CP-26-11320 shall be tried at the same time and in the same proceedings as Civil Action No. 2009-CP-26-3596.

**IT IS SO ORDERED.**

  
The Honorable Larry B. Hyman, Jr.  
Chief Administrative Judge

Dated: 8-29-2011  
Conway, South Carolina

**Exhibit E**

STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY ) IN THE COURT OF COMMON PLEAS  
FIFTEENTH JUDICIAL CIRCUIT

12 MAY 17 PM 1:56  
MELANIE H. THOMAS-WARD  
CLERK OF COURT

CASE NO: 2009-CP-26-3596

Ronald Jarmuth

vs.

The International Club

PLAINTIFF(S)

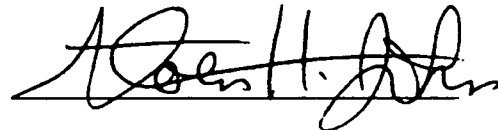
DEFENDANT(S)

**ORDER**

**DISPOSITION OF MOTIONS**

Pursuant to the motions hearing held on May 16, 2012 and the agreement of the parties, the Court declares that all outstanding motions in the above matter have been disposed of as of the below date.

IT IS SO ORDERED.



**The Honorable Steven H. John  
Chief Administrative Judge  
Court of Common Pleas**

May 16, 2012 CONWAY, SC

Ronald Jarmuth, Pro Se

Henrietta Golding, Esq.

ATTORNEY(S) FOR PLAINTIFF

ATTORNEY(S) FOR DEFENDANT

1	December 1, 2010 Order Transferring to Circuit Court.....	1
2	September 16, 2011 Order Consolidating.....	3
3	May 17, 2012 Consent Order Disposing of all outstanding matters and motions.....	6
4	June 13, 2012 Consent Order of Reference.....	7
5	October 17, 2012 Special Referee's Order of Recusal.....	13
6	March 11, 2013 Order Denying Plaintiff's Post-Trial Motions.....	15
7	September 10, 2012 Final Order following Trial before Special Referee.....	28
8	October 12, 2010 Complaint. (2010CP2611320).....	76
9	November 18, 2010 Answer (2010CP2611320).....	89
10	October 24, 2011 Defendant's Amended Answer adding Counter – Claim (2010CP2611320).....	93
11	December 20, 2010 Plaintiff's Answer to Defendant's Amended Answer and Counter – Claim asserting additional Plaintiff Claim against Defendant (2010CP2611320).....	101
12	May 30, 2012 Defendant's Amended Answer responding to Plaintiff's additional Claim.....	110
13	April 7, 2009 Complaint (2009CP263596).....	113
14	May 12, 2009 Answer of Defendants International Club and Rosemary Toth (2009CP263596).....	183
15	May 15, 2009 Plaintiff's Answer to Counter – Claim.....	187
16	May 15, 2009 Plaintiff's Reply to Defendants' Answer.....	191
17	June 9, 2009 Plaintiff's Amended Complaint.....	205
18	June 19, 2009 Answer of Defendants International Club and Rosemary Toth to Amended Complaint.....	238
19	June 30, 2009 Plaintiff's Reply to Defendants' Answer to Amended Complaint.....	244
20	June 30, 2009 Plaintiff's Answer to Counter – Claim in Answer to Amended Complaint.....	264

**Exhibits to Appellant's Response Page 16**

21	October 24, 2011 Amended Answer of Defendant International Club to Amended Complaint and assertion of Counter – Claim .....	268
22	December 17, 2011 Answer of Defendant KA Diehl to Amended Complaint .....	280
23	December 20, 2011 Plaintiff's Answer to Amended Answer and Counter – Claim of Defendant International Club.....	288
24	May 30, 2012 Defendant International Club HOA and Rosemary Toth's Answer to Complaint as Amended.....	297
25	August 20, 2012 Plaintiff's Post-Trial Brief and Memo of Law .....	300
25	August 20, 2012 Plaintiff's Proposed Order.....	536
	Brief and Memo in Support of Proposed Order .....	4425
26	August 20, 2012 Defendant's Proposed Order.....	563
27	September 19, 2012 Plaintiff's Motion to Amend Final Order, New Trial, and for other Relief.....	659
28	January 23, 2013 Defendant's Memorandum in Opposition to Plaintiff's Post-Trial Motion.....	757
29	January 23, 2013 Exhibits attached to Defendant's January 23, 2013 Memo. ....	798
30	January 22, 2013 Plaintiff's Brief in Support of Post-Trial Motion .....	928

**TESTIMONY**

31	February 13, 2012 Julie Case Deposition.....	1055
32	February 13, 2012 William Freiboth Deposition .....	1123
33	February 17, 2012 Ronald Pyle Deposition .....	1292
34	February 17, 2012 Rosemary Toth Deposition.....	1385
35	March 27, 2012 Louis Astorino Deposition #1 .....	1510
36	March 27, 2012 Michael Butryn Deposition.....	1578
37	March 27, 2012 Jane Pizzi Deposition.....	1656
38	March 27, 2012 Peter Pizzi Deposition .....	1685
39	May 25, 2012 Louis Astorino #2 Deposition .....	1778

