

ORIGINAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC 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

Ronald Jarmuth, *Pro Se* Appellant,

v.

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

SUPPLEMENTAL RECORD

McNAIR LAW FIRM, P.A.
Henrietta U. Golding, SC Bar #2173
Alicia E. Thompson, SC Bar #77056
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.

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

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TRIAL EXHIBITS

Respondents' Exhibit 53, Membership List Request and Denial	4651
Appellant's Exhibit 556, Deed from Plantation A.D. to D.R. Horton	4655

-----Original Message-----

From: Ronald Jarmuth [<mailto:ronaldjarmuth@msn.com>]

Sent: Tuesday, April 28, 2009 1:39 PM

To: Beckie Abel

Subject: Request for Copy of HOA Voter / Member List

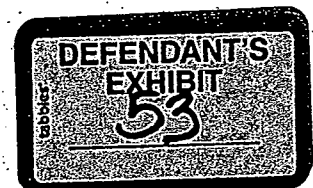
See attached.

<<

2009-04-28 To Diehl Voter List.pdf (21.6KB)

(21.6KB)

>>



Ronald Jarmuth
 249 Pickering Drive
 Murrells Inlet, SC 29576
 843-314-4355
 ronaldjarmuth@msn.com
 April 28, 2009

International Club Homeowners Association Inc
 c/o Registered Agent (Diehl)
 Attention: Beckie Abel (beckie.abel@kadiehl.com)

DELIVERED BY E-MAIL

SUBJECT: Request for Copy of HOA Voter List

Dear Sirs:

1. Reference
 - a. SC Code Section 33-31-720, Members' list.
 - b. SC Code Section 33-31-1601(c) Permanent Records.
 - c. SC Code Section 33-31-1602 Inspection of Records.
 - d. SC Code Section 33-31-1604 Court Ordered Inspection.

2. I propose within the next seven days to inspect and copy the membership list of the HOA in electronic form as kept by the corporation, be it a data base or word processing file(s). The purpose of this request is to communicate with fellow homeowners. Please advise a time convenient for you. I am prepared to provide my own media and to bring a laptop with network connection (and cable) to facilitate this. In the alternative (if you are concerned about your data security) I am prepared to provide you a blank CD to enable you to copy the file(s). Alternatively, you are welcome to email me said file(s) to ronaldjarmuth@msn.com.

3. A satisfactory voter list will include
 - a. Full name of homeowner / voter.
 - b. Full contact address (for physical mail).
 - c. Email address if disclosed to the HOA by the homeowner.¹
 - d. All telephone numbers disclosed by homeowner to the HOA.
 - e. The number of votes which this homeowner is entitled to cast.
 - f. The "arrears" status of any homeowner which might preclude him from voting.

4. If I have not been given the opportunity to copy said voter list Or have not received same within seven days, I will consider my request as having been denied and shall promptly apply to the Court for an appropriate order.

Ronald Jarmuth

Ronald Jarmuth, Homeowner & Member of the HOA

¹ The right to a complete list of homeowners is statutory. There is no court recognized privilege between a homeowner and a homeowner association, thus no records may be withheld from disclosure per a homeowner's request.

MCNAIR
ATTORNEYS

Henrietta U. Golding

hgolding@mcnair.net

T (843) 444-1107

F (843) 444-4729

April 28, 2009

VIA EMAIL COMMUNICATION

Ronald Jarmuth
249 Pickering Drive
Murrells Inlet, South Carolina 29576
ronaldjarmuth@msn.com

RE: Ronald Jarmuth v. The International Club Homeowners Association, Inc.
and Rosemary Toth
Civil Action No.: 2009-CP-26-3596
Our file #: 051490.00001

Dear Mr. Jarmuth:

Please be advised that this firm has been retained to represent the International Club Homeowners Association, Inc. and Rosemary Toth with respect to the above legal action. Since you have sued the Association and its President, I believe it is appropriate that all further communications with the Association, or any member of its Board, should be directed to me, as legal counsel for the Association. In this light, I have been provided a copy of an emailed letter dated April 28, 2009 with the subject being "Request for Copy of HOA Voter List".

