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January 15, 2014

Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: The Callawassie Island Members Club, Inc. v. Arthur H. Applegate
Appellate Case No. 2013-001812
Civil Action No.: 2009-CP-07-05410
Our File No.: 10809 4 SPH

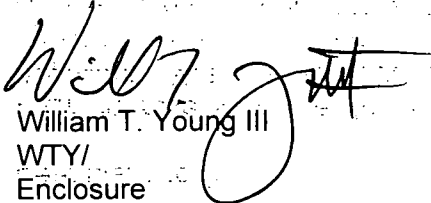
Dear Ms. Kitchings:

I am in receipt of the Appellant's Reply to Return of the Respondent Regarding Appellant's Motion to Exclude Matters Designated by the Respondent from the Record on Appeal. I feel obligated to demonstrate that the memorandum and exhibits that the Appellant contends are not on file with the Beaufort County Clerk of Court were filed. I have enclosed herewith the first page of the subject memorandum, which is time stamped. I will be happy to provide the remaining 84 pages of the document if the Court so requests. Additionally, I would point out that the very documents which the Appellant is attempting to exclude are referred to within the Court's Order. Accordingly, they are properly part of the record, as the lower court did review and consider them, despite Appellant's contentions to the contrary.

If you have any questions, please contact me.

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.


William T. Young III
WTY/
Enclosure

cc: Ehrick K. Haight, Jr., Esquire - w/ enclosure
Brian D. McDaniel, Esquire - w/ enclosure
Jennifer I. Campbell, Esquire - w/ enclosure

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JAN 21 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)
)
 THE CALLAWASSIE ISLAND)
 MEMBERS CLUB, INC.,)
)
 Plaintiff,)
)
 v.)
)
 ARTHUR H. APPLGATE,)
)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 FOR THE FOURTEENTH JUDICIAL CIRCUIT
 CIVIL ACTION NO. 2009-CP-07-5410

2013 MAY -8 AM 11:41
 CLERK OF COURT
 14th JUDICIAL CIRCUIT
 BEAUFORT, SC

PLAINTIFF'S MEMORANDUM
 IN SUPPORT OF MOTION
 FOR SUMMARY JUDGMENT
 AND IN OPPOSITION TO DEFENDANT'S
 MOTIONS FOR SAME

The Plaintiff, The Callawassie Island Members Club, Inc. (hereinafter, "CIMC"), by and through its undersigned attorneys, hereby submits this Memorandum in Support of Motion for Summary Judgment and in Opposition to Defendant's Motions for Same.

I. BACKGROUND

Life on a private island, surrounded by nature, with access to incredible golf, tennis and country club amenities may sound idyllic, especially if it were free. But the management and maintenance of such amenities is a major undertaking with considerable associated expense. That is why the developer of Callawassie Island, The Callawassie Island Company, L.P. (hereinafter, "CIC") chose to transfer a large portion of the amenities to CIMC, a domestic 501(c)(7) mutual benefit non-profit corporation. To ensure that everyone owning property on Callawassie Island shared in the costs of preserving and operating these amenities, The Callawassie Island Property Owners Association, Inc. (hereinafter, "CIPOA"), duly adopted the Amended and Restated General Declaration For Callawassie Island and Provisions for the Callawassie Island Property Owners Associations, Inc. of December 1, 2001 (the "Declaration"),¹ which established, as a condition

¹
 The Declaration is filed of record with the Register of Deeds for Beaufort County, in Book 1505 at Page 850, and is incorporated herein by reference.

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SC Court of Appeals

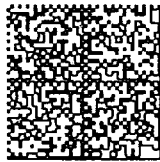
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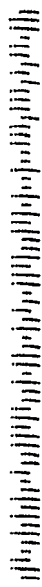


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