**Exhibits to Appellant's Response Page 17**

40	August 8 – 10 Trial Transcript .....	1863
	Ronald Jarmuth .....	1965
	.....	2251
	.....	2601
	Chris Sullivan .....	2152
	Jane Pizzi .....	2317
	Louis Astorino .....	2330
	Peter Pizzi .....	2365
	Michael Butryn.....	2389
	Denise Ambuhl .....	2478
	Maureen Sullivan.....	2523
	Jeffrey King .....	2703
	William Freiboth.....	2753
	Beckie Abel .....	2863
41	January 13, 2012 Defendants' Rule 16 Statement .....	2901
42	January 17, 2012 Plaintiff's Rule 16 Statement .....	2919
43	May 7, 2012 Plaintiff's Supplement to Rule 16 Statement.....	2936
44	May 14, 2012 Plaintiff's Revised Rule 16 Statement .....	2939
45	July 16, 2012 Plaintiff's Pre-Trial Brief. ....	2954
46	July 31, 2012 Plaintiff's Exhibit List. ....	2973
47	August 6, 2012 Plaintiff's Revised Exhibit List .....	2992
48	August 6, 2012 Defendant's Revised Rule 16 Statement & Exhibit List .....	3011
49	August 8, 2012 Defendant Discovery CD File Name List filed by Plaintiff with the trial judge at trial .....	3071
50	August 21, 2012 Plaintiff's Letter to Special Referee .....	3078
51	October 3, 2012 Plaintiff's Letter to Chief Administrative Judge with Exhibits.....	3080
52	November 16, 2012 Plaintiff's Request to Clerk of Court for copies of receipts releasing Case File documents.....	3083
53	January 23, 2013 Clerk of Court list of case record items returned to Court by Sharon Brock .....	3084
54	December 11, 2011 SC Attorney General Opinion to SC Legislature on HOA Voter Lists. ....	3086
55	August 8, 2012 Defendant January 13, 2012 Mark Up Exhibit List filed by Plaintiff with the trial judge at trial. ....	3089

**Exhibits to Appellant's Response Page 18**

56 August 8, 2012 Defendant August 6, 2012 Mark Up Exhibit List filed  
by Plaintiff with the trial judge at trial.....3094

57 January 6, 2013 Horry County Council Letter to Appellant re Roads.....3100

58 February 21, 2013 Email from Ch. Administrative Judge announcing  
post-trial decision.....3103

**Plaintiff's Exhibits**

1 Map international club.....3108

2 16 Ft Fence 0033.....3109

3 8 Foot Hi Fence Prop Line .....3110

4 112 Worchester Court .....3111

5 1120 Seville 8 ft Fence 0035.....3112

6 1120 Seville GSWSA Lot 6 .....3113

7 160 Madrid Drive.....3114

8 165 170 174 Seville Drive Fences .....3115

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Poster F	Plat 181 at 89 .....	4418
Poster G	Plat 189 at 154 .....	4419
Poster H	Plat 237 at 296 .....	4420
Poster I	International Club Tax Map.....	4421
Poster J	Maps.....	4422
Certificate of Appellant .....		4449
Proof of Service .....		4450

International Club ARB Meeting  
December 7, 2010  
Minutes

The regular meeting of the Architectural Review Board was held on Tuesday, December 07, 2010 at the office of K.A. Diehl & Associates, Inc. located at 11740 Hwy 17 Bypass South in Murrells Inlet, SC.

I. Open Meeting

The meeting was called to order at 10:30 AM. Members present with the ARB were Bill Fletcher, Peter Warren, Jane Bowers, Board Liaison Bob German and newly appointed member Robert Pierce. Members Hank Hodges and Charles Roche were unable to attend. Also present was Julie Case with K.A. Diehl & Associates, Inc.

II. Approval of Minutes

A motion was made to approve the November Meeting Minutes as written.  
Motion made by Jane Bowers  
Seconded by Peter Warren  
Vote passed unanimously

RECEIVED  
AUG 06 2013

III. Old Business

• Vote for ARB Chairman

A nomination was made by Jane Bowers to elect Bill Fletcher as the International Club Architectural Review Committee Chairman and the nomination was seconded by Peter Warren.

Mr. Fletcher accepted the nomination and it was put to a vote.

All ARB members were in favor so the vote passed unanimously.

*\*Charles Roche submitted his approval of Bill Fletcher serving as the ARB Chairman via email on December 7<sup>th</sup>, 2010.*

SC Court of Appeals

• Jarmuth – Fence foundation status

After the November Meeting was adjourned, a site visit was conducted to inspect the status of the brick foundation that was to be removed after the denial of a 6 ft. privacy fence by the ARB. The foundation still exists on the property as of December 7, 2010 and action will continue until the unapproved modification is brought into compliance.

• Bianchi – Solar tube & attic fan (discussion of approved install)

A Notice of Contingent Approval was sent to the owner on November 5, 2010 for the installation of the solar tube and attic fan. The contingency given in the notice specifically states, "Contingent approval is given if it is installed on the side or back of the home."



The ARB will conduct a site visit to inspect the completed installation and report the status of compliance.

- Spittel – Unapproved solar install  
During a property inspection it was noticed that there was an unapproved installation on the roof in the front of the home. It appears to be a solar tube or like object. The ARB will conduct a site visit to review this installation and report the status.

**IV. Pending Reviews**

- Jacques – Curbscapes  
*Approval to be sent with reminder of guidelines (will send revised ARB Guidelines) – (3 approved - 1 abstained- Bill Fletcher)*

**V. New Business**

- Welcome new ARB Member – Robert Pierce  
The ARB welcomed new member Robert Pierce to the ARB and thanked him for volunteering his time to serve the community.

