

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Ralph P. Stroman, Special Referee

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

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**RECEIVED**  
NOV 18 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.

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RESPONDENTS' RETURN TO APPELLANT'S  
MOTION TO SUPPLEMENT THE RECORD

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The Respondents, The International Club Homeowners Association, Inc., Rosemary Toth, and K.A. Diehl & Associates, Inc. ("Respondents"), hereby submit this Return to the Motion to Supplement the Record of Appellant, Ronald Jarmuth ("Appellant"), dated November 4, 2013.

Appellant seeks to supplement the Record with an Order and Judgment of Foreclosure dated August 13, 2013 and filed on August 14, 2013 from an unrelated case, Civil Action Number 2013-CP-26-0396. This Order was filed after the August 2012 trial of this matter. Pursuant to the South Carolina Appellate Court Rules ("S.C.A.C.R."),

Rule 210, “[t]he Record shall not...include matter which was not presented to the lower court or tribunal.” Norris v. Ferre, 315 S.C. 179, 432 S.E.2d 491 (Ct.App. 1993) (denying a motion to supplement the record to include deposition testimony from an unrelated action, because it was not before the lower court). Because the Order in Civil Action Number 2013-CP-26-0396 was not before the trial court, as it post-dates the lower court proceedings in this matter, and because it is completely irrelevant to this appeal, Rule 210, S.C.A.C.R., precludes the supplementation of the Record with these documents.

For the reasons set forth herein, the Respondents respectfully request that Appellant’s Motion to Supplement the Record dated November 4, 2013 be denied.

Respectfully submitted,



McNAIR LAW FIRM, P.A.

Henrietta U. Golding

Alicia E. Thompson

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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: November 15, 2013

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Case No.: 2009-CP-26-3596  
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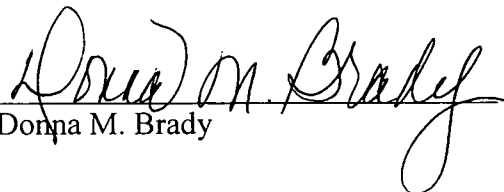
PROOF OF SERVICE

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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' Return to Appellant's Motion to Supplement the Record, 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 15<sup>th</sup> day of November, 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

Myrtle Beach, South Carolina

**MCNAIR**  
ATTORNEYS

Alicia Thompson

November 15, 2013

athompson@mcnair.net  
T (843) 443-3058  
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**VIA FIRST CLASS MAIL**

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

**RECEIVED**

NOV 18 2013

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

**SC Court of Appeals**

Dear Ms. Kitchings:

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

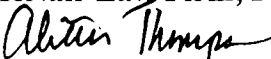
- Original (unbound) and seven copies of the Respondents' Return to Appellant's Motion to Supplement the Record; and
- Proof of Service.

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

AT/dmb  
Enclosures

cc: Ronald Jarmuth  
Clients

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

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