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THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM HORRY COUNTY

Court of Common Pleas

Steven H. John, Presiding Judge

Case No. 2009-CP-26-10523

**Appellate Case No. 2012-213287**

**RECEIVED**

JAN 21 2014

**SC Court of Appeals**

Elizabeth A. Crotty and James K. Orzech..... Appellants,

v.

Windjammer Village of Little River,  
Property Owners' Association, a South Carolina  
Eleemosynary Corporation..... Respondent.

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**RETURN TO RESPONDENT'S MOTION TO STRIKE FALSE, MISLEADING,  
IMPROPER, AND INACCURATE MATTER FROM THE RECORD ON  
APPEAL; TO COMPEL THE APPELLANTS TO SUBMIT A CORRECTED  
RECORD ON APPEAL; TO STAY THE TIME FOR SUBMISSION OF  
RESPONDENT'S FINAL BRIEF PENDING THE COURT'S DISPOSITION OF  
RESPONDENT'S MOTION TO STRIKE MATTER INCLUDED IN THE  
RECORD ON APPEAL, AND/OR UNTIL A CORRECTED RECORD ON  
APPEAL IS FILED AND SERVED**

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Appellants Elizabeth Crotty and James Orzech, hereby, submit our RETURN TO  
RESPONDENT'S MOTIONS (as above), asking that Respondent's MOTIONS be denied.

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## Background

Note: These Background statements are the same as in Appellants' RETURN TO RESPONDENT'S MOTION TO STRIKE MATTER INCLUDED IN APPELLANTS' AMENDED DESIGNATION OF MATTER dated August 2, 2013.

On October 18, 2012, we, as *Pro Se* Appellants, served a NOTICE OF INTENT TO APPEAL the Trial Court's ORDER UPON PLAINTIFFS' MEMORANDUM REQUESTING THAT THE COURT RE-VISIT THE 'FINAL ORDER' IN THE NAME OF JUSTICE (*Court accepted as a Rule 60(b), SCRPC Motion*), and by direct inference, the underlying 'FINAL ORDER,' emanating from the TRIAL of June 22-23, 2011.

We filed our original INITIAL BRIEF and DESIGNATION OF MATTER on March 13, 2013. Then two days later, Respondent's attorney filed a PETITION FOR AN EXTENSION OF TIME TO FILE ITS INITIAL BRIEF AND DESIGNATION OF MATTER. On March 29<sup>th</sup>, the South Carolina Court of Appeals sent an ORDER signed by Chief Judge John Cannon Few, extending Respondent's time to May 13, 2013.

Rather than producing Respondent's INITIAL BRIEF by the due date, attorney Moss filed Respondent's MOTION TO DISMISS, OR IN THE ALTERNATIVE, TO STRIKE MATTER FROM APPELLANTS' INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL on April 29, 2013. In that MOTION, just like in Respondent's prior MOTION TO STRIKE, dated December 19, 2012, which the Court of Appeals already denied, attorney Moss attempted to confound the Honorable Court with heaps of documents, involving the awarding of Costs, which are not part of

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this Appeal, trying to interject a **decoy** issue into the equation, so as to misdirect the Court away from the true matters actually on Appeal.

In our RETURN of May 9, 2013, we, as Appellants, agreed that our DESIGNATION OF MATTER could be shortened for the sake of simplicity, noting our intention to review the DESIGNATION that we sent to the Court of Appeals along with our INITIAL BRIEF on March 13, 2013, and then, if necessary, to submit a MOTION to amend it. To that end, we submitted our MOTION TO AMEND AND REPLACE APPELLANTS' DESIGNATION OF MATTER with its accompanying (Amended) DESIGNATION OF MATTER TO BE INCLUDED on May 24, 2013, stating,

“In order to eliminate any confusion over which Documents rightfully belong in this DESIGNATION OF MATTER, as well as to thin out and to better arrange this material in a more logical way, in anticipation of the RECORD ON APPEAL, Appellants submit this revision. Defendant's (now Respondent's) MOTION and the lower Court's ORDER involving Costs are not included, except that (a) The narrative of the oral argument on that issue is preserved in the TRANSCRIPT of the August 30, 2012 HEARING ... and (b) Attorney Moss' AFFIDAVIT OF PLAINTIFFS' COMPLIANCE WITH THE COURT'S FEBRUARY 22, 2012 ORDER (e.g. Costs paid in full) has been added ... .”