**VI. Schedule of next meeting**

January 4<sup>th</sup>, 2011 at 10:30 AM.

**VII. Adjournment**

A motion was made to adjourn at 11:09

Motion made by Bill Fletcher

Seconded by Pete Warren

Vote passed unanimously

Respectfully submitted by: \_\_\_\_\_  
Julie Case, Assistant Community Manager

Approved by: \_\_\_\_\_  
Bill Fletcher, Chairman

773645

FILED  
HORRY COUNTY, S.C.

2003 APR 29 AM 11:33 ✓

BALLERY V. SKIPPER  
REGISTRAR OF DEEDS

556 6

STATE 9035<sup>00</sup> COUNTY 3822<sup>50</sup>  
EXEMPT YES  NO  
ASSESSOR \_\_\_\_\_

(Space above line reserved for recording data)

The State of South Carolina ) TITLE TO REAL ESTATE  
County Horry ) (SPECIAL WARRANTY)

KNOW ALL MEN BY THESE PRESENTS, that Plantation A.D., LLC (hereinafter "Grantor") in consideration of THREE MILLION FOUR HUNDRED SEVENTY FIVE THOUSAND DOLLARS and 00/100 (\$3,475,000.00), the receipt of which is hereby acknowledged, has granted, bargained, sold, and released, and by these presents does grant, bargain, sell and release unto D.R. Horton, Inc., (hereinafter "Grantee") its heirs, successors and assigns forever, the following described property to wit:

Links,  
Highlands,  
Glens

ALL AND SINGULAR, all those certain pieces, parcels and tracts of land located in Horry County, South Carolina and designated as Tract 2 and Tract 3 and containing 50.06 and 35.26 and 8.74 acres as shown on that certain plat entitled "Tract 2 & Tract 3 Totalling 94.06 Acres" said plat prepared for IC Properties, LLC by Associated Land Surveyors dated September 4, 2002 and recorded in the Office of the R.O.D. for Horry County on April 29, 2003 in Plat Book 189 at Page 154 which Plat is by reference made a part and parcel of this description.

THIS BEING a portion of the property conveyed to the Grantor herein by deed of Murrells Inlet Golf Plantation, LLC dated December 4, 1997 and recorded December 5, 1997 in Deed Book 1996 at Page 1108 and by deed of Fred B. Newby, as Trustee, dated December 4, 1997 and recorded December 5, 1997 in Deed Book 1996 at Page 1104 all in the Office of the R.O.D. for Horry County.

TMS# 194-00-02-009

HORRY COUNTY ASSESSOR  
NEW PARCEL 194-00-02-175  
SPLIT FROM 194-00-02-009

AND

Map Blk Parcel 4-30-03  
✓

ALL AND SINGULAR, all that certain piece, parcel and tract of land located in Horry County, South Carolina and designated as Tract 'I-2' and containing 3.88 acres as shown on that certain plat entitled "Subdivision Plat of Tracts 'I-b', 'I-2' and 'J' at International Club P.U.D." said plat prepared for

12 - Grand Vistas

1

DEED  
2588 1437

1637  
T

Plantation AD, LLC by Associated Land Surveyors dated April 27, 2000 and revised May 3, 2000 and recorded in the Office of the R.O.D. for Horry County on May 5, 2000 in Plat Book 169 at Page 116 which Plat is by reference made a part and parcel of this description.

THIS BEING a portion of the property conveyed to the Grantor herein by deed of Fred B. Newby, as Trustee, dated December 4, 1997 and recorded December 5, 1997 in Deed Book 1996 at Page 1104 all in the Office of the R.O.D. for Horry County.

HORRY COUNTY ASSESSOR  
TMS# 194-00-02-119  
Map Blk Parcel 4-30-03 LV AND

9.79 - Grand Vistas  
5.42 - Entrance Road

ALL AND SINGULAR, all those certain pieces, parcels and tracts of land located in Horry County, South Carolina containing 9.79 and 5.42 acres as shown on that certain plat entitled "Subdivision Survey of 9.79 & 5.42 Acre Tracts" said plat prepared for Suntech Management, Inc. by ETS-Engineering and Technical Services, Inc. dated October 21, 1998 and recorded in the Office of the R.O.D. for Horry County on October 22, 1998 in Plat Book 158 at Page 155 which Plat is by reference made a part and parcel of this description.

THIS BEING the identical property conveyed to the Grantor herein by deed of Stella Star Grainger Vereen, Sandra Ellen Vereen Daugherty A/K/A Sandra Ellen Vereen Wells, Jeff Andrew Vereen and Gay Louise Vereen dated October 15, 1998 and recorded October 22, 1998 in Deed Book 2082 at Page 456 in the Office of the ROD for Horry County and by deed of Kaminski 17 Limited Partnership dated January 14, 1999 and recorded January 19, 1999 in Deed Book 2112 at page 005 in the Office of the R.O.D. for Horry County.

HORRY COUNTY ASSESSOR  
TMS# 194-00-02-101  
Map Blk Parcel 4-30-03 LV

TOGETHER WITH an easement and right of way for ingress and egress for vehicular and pedestrian traffic over and above all roads, paths, streets and roadways in and through that certain piece, parcel of lot of land containing 449.22 acres as shown on that certain plat prepared by Atlantic Surveying Company for Plantation AD, LLC revised through January 13, 1999 and recorded in Plat Book 160 at Page 79 in the Office of the R.O.D. for Horry County.

