

**JACK D. SIMRILL**  
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October 16, 2013

Honorable Jenny Kitchings, Clerk  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

Re: Madeline R. Arata and Kenneth C. Arata  
v. Village West Owners' Association, Inc., etc.  
Appellate Case No. 2012-212486

**RECEIVED**

OCT 21 2013

**SC Court of Appeals**

Dear Ms. Kitchings:

In reference to the letter, dated October 1, 2013, submitted by the Attorney for the Respondents, Brian Pitts, in the above matter, I wish to inform the Court that the issues raised regarding problems with the Record on Appeal prepared by the Appellant as stated by the Respondent are unfounded. The Appellant requested All Trial Exhibits and matters designated by the Respondent to be included in the Record on Appeal, that the Appellant was not in possession of, be submitted by the Respondent for incorporation into the Record on Appeal by the due date for filing. The Attorney for the Respondents did not respond. As a result, all Trial Exhibits and matters referred to by the Respondent in the October 1, 2013 letter to the Court were absent. "Please see attached document dated December 6, 2012".

Furthermore, Appellant respectfully accommodated the SC Court of Appeals rules and the Respondent by submitting a Supplemental Record on Appeal following the Respondent's motion to dismiss on January 11, 2013. In addition, Appellant submitted (3) pages of Defendant's Trial Exhibit 1 matter not included in the Supplemental Record on Appeal following the Respondent's second motion to dismiss on July 15, 2013.

Presently, Respondent's attorney, Brian Pitts, has for a third time issued complaints to the Court regarding problems with the format of Respondent's matter in the Appellant's Record on Appeal which lacks credibility based upon the fact that the Respondent's attorney neglected to submit their designated matter to be included in the Record on Appeal by December 6, 2012, as stated in the attached document.

At this time, I strongly feel the Respondent is trifling with the Court in an effort to prevent the above Appellate Case No. 2012-212486 from moving forward.

Yours Respectfully,

  
Jack D. Simrill

cc: Brian C. Pitts, Esquire  
Madeline and Kenneth Arata

**JACK D. SIMRILL**  
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December 6, 2012

Honorable Jenny Kitchings, Clerk  
South Carolina Court of Appeals  
2014 Sumter Street  
Columbia, South Carolina 29901-1128

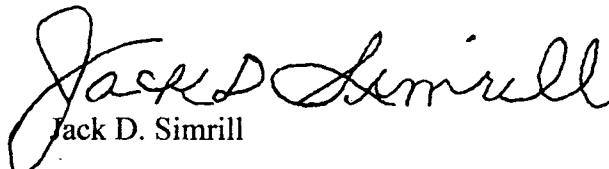
Re: Madeleine R. Arata and Kenneth C. Arata  
v. Village West Owners' Association, Inc., etc.  
Case No. 09-CP-07-00036

Dear Ms. Kitchings:

In reference to the Designation of Matter to be Included in the Record on Appeal, attached Exhibit 1, submitted to my office by Brian Pitts, the Attorney for the Respondents in the above matter, I wish to respectfully inform the Court that the requests of Mr. Pitts include matters that are irrelevant to the Appeal and do not comply with the South Carolina Court of Appeals Rule 209(b),(c); Rule 210(c); Rule 222(c) and the requirements of Rule 267.

In addition, I attempted to contact Mr. Pitts by telephone to inform him of the specific matters contained in his request that I was not in possession of, attached Exhibit 2, giving him an opportunity to forward these matters to me for inclusion into the Record on Appeal. To date, Mr. Pitts has not returned my telephone call therefore the matters in question could not be entered into the Record in the time allowed to print and file.

Yours Respectfully,

  
Jack D. Simrill

JDS/ssr

Enclosures: Designation of Matter to be  
Included in the Record on Appeal

Appellants' response to Respondent's Matter  
to be Included in the Record on Appeal

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OCT 21 2013

**SC Court of Appeals**