On July 2, 2013, the South Carolina Court of Appeals issued an ORDER signed by Associate Judge Jasper M. Curitan, stating,

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“Respondent has filed a Motion to Dismiss, or in the Alternative, to Strike Matter from Appellants’ Initial Brief and Designation of Matter. After careful consideration, we find Appellants’ Initial Brief contains material that does not comply with the requirement of Rule 208(b)(1)(b), SCAR, that the Statements of Issue on Appeal ‘be concise and direct to each issue.’ Accordingly, we grant Respondent’s motion and strike pages 1 and 2, as well as the non-enumerated paragraphs on page 3, from Appellants’ Initial Brief. Appellant shall file an Amended Initial Brief within ten days.”

Then Judge Curitan then went on to say,

“Appellants have filed a Motion to amend their Designation of Matter, which Respondent does **not** oppose. Appellants’ Motion is hereby **granted**.”

We, as Appellants, then submitted our Amended INITIAL BRIEF within the allotted time, together with our Amended DESIGNATION OF MATTER, which Judge Curitan already had approved for inclusion, to the Court of Appeals, on July 12, 2013.

Meanwhile, after missing the deadline to file a RETURN opposing Appellants’ MOTION TO AMEND AND REPLACE APPELLANTS’ DESIGNATION OF MATTER, attorney Moss belatedly filed Respondent’s MOTION TO STRIKE MATTER INCLUDED IN APPELLANTS’ AMENDED DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL -- on July 8, 2013 -- six days after the Honorable Court had granted Appellants’ MOTION to amend our DESIGNATION OF MATTER.

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**Note:** The next paragraph appears on page 16 of Appellants' FINAL BRIEF with the last sentence added here.

After missing the deadline to file a RETURN, opposing Appellants' Amended DESIGNATION OF MATTER, attorney Moss belatedly chose to file RESPONDENT'S MOTION TO STRIKE MATTER INCLUDED IN APPELLANTS' AMENDED DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL, which the Court **denied**. Respondent Windjammer Village Property Owners' Association, through its attorney Kenneth R. Moss, Esq., finally submitted its 25-page INITIAL BRIEF on November 12, 2013. Appellants then filed a REPLY BRIEF on November 22, 2013, and served a RECORD ON APPEAL to Respondent's attorney on December 23, 2013. Appellants filed 15 copies each of our FINAL BRIEF, FINAL REPLY BRIEF and RECORD ON APPEAL with the Clerk of the Court of Appeals on January 11/13, 2014.

### Arguments against Respondent's Motions and Procedural History

**Note:** These Arguments are adapted from Appellants' RETURN TO RESPONDENT'S MOTION TO STRIKE MATTER INCLUDED IN APPELLANTS' AMENDED DESIGNATION OF MATTER dated August 2, 2013.

From pages two through five of Respondent's current MOTIONS, including the sections entitled MOTIONS and PROCEDURAL HISTORY, attorney Moss recites his same-old arguments, while yet again challenging the prior decisions of the Honorable Court, that were made in response to his previous two MOTIONS TO DISMISS and three

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MOTIONS TO STRIKE, all of which were **denied**, except for the removal of two pages from Appellants' INITIAL BRIEF. In addition, Respondent's attorney asserted,

“The Appellants' Amended Designation of Matter fails to comply with **Rules 209 and 210(c)**, SCACR, in that it refers to matters that were not raised properly before the trial court when the **Rule 60(b)** Order was heard and issued and thus may not be properly raised before the Honorable Court.”

However, those Rules do not agree with what attorney Moss is claiming. For example, **Rule 209** DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL states,

“**(b) Content.** The Designation must clearly identify what the party desires to have included in the Record on Appeal, and the Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [See Rule 210(c)]. A party shall not include any matter in his Designation, which is not relevant to the appeal.”

**Rule 210** RECORD ON APPEAL goes on to say,

“**(c) Content.** The Record on Appeal shall include all matter designated to be included by any party under **Rule 209** and shall comply with the requirements of **Rule 267**. The Record shall not, however, include matter, which was not presented to the lower court or tribunal.”