SU

THE CONVEYANCE of the aforesaid property shall be subject to all easements, reservations, rights-of-way, restrictions and covenants of record which are of record or reflected on any recorded plat.

RESERVING, however a right of ingress and egress to property owned by Grantor designated as tract I-1b and J on that certain plat entitled "Subdivision Plat of Tracts 'I-b', 'I-2' and 'J' at International Club P.U.D." said plat prepared for Plantation AD, LLC by Associated Land Surveyors dated April 27, 2000 and revised May 3, 2000 and recorded in the Office of the R.O.D. for Horry County on May 5, 2000 in Plat Book 169 at Page 116 for vehicular and pedestrian traffic over and above all roads, paths, streets and roadways currently existing or constructed in the future within those certain pieces, parcels or lots of land containing 9.79 and 5.42 acres as shown on that certain plat prepared for Suntech Management, Inc. by ETS-Engineering and Technical Services, Inc. dated October 21, 1998 and recorded in the Office of the R.O.D. for Horry County on October 22, 1998 in Plat Book 158 at Page 155 and 449.22 acres as shown on that certain plat prepared for Plantation A.D. LLC by Atlantic Land Surveying dated January 13, 1999 and recorded in the Office of the R.O.D. for Horry County in Plat Book 160 at Page 79

2588 1438

**Pages 611 – 658**

**Deleted**

**( Duplicated Pages 563 – 610 )**

**Exhibit I**

**Pages 611 – 658**

**Deleted**

**( Duplicated Pages 563 – 610 )**

**DEFENDANTS' LIST OF EXHIBITS AND WITNESSES****I. Defendants' Exhibits**

- Exhibit 1: Subdivision Survey of 9.79 Acres and 5.42 Acres for Suntech Management, Inc. filed on October 21, 1998 filed in Plat Book 158 at Page 155 (reflects 9.79 Acres, Grand Vistas, plat referred to in Exhibit "B" to Restrictive Covenants)
- Exhibit 2: Lantana P.U.D. Revised Master Plan (Plat 1) (formerly known as Murrells Inlet Golf Plantation) Horry County, South Carolina, Prepared for Plantation A.D. approved May 14, 1999
- Exhibit 3: Plat of 459.22 Acres of Land Located West of McDowell Shortcut Road, Socastee Township, Horry County, South Carolina prepared for Plantation A.D., LLC filed in Plat Book 160, Page 79 (reflects property annexed into the International Club pursuant to Exhibit "A" of the Restrictive Covenants, the golf course and Pebble Creek and reflects additional property that may be annexed pursuant to Exhibit "B" of the Restrictive Covenants, the Glens, the Highlands, the Links, the Meadows, and the Cambridge)
- Exhibit 4: Declaration of Covenants and Restrictions for Murrells Inlet Golf Plantation (International Club), and Exhibits "A" through "C" filed on February 8, 1999 in Deed Book 2117, Page 1353
- Exhibit 5: Subdivision Plat of Tract I-1A of Phase I-1 at International Club PUD, filed on May 5, 2000 in Deed Book 169, Page 115 (property added per Third Amendment)
- Exhibit 6: Amendment to Declaration of Covenants and Restrictions for Murrells Inlet Golf Plantation (Now International Club) and Submission of Additional Property Thereto filed on May 9, 2000 in Deed Book 2258, Page 1453
- Exhibit 7: Plat of Phasing Plan Villas at International Club revised June 6, 2000 filed in Plat Book 171, Page 149 (Villas property added per Fourth Amendment)
- Exhibit 8: Waste Industries, Inc. Service Agreement with International Club HOA dated May 24, 2001
- Exhibit 9: Plat of 205.36 Acres International Club Golf Course Horry County, SC prepared for Plantation Golf, A.D. filed on January 2, 2002 in Deed Book 181, Page 89
- Exhibit 10: Quitclaim Deed from Plantation Golf A.D., LLC to the HOA filed August 22, 2002 in Deed Book 2511, Page 0967 (Parcel "D" containing 1.56 Acres—Amenity Center and parking lot)
- Exhibit 11: Plat of Tract 2 & 3 Totaling 94.06 Acres located International Club Golf Course filed April 29, 2003 in Deed Book 189, Page 154 (property annexed per Third Amendment)
- Exhibit 12: Amendment to the Declaration of Covenants and Restrictions for International Club and Assignment of Developer/Declarant Rights filed on April 29, 2003 in Deed Book 2588, Page 1441