With respect to your request for the Members' List, you state that you request the members list to "...communicate with fellow homeowners." As you know, a Member's review/inspection demand must be made in good faith, for proper purpose, and you must describe with reasonable particularity the purpose. Due to the allegations in your Complaint, I question whether your demand is made in good faith, and further, you do not set forth with reasonable particularity the purpose. Additionally, in your letter you are seeking information other than the membership list, such as email address, telephone numbers, etc, and you want to know the "arrear" status. Obviously, you are seeking information which is beyond the statutory provisions relating to a membership list and this, of course, is additional evidence that your request is not in good faith. In conclusion, your request for the membership list is denied.

Finally as stated above, since I am now representing the Association and the President in the civil action you have currently pending, all your communications with respect to any matter relating to the litigation, must be directed to me or

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

ANDERSON BLUFFTON CHARLESTON CHARLOTTE COLUMBIA GEORGETOWN GREENVILLE HILTON HEAD MYRTLE BEACH

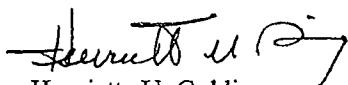
MYRTLEBEACH 121858v1

April 28, 2009
Page 2

MCNAIR
ATTORNEYS

Alicia Smith, another attorney in my office. Neither the Association, nor Ms. Toth, will engage any further in communications with you until the litigation has ended.

Yours truly,


Henrietta U. Golding

HUG/ck

cc: Rosemary Toth, President of International Club HOA (via email)
Beckie Abel (via email)

773445

FILED
HORRY COUNTY, S.C.

2003 APR 29 AM 11:33 ✓

BALLERY V. SKIPPER
REGISTRAR OF DEEDS

556

STATE 9035⁰⁰ COUNTY 3822⁵⁰
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:

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 Totaling 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 4-3003

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

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 4-30-03
Map Blk Parcel lv AND

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 Louse 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 4-30-03
Map Blk Parcel 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.

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 '1-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

STATE OF SOUTH CAROLINA)

AFFIDAVIT

County of Horry)

S.C. Code Ann. §12-24-20 et. seq.

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

- 1. I have read the information on this affidavit and I understand such information.
- 2. The property being transferred is located at Murrells Inlet, Horry County, bearing Horry County Tax Map Numbers: 194-00-02-009; 194-00-02-119; 194-00-02-101 was transferred by Plantation A.D., LLC to D.R. Horton, Inc. on April 23, 2003.

- 3. Check one of the following: The deed is
 - (a) xx Subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) _____ Subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) _____ Exempt from the deed recording fee because (See Information section of affidavit):

- 4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):
 - (a) xx The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$3,475,000.00
 - (b) _____ The fee is computed on the fair market value of the realty which is _____ (\$ _____) Dollars.
 - (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is _____ (\$ _____) Dollars.

5. Check Yes _____ or No x to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes", the amount of the outstanding balance of this lien or encumbrance is: _____.

- 6. The deed recording fee is computed as follows:

(a) Place the amount listed in Item 4 above here:	3,475,000.00
(b) Place the amount listed in Item 5 above here: (If no amount is listed, place zero here.)	_____
(c) Subtract Line 6(b) from Line 6(a):	3,475,000.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$12,857.50.

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: SELLER.

9. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Plantation A.D., LLC

[Signature] President

ABD Development, Inc, Authorized Member
C.R. Scott Pyle, President

SWORN to before me this 24th
day of April, 2003
[Signature]
Notary Public
My commission expires: 7/18/03

CKW

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
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Ralph P. Stroman, Special Referee

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CERTIFICATE OF COUNSEL

The undersigned certifies that the Supplemental Record complies with the Order dated October 29, 2013 of the South Carolina Court of Appeals and with Rules 210 and 212, SCACR.

Respectfully submitted,



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

Myrtle Beach, South Carolina
Dated: November 7, 2013

THE STATE OF SOUTH CAROLINA
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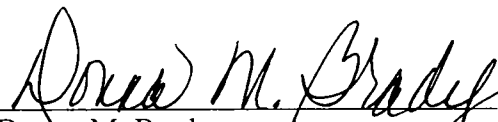
The International Club Homeowners
Association, Inc., Rosemary Toth, and
K.A. Diehl & Associates, Inc., Respondents.

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 Supplemental Record of Respondents The International Club Homeowners Association, Inc., Rosemary Toth, and K.A. Diehl & Associates, Inc., Certification of Counsel, 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 7th day of November, 2013.

Pro Se Appellant of Record:

Ronald Jarmuth
249 Pickering Drive
Murrells Inlet, SC 29576
Email: ronaldjarmuth@hotmail.com


Donna M. Brady

Myrtle Beach, South Carolina