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In other words, **per Rules 209 and 210**, the designated MATTER: **(a)** Must be what the Party wants in the RECORD ON APPEAL, **(b)** May include portions of the transcript, pleadings, orders, exhibits, or other materials, **(c)** Must be relevant to the APPEAL, **(d)** Must be in compliance with **Rule 267** FORM OF PAPERS, and **(e)** Must have been presented to the lower court or tribunal.

Significantly, these Rules do not specify when, in what manner, at what time, or during which of many related PROCEEDINGS the designated MATTER should have been presented to the lower Court, such as just at a Rule 60(b) HEARING, as Respondent's attorney Moss contends. **Rule 60** RELIEF FROM JUDGMENT OR ORDER paragraph **(b)** MISTAKES; INADVERTENCE; EXCUSABLE NEGLIGENCE; NEWLY DISCOVERED EVIDENCE; FRAUD, ETC. specifies,

“On motion and upon such terms as are just, the court may **relieve** a party or his legal representative from a final judgment, order, or proceeding ...”

Therefore, the Rule 60(b) HEARING was about **relief** from the FINAL ORDER, as well as from other related JUDGMENTS, ORDERS and PROCEEDINGS, and not an end in itself, as attorney Moss contends. Consequently, it follows that the MATTER designated by Appellants may have been presented to the lower Court at the Rule 60(b) HEARING of August 2012, the TRIAL in June 2011, **or** at any of the other PROCEEDINGS, involving Circuit Court Case No. 2009-CP-26-10523, from its inception with a VERIFIED COMPLAINT in October 2009, to include the TEMPORARY-INJUNCTION HEARINGS of October and November 2009, the CONTEMPT-OF-COURT HEARING of March 2010, and the MOTIONS-FOR-RECONSIDERATION HEARING of February 2012.

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**Rule 208** INITIAL BRIEFS paragraph (C) STATEMENT OF THE CASE specifies,

“The statement shall contain a concise history of the proceedings, **insofar as necessary to an understanding of the appeal.** The statement shall not contain contested matters and shall contain, as a minimum, the following information: the date of the commencement of the action or matter; the nature of the action or matter; the nature of the defense or of the response; the action of the court, jury, master, or administrative tribunal; the date(s) of trial or hearing; the mode of trial; the amount involved on appeal; the date and nature of the order, judgment or decision appealed from; the date of the service of the notice of appeal; the date of and description of such orders, judgments, decisions and proceedings of the lower court or administrative tribunal that may have affected the appeal, or may throw light upon the questions involved in the appeal; ...” [Emphasis added.]

In other words, per **Rule 208**, the Appeals process encourages Appellants to cite ORDERS and DECISIONS generated by lower-Court PROCEEDINGS, impacting on the APPEAL in the INITIAL BRIEF. By direct inference, associated lower-Court Documents then may be included in Appellants’ DESIGNATION OF MATTER, as well as in the RECORD ON APPEAL, “insofar as necessary to an understanding of the appeal.” This interpretation is strongly contrary to Respondent attorney’s narrowly focused assertions.

Directly contrary to the summary statement on page 5, lines 14-15, of the current MOTION, in which Respondent claims,

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“... Therefore, the Appellants’ Notice of Appeal is limited and restricted to the Rule 60(b) Order. ...”

All of the Documents associated with, or generated by the above Court PROCEEDINGS should be on the Judge’s desk (or on his computer screen) for consideration in preparation for and at every subsequent event on the Court’s docket, by way of the Clerk of Court, since each Document constitutes an integral part of the history of the Case. Consequently, Appellants cited these Documents in the ‘Statement of the Case’ in our (Amended) INITIAL BRIEF, and listed them in our (Amended) DESIGNATION OF MATTER, so that they could be known by and available to the Judges on the Court of Appeals, too, when they rule on Appellate Case No. 2012-213287.

### The Eight Documents now in Question

In this MEMORANDUM IN SUPPORT OF MOTIONS, Attorney Moss first claimed that Appellants’ (amended) DESIGNATION OF MATTER -- filed with the Court on May 24, 2013 (nearly eight months ago) and affirmed by ORDER of the Court on October 28, 2013 -- designated erroneous, false, and misleading documentation for inclusion in the RECORD ON APPEAL. Further, Respondent requested that the identified MATTERS be stricken or corrected, as appropriate, and that the filing of Respondent’s FINAL BRIEF (be) stayed until the corrected RECORD ON APPEAL is filed and served.