**Exhibits to Appellant's Response Page 35**

- Exhibit 13: Developers Agreement dated May 31, 2003
- Exhibit 14: Minutes of the HOA Board of Directors Meeting September 3, 2003
- Exhibit 15: Telecommunications Service and Access Agreement dated October 30, 2003
- Exhibit 16: Golf Course Agreement dated November 20, 2003
- Exhibit 17: Minutes of the HOA Board of Directors Meeting January 13, 2004
- Exhibit 18: Third Amendment to Declaration of Covenants and Restrictions for International Club filed on March 29, 2004 in Deed Book 2714, Page 0551
- Exhibit 19: Marketing Materials for the Glens
- Exhibit 20: DR Horton International Club Map
- Exhibit 21: Deed from Plantation Golf A.D., LLC to the HOA filed August 4, 2004 in Deed Book 2771, Page 1480 (.258 acres, Amenity Center parking lot)
- Exhibit 22: Fourth Amendment to Declaration of Covenants and Restrictions for International Club filed on December 23, 2004 in Deed Book 2840, Page 0740
- Exhibit 23: Declaration of Covenants, Conditions, and Restrictions for The Glens at International Club
- Exhibit 24: Minutes of the Regular Meeting of the HOA Board of Directors January 18, 2005
- Exhibit 25: Right of Way Easement dedication from D.R. Horton, Inc. to Horry County for International Club Boulevard dated February 21, 2005
- Exhibit 26: Right of Way Easement dedication from D.R. Horton, Inc. to Horry County for International Club Boulevard and Pickering Drive dated February 21, 2005
- Exhibit 27: Resolution of Horry County Council to Accept Dedication of Road and Drainage at International Club and Pickering Drive into County Road System dated February 21, 2005
- Exhibit 28: Horry County Warranty Agreement with D.R. Horton, Inc. dated November 11, 2005
- Exhibit 29: Emails between Rosemary Toth and Jarmuth regarding Amenity Center November 2007
- Exhibit 30: Minutes of HOA Board of Directors March 11, 2008
- Exhibit 31: Architectural Guidelines amended April 2008
- Exhibit 32: Combination Plat Totaling 14.10 Acres filed on May 9, 2008 at Plat 237, Page 296 (Ballycastle property added per Exhibit "A" to restrictive covenants and Fifth Amendment)
- Exhibit 33: Emails between Beckie Abel and Jarmuth regarding ARB Minutes dated June 2008
- Exhibit 34: Emails between Beckie Abel and Jarmuth regarding ARB Minutes and Amenity Center dated June 2008
- Exhibit 35: Email from Rosemary Toth to Jarmuth regarding the Amenity Center shower dated June 18, 2008
- Exhibit 36: Fifth Amendment to Declaration of Covenants and Restrictions for International Club filed on June 20, 2008 in Deed Book 3344, Page 2064
- Exhibit 37: Email from Rosemary Toth to Jarmuth regarding Amenity Center and road dedication dated June 28, 2008

- Exhibit 38: Email from Rosemary Toth to Jarmuth regarding late fees and administration fees dated July 15, 2008
- Exhibit 39: Email from Beckie Abel to Jarmuth emailing a list of the resident's directory dated August 8, 2008
- Exhibit 40: Email from Rosemary Toth to Jarmuth regarding the Highway 17 Connector Association dated October 4, 2008
- Exhibit 41: Email from Rosemary Toth to Jarmuth responding to questions regarding ownership of roads and dedication dated October 5, 2008
- Exhibit 42: Email from Rosemary Toth to Jarmuth regarding Exhibit "E" dated October 12, 2008
- Exhibit 43: Email from Jarmuth to Beckie Abel requesting November 3, 2003 agreement between Plantation AD, LLC and HOA dated October 16, 2008
- Exhibit 44: Email from Jarmuth to Beckie Abel seeking a statement of account dated November 17, 2008
- Exhibit 45: Letter from Jarmuth to Rosemary Toth regarding HTC Cable Contract dated December 12, 2008
- Exhibit 46: Letter from Jarmuth to Rosemary regarding proposed 2009 Budget dated December 12, 2008
- Exhibit 47: Letter from Rosemary Toth to Jarmuth responding to questions dated December 17, 2008
- Exhibit 48: Letter from Jarmuth to Beckie Abel requesting to inspect K.A. Diehl management contracts dated December 19, 2008
- Exhibit 49: Emails between Jarmuth, Rosemary Toth, and Beckie Abel regarding Jarmuth's request to inspect all board minutes dated December 19, 2008
- Exhibit 50: Letter from Jarmuth to HOA request to copy K.A. Diehl contract and minutes from meeting with Villas Board dated January 26, 2009
- Exhibit 51: Emails between Jarmuth and Beckie Abel regarding request to inspect Landscape Contracts dated February 17, 2009
- Exhibit 52: Emails between Jarmuth and Beckie Abel regarding request for HTC contract and confirming meeting to inspect documents dated February 17<sup>th</sup> and 18<sup>th</sup> 2009
- Exhibit 53: Emails between Jarmuth and Beckie Abel regarding request to inspect building maintenance and HTC billing documents and confirming document review dated February 18, 2009
- Exhibit 54: Email from Beckie Abel to Jarmuth confirming Jarmuth's receipt of HTC correspondence dated February 18, 2009
- Exhibit 55: Letter from Jarmuth to the HOA requesting landscaping contract for 2008, HOA Tax Returns for 2006-2008, HTC correspondence, and minutes of meeting with the Villas board dated February 20, 2009
- Exhibit 56: Email from Larry Sherman to Jarmuth regarding ARB's decision to deny swing set dated March 16, 2009
- Exhibit 57: Email from Jarmuth to HOA dated April 28, 2009 with attached request for voter list
- Exhibit 58: Quit Claim Deed from D.R. Horton, Inc. to International Club Home Owners Association, Inc. filed on June 19, 2009 in Deed Book 3406, Page 1694 (5.42 acres, entranceway to International Club)

**Exhibits to Appellant's Response Page 37**

- Exhibit 59: Jarmuth's Application to the ARB for a swing set dated July 21, 2009
  - Exhibit 60: Notice of Disapproved Request from ARB to Jarmuth for swing set dated August 5, 2009
  - Exhibit 61: Email from John White to ARB Board and K.A. Diehl regarding denial of the swing set dated August 22, 2009
  - Exhibit 62: State of South Carolina Human Affairs Commission Determination of No Reasonable Cause in Ronald Jarmuth v. International Club HOA dated December 11, 2009
  - Exhibit 63: Jarmuth's Application to the ARB for an extension of palm bed dated March 22, 2010
  - Exhibit 64: Notice of Approval from ARB of Jarmuth's Application for the extension of the palm bed dated April 8, 2010
  - Exhibit 65: Jarmuth's Application to the ARB for the installation of a bench dated April 22, 2010
  - Exhibit 66: Notice of Approval from ARB of Jarmuth's Application for the bench dated May 10, 2010
  - Exhibit 67: Architectural Guidelines amended July 2010
  - Exhibit 68: Violation Notice from ARB to Jarmuth for the landscape with curbing and brick addition to yard dated September 27, 2010
  - Exhibit 69: Letter to the ARB from Jarmuth dated September 30, 2010 enclosing application for fence and lawn edging
  - Exhibit 70: International Club ARB Meeting Minutes – October 5, 2010
  - Exhibit 71: Notice of Approval from ARB of Jarmuth's Application for flower bed and edging dated October 8, 2010
  - Exhibit 72: Notice of Disapproved Request from the ARB to Jarmuth for vinyl fence with brick foundation to side yard dated October 8, 2010
  - Exhibit 73: Letter from Jarmuth to the ARB received by the ARB on October 13, 2010 enclosing a check from Jarmuth in the amount of \$50.00
  - Exhibit 74: International Club ARB Meeting Minutes – December 7, 2010
  - Exhibit 75: Action taken by written consent of Board of HOA dated July 25, 2011 regarding parking violations
  - Exhibit 76: Letter from Horry County Planning & Zoning Department dated September 13, 2011 to Jarmuth
  - Exhibit 77: Email from Jarmuth dated September 21, 2011 confirming 2009 maintenance contract and 2007 and 2008 election issues are moot
  - Exhibit 78: International Club Subdivision Tax Map
  - Exhibit 79: Subdivision Maps
-

II. Defendants' Witnesses

1. William ("Bill") Freiboth
2. Rosemary Toth
3. Rebecca ("Beckie") Abel
4. Vicki Gallagher
5. R. Scott Pyle
6. Jeffrey W. King, Esq.
7. William ("Bill") Fletcher

EVIDENTIARY ISSUES

Jarnuth noticed a hearing for sanctions against Sunbelt Associates for spoliation of evidence, however, there is no motion supporting this hearing.

STATUS OF SETTLEMENT NEGOTIATIONS

Settlement negotiations are futile.

LIST OF EXHIBITS AND WITNESSES

**I. Defendants' List of Exhibits**

- Exhibit 1: Letter from Kaminski Owners/Kaminski 17 Limited Partnership to Suntech AD, LLC, Plantation AD, LLC, and Shore Road Partners regarding "Letter of Intent for proposed Highway 17 Connector" dated July 31, 1998 with Exhibit A
- Exhibit 2: Declaration of Special Covenants for the Highway 17 Connector Road Maintenance District Association, Inc. filed (in Horry County on December 29, 1998, Deed Book 2105, Page 607; Georgetown County on December 30, 1998, Deed Book 935, Page 35)
- Exhibit 3: Declaration of Covenants and Restrictions for Murrells Inlet Golf Plantation (International Club), and Exhibits "A" through "C" filed on February 8, 1999 in Deed Book 2117, Page 1353
- Exhibit 4: Amendment to Declaration of Covenants and Restrictions for Murrells Inlet Golf Plantation (Now International Club) and Submission of Additional Property Thereto filed on May 9, 2000 in Deed Book 2258, Page 1453
- Exhibit 5: Waste Industries, Inc. Service Agreement with International Club HOA dated May 24, 2001
- Exhibit 6: Quitclaim Deed from Plantation Golf A.D., LLC to the HOA filed August 22, 2002 in Deed Book 2511, Page 0967 (Parcel "D" containing 1.56 Acres—Amenity Center and parking lot)
- Exhibit 7: Amendment to the Declaration of Covenants and Restrictions for International Club and Assignment of Developer/Declarant Rights filed on April 29, 2003 in Deed Book 2588, Page 1441
- Exhibit 8: Developers Agreement dated May 16, 2003
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- Exhibit 11: Golf Course Agreement dated November 20, 2003
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- Exhibit 16: Deed from Plantation Golf A.D., LLC to the HOA filed August 4, 2004 in Deed Book 2771, Page 1480 (.258 acres, Amenity Center parking lot)
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- Exhibit 19: Right of Way Easement dedication from D.R. Horton, Inc. to Horry County for International Club Boulevard dated February 21, 2005