Respondent’s attorney suggested eight places where the RECORD ON APPEAL should be amended. Our commentary follows:

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1. Page 20: Respondent has designated the “Affidavit of Service” of the FINAL ORDER, dated August 8, 2011, for inclusion in the RECORD ON APPEAL, not the ‘Certificate of Mailing.’ Appellants do not possess this document. Our then-attorney Richard Lovelace sent us the FINAL ORDER with a “Cover Letter” and a “Certificate of Mailing,” but no “Affidavit of Service.” Per attorney Moss’ current MOTION (p. 3, lines 3-4), he filed the “Affidavit of Service” with the Clerk of Courts on August 8, 2011, but there was no mention of serving a copy of it on Appellants’ then-attorney Lovelace to forward to us. Now that we know where to obtain this Document, we shall include it in any revised RECORD ON APPEAL that the Court may assign.
2. Pages 21 and 22: Given the Judge’s soft voice and the geometry of the Courtroom, with only the top of the Judge’s head visible to us at a considerable distance from the Plaintiffs’ table, we did not hear much of what Judge John said during most of the Trial. The digital-audio recorder is more sensitive than is the human ear, especially compared to senior citizens’ ears, such as ours. That is why we recorded and preserved just the Judge’s SPOKEN ORDER. When we played it on our computer and amplified it after the Trial at home, only then could we make out what had been said, and even then parts were not clear. We also received a letter from our then-attorney, Richard Lovelace, dated June 27, 2011, giving us his interpretation of the VERDICT, which largely coincided with what we heard on the recording. It was only after we reviewed the FINAL ORDER that Judge John signed on August 5, 2011, that the discrepancies noted in our FINAL BRIEF emerged. In the interim, attorney Moss had written the FINAL ORDER on behalf of the Judge, changing it materially to favor his

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clients to our detriment, and we believe, contrary to our right to due process under the Fourteenth Amendment. Presumably our attorney played some minor role in this process, but if so, his mark is not obvious. Since our property rights were stripped from us in this unexpected *ad hoc* Trial, we as Citizens at least deserve to hear what was the Judge actually said, using whatever means available. Respondent did not challenge the accuracy of our Notes, but only how they were obtained. Whether or not these two pages ultimately are included in the RECORD ON APPEAL, Appellants' assertions in our FINAL BRIEF about the legally and ethically flawed process going into the preparation of the FINAL ORDER remain.

3. Pages 39-59: Exhibit B2 on Pages 53-57. Plaintiffs' attorney Lovelace submitted the VERIFIED COMPLAINT on October 28, 2009, but apparently Exhibit B2 (Plaintiffs' Concern Forms dated October 8<sup>th</sup>) was left out in this stamped version filed with the Clerk of Courts. Although Appellants recall that these documents were shown to the Judge and discussed at the Hearing, Exhibit B2 can be struck, if necessary.
  
4. Pages 76-77: Exhibit C to the PETITION FOR ORDER AND RULE TO SHOW CAUSE on Pages 76-77 of the RECORD ON APPEAL is in fact an unofficial partial transcript of the audio recording of the Windjammer Village Board of Directors meeting of March 16, 2010, just as claimed. Windjammer Village POA's official Minutes of that Board Meeting attest to its veracity, as far as those Motions being passed. So do the two letters to us from the WJV Board of Directors (Exhibit D; pages 79-80 in the RECORD ON APPEAL). Exhibit C was, in fact, shown to and discussed with the Judge at the Contempt-of-Court Hearing on March 24, 2010, without any objection from

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Defendant's then-attorney, Roger Roy. As such, it is now part of the permanent record of that Hearing, which is an integral element of this case, and therefore, it should stand as part of the RECORD ON APPEAL. Further, Appellants deny attorney Moss' flip comment that we deliberately and intentionally inserted false and misleading information into the RECORD.

5. Pages 83-108: Lines 5-8 of Myth #7 on Page 94 of the RECORD ON APPEAL. First, Appellants thank attorney Moss for reproducing our MEMORANDUM REQUESTING THAT THE COURT RE-VISIT THE FINAL ORDER IN THE NAME OF JUSTICE, along with Attachments A-F, as his Exhibit **B**, in total here for review. Regarding the one questionable clause that appeared on page 94 of the RECORD ON APPEAL (underlined below),

- “We are now 63 and 66 years old and not getting any younger. The Veterans' Administration has deemed Ms. Crotty to be 100% disabled with PTSD due to a horrific assault on her when she was in the Navy that was rekindled by WJV POA's acting Board President Norman Meaders' Assault & Battery on her of July 4, 2007 (discussed above), making her fearful of parking far from her front door after dark. She also has 'spinal stenosis,' an orthopedic problem, which becomes worse and worse year-by-year, making it painful for her to recover after long periods of sitting, such as after driving her car. ...”