- |             |  |
|-------------|--|
| Exhibit 20: | Right of Way Easement dedication from D.R. Horton, Inc. to Horry County for International Club Boulevard and Pickering Drive dated February 21, 2005                   |
| Exhibit 21: | Resolution of Horry County Council to Accept Dedication of Road and Drainage at International Club and Pickering Drive into County Road System dated February 21, 2005 |
- Exhibit 21A: Minutes of HOA Board of Directors June 10, 2005.
- Exhibit 22: Minutes of Second Annual Members' Meeting dated August 19, 2005
- Exhibit 23: Horry County Warranty Agreement with D.R. Horton, Inc. dated November 11, 2005
- Exhibit 24: Minutes of HOA Board of Directors Meeting May 24, 2006
- Exhibit 25: Warranty Deed from Cheryl Tucker Essex to Ronald E. Jarmuth filed on October 23, 2006 at Deed Book 3178, Page 180.
- Exhibit 26: Emails between Rosemary Toth and Jarmuth regarding Amenity Center November 2007
- Exhibit 27: Minutes of HOA Board of Directors March 11, 2008
- Exhibit 28: Architectural Guidelines amended April 2008
- Exhibit 29: Emails between Beckie Abel and Jarmuth regarding ARB Minutes dated June 2008
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- Exhibit 40: Email from Jarmuth to Beckie Abel seeking a statement of account dated November 17, 2008
- Exhibit 41: Letter from Jarmuth to Rosemary Toth regarding HTC Cable Contract dated December 12, 2008 (duplicate)
- Exhibit 42: Letter from Jarmuth to Rosemary regarding proposed 2009 Budget dated December 12, 2008

**Exhibits to Appellant's Response Page 41**

- Exhibit 43: Letter from Rosemary Toth to Jarmuth responding to questions dated December 17, 2008
- Exhibit 44: Letter from Jarmuth to Beckie Abel requesting to inspect K.A. Diehl management contracts dated December 19, 2008
- Exhibit 45: Emails between Jarmuth, Rosemary Toth, and Beckie Abel regarding Jarmuth's request to inspect all board minutes dated December 19, 2008
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- Exhibit 53: Email from Jarmuth to HOA dated April 28, 2009 with attached request for voter list
- Exhibit 54: Quit Claim Deed from D.R. Horton, Inc. to International Club Home Owners Association, Inc. filed on June 19, 2009 in Deed Book 3406, Page 1694 (5.42 acres, entranceway to International Club)
- Exhibit 55: Email communication dated June 22, 2009 from Julie Case to all property owners security and higher regarding response to HTC refund
- Exhibit 56: Email communications dated June 23, 2009 between Denise Ambuhl of HTC and William Freiboth regarding credit allocations
- Exhibit 57: Email communication from Julie Case to all property owners security and higher regarding HTC response for credits dated June 24, 2009
- Exhibit 58: Jarmuth's Application to the ARB for a swing set dated July 21, 2009
- Exhibit 59: Notice of Disapproved Request from ARB dated August 5, 2009 to Jarmuth for swing set
- Exhibit 60: Email dated August 22, 2009 from John White to ARB Board and K.A. Diehl regarding denial of the swing set
- Exhibit 61: Letter dated August 24, 2009 from Horry County Engineering Department Infrastructure & Regulation Department to Michael Butryn
- Exhibit 62: Copy of International Club HOA Check #2469 dated October 15, 2009 in the amount of \$2,500.00 to McNair representing insurance deductible
- Exhibit 63: State of South Carolina Human Affairs Commission Determination of No Reasonable Cause in Ronald Jarmuth v. International Club HOA dated December 11, 2009

- Exhibit 64: Letter dated January 11, 2010 from International Club HOA Board of Directors to Mr. & Mrs. Gene Malott regarding property maintenance and list of homeowners to receive letter
- Exhibit 65: Astorino parking violation pictures February 11, 2010 through December 3, 2011
- Exhibit 66: International Club HOA Friday Facts dated March 12, 2010 regarding Central Electric Power Cooperative seeking easement
- Exhibit 67: International Club HOA Friday Facts dated March 19, 2010 regarding Central Electric Power Cooperative seeking easement
- Exhibit 68: Jarmuth's Application to the ARB dated March 22, 2010 for an extension of palm bed
- Exhibit 69: International Club HOA Friday Facts dated March 26, 2010 regarding Central Electric Power Cooperative seeking easement
- Exhibit 70: International Club HOA Notice of Special Meeting dated April 6, 2010
- Exhibit 71: Notice of Approval from ARB dated April 8, 2010 of Jarmuth's Application for the extension of the palm bed
- Exhibit 72: Minutes of Special Meeting of the HOA April 19, 2010
- Exhibit 73: MS#194-32-01-313 T42 Collins Creek TAP Power Line Easement #364 Tract #14 dated April 20, 2010
- Exhibit 74: Jarmuth's Application to the ARB dated April 22, 2010 for the installation of a bench
- Exhibit 75: International Club HOA Friday Facts dated April 23, 2010 regarding Special Meeting relating to Central Electric Power Cooperative easement
- Exhibit 76: Landscaping Mitigation Agreement between International Club HOA and Central Electric Power Cooperative, Inc.
- Exhibit 77: Minutes of the Regular Meeting of the HOA Board of Directors May 5, 2010
- Exhibit 78: Notice of Approval from ARB dated May 10, 2010 of Jarmuth's Application for the bench
- Exhibit 79: Copy of International Club HOA Check #2732 dated June 10, 2010 in the amount of \$2,500.00 to McNair representing insurance deductible
- Exhibit 80: Architectural Guidelines amended July 2010
- Exhibit 81: International Club HOA Board Action Without a Meeting dated August 11, 2010
- Exhibit 82: Violation Notice from ARB dated September 27, 2010 to Jarmuth for the landscape with curbing and brick addition to yard
- Exhibit 83: Letter to the ARB from Jarmuth dated September 30, 2010 enclosing application for fence and lawn edging
- Exhibit 84: International Club ARB Meeting Minutes – October 5, 2010
- Exhibit 85: Notice of Approval from ARB of Jarmuth's Application for flower bed and edging dated October 8, 2010
- Exhibit 86: Notice of Disapproved Request from the ARB to Jarmuth for vinyl fence with brick foundation to side yard dated October 8, 2010
- Exhibit 87: Letter from Jarmuth to the ARB received by the ARB on October 13, 2010 enclosing a check from Jarmuth in the amount of \$50.00
- Exhibit 88: International Club ARB Meeting Minutes – December 7, 2010

Exhibit 89: International Club HOA Parking Rules 2011 dated July 1, 2011 (duplicate)

Exhibit 90: International Club HOA Friday Facts dated July 15, 2011

Exhibit 91: Action taken by written consent of Board of HOA dated July 25, 2011 regarding parking violations

Exhibit 92: Letter from Horry County Planning & Zoning Department dated September 13, 2011 to Jarmuth

Exhibit 93: Email from Jarmuth dated September 21, 2011 confirming 2009 maintenance contract and 2007 and 2008 election issues are moot

Exhibit 94: Architectural Guidelines amended November 2011

Exhibit 95: Jarmuth ARB Modification Request Application dated February 27, 2012 for landscaping modification

Exhibit 96: Email reply dated March 5, 2012 from Vanessa Fattoross to Jarmuth email regarding Jarmuth ARB Submission of February 27, 2012

Exhibit 97: Letter dated March 16, 2012 from Vanessa Fattoross of K.A. Diehl to Jarmuth regarding ARB deferral

Exhibit 98: General Ledger Trial Balance 2004-2007 for Account #422-0000

Exhibit 99: TOPS Financial Transactions for the Golf Course July 31, 2002 through December 17, 2010

Exhibit 100: Jenark Resident Transaction Report for International Club, LLC, Golf Course, December 31, 2010 through the present

Exhibit 101: Jenark Resident Transaction Report for International Club, LLC, the Glens Condo, December 31, 2010 through the present

Exhibit 102: Summary of International Club Golf Course Accounting Records

Exhibit 103: Account Balance for Ronald Jarmuth August 2012

Exhibit 104: Pictures of Golf Course Irrigation System

PLAT EXHIBITS

Exhibit A: Subdivision Survey of 9.79 Acres and 5.42 Acres for Suntech Management, Inc. filed on October 21, 1998 filed in Plat Book 158 at Page 155 (reflects 9.79 Acres, Grand Vistas, plat referred to in Exhibit "B" to Restrictive Covenants)

Exhibit B: Lantana P.U.D. Revised Master Plan (Plat 1) (formerly known as Murrells Inlet Golf Plantation) Horry County, South Carolina, Prepared for Plantation A.D. approved May 14, 1999

Exhibit C: Plat of 459.22 Acres of Land Located West of McDowell Shortcut Road, Socastee Township, Horry County, South Carolina prepared for Plantation A.D., LLC filed in Plat Book 160, Page 79 (reflects property annexed into the International Club pursuant to Exhibit "A" of the Restrictive Covenants, the golf course and Pebble Creek and reflects additional property that may be annexed pursuant to Exhibit "B" of the Restrictive Covenants, the Glens, the Highlands, the Links, the Meadows, and the Cambridge)

**Exhibits to Appellant's Response Page 44**

- Exhibit D: Subdivision Plat of Tract I-1A of Phase I-1 at International Club PUD, filed on May 5, 2000 in Deed Book 169, Page 115 (property added per Third Amendment)
- Exhibit E: Plat of Phasing Plan Villas at International Club revised June 6, 2000 filed in Plat Book 171, Page 149 (Villas property added per Fourth Amendment)
- Exhibit F: Plat of 205.36 Acres International Club Golf Course Horry County, SC prepared for Plantation Golf, A.D. filed on January 2, 2002 in Deed Book 181, Page 89
- Exhibit G: Plat of Tract 2 & 3 Totaling 94.06 Acres located International Club Golf Course filed April 29, 2003 in Deed Book 189, Page 154 (property annexed per Third Amendment)
- Exhibit H: Combination Plat Totaling 14.10 Acres filed on May 9, 2008 at Plat 237, Page 296 (Ballycastle property added per Exhibit "A" to restrictive covenants and Fifth Amendment)

- |            |  |
|------------|--|
| Exhibit I: | International Club Subdivision Tax Map |
| Exhibit J: | Subdivision Maps                       |

**II. Defendants' Witnesses**

1. William ("Bill") Freiboth
2. Rosemary Toth
3. Rebecca ("Beckie") Abel
4. R. Scott Pyle
5. Jeffrey W. King, Esq.
6. Charles Roche
7. Christopher Sullivan
8. Denise Ambuhl
9. Maureen Sullivan

**STATUS OF SETTLEMENT NEGOTIATIONS**

As a result of the polarized nature of the parties' positions in the 2009 and 2010 Lawsuits, settlement negotiations are futile.