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Please remember that at the time of writing this lengthy (14 pages of text plus 13 pages of attachments), well thought out letter to Judge John, we were merely Citizens, not attorneys or *pro se* Appellants. We were appealing directly to the Honorable Court for Justice. We then knew nothing about Rule 60(b) or that we were heading for the Court of Appeals. After we sent the initial letter on August 23<sup>rd</sup>, Appellant Crotty felt strongly that an additional phrase, which Appellant Orzech had cut from the final draft, should have been kept in that letter. To that end, we wrote yet another letter directly to The Honorable Steven H. John dated August 27<sup>th</sup> with a corrected page 12 for his clerk to insert, along with a CERTIFICATE OF SERVICE to attorney Moss, which we, hereby, submit as Attachment #1 to this RETURN. We now doubt that Judge John ever considered this correction, so we shall omit that clause from any amended RECORD ON APPEAL, if the Court so directs.

6. Pages 102-104. Incomplete version of Defendant's Trial Exhibit 12. Appellant Orzech admits removing the third of four pages from Exhibit 12, because it is a poor-quality copy of the PLAT, which already appears at least two other times in the RECORD ON APPEAL. Further, it adds no value to this Exhibit, since it does not show where the proposed 'long driveway' would have been placed or relate to it in any other way. Nonetheless, Appellants shall re-insert it, as shown in Respondent's Exhibit B to this MOTION, into any revision of the RECORD ON APPEAL, as mandated by the Court.
  
7. Pages 172-193: Use of the 2009 edition of Windjammer Village's "Restriction, Rules and Regulations," rather than to 2010 version. Appellants chose the 2009 edition,

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since the central issue in this Appeal -- the Mail-In Ballot referendum to remove the 'Paved Driveway' -- happened while this version was the one in effect. Our copy of the Defendant's Exhibit Book ends at #57 and does not contain Exhibit #61 -- the 2010 version according to attorney Moss. In any case, there is no difference between citations Appellants chose for pages 177 and 190 of the RECORD ON APPEAL from one edition to the other. If directed to do so, Appellants shall insert the 2010, rather than the 2009 edition, into any next version of the RECORD ON APPEAL.

8. Pages 205-220: Exhibit F: Photo Album.

When Plaintiffs Crotty and Orzech arrived at the courthouse with attorney Lovelace the morning of June 22, 2011, we thought that we were going just to a MERITS HEARING to determine whether or not the TEMPORARY INJUNCTION -- to prevent Defendant Windjammer Village POA from tearing out the 'Paved Driveway' *access road* in front of our home -- would be made permanent. Our attorney had not prepared himself or us sufficiently to defend us against the Counter-Claims.

During that first day of the Trial, as attorney Moss stated in this MOTION, we happened to have brought along seven (12" x 18") color photos that we had mounted on cardboard for display, and which were annotated by hand on the reverse. Having been produced for another purpose, they certainly were **not** the photos we would have chosen for presentation, as evidence, if we only had known in advance that we were walking into a Trial, at which we were to become *de facto* Defendants.

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We never expected that those photos would be taken from us, given a Plaintiffs' Exhibit number and entered into evidence. We did not have backup copies, so once they were gone, we could not remember exactly what was on them. They became Plaintiffs' Exhibits 5, 6, 7, 8, 9, 10 and 11.

The evening between Trial days we scrambled to collect more evidence, so that we could have something – anything – to show in Court on June 23<sup>rd</sup>. Even our neighbor, Bennie Dowty, without prompting, took and processed photos of the stakes in the ground in our yard left behind by Defendant's surveyor. That next day, Mr. Dowty was called to the witness stand to present his photos, as evidence, without any preparation. Once his four photos, according to attorney Moss, were admitted as evidence, we lost all track of them. Our attorney plucked yet another neighbor – retired surveyor James Wilkins -- out of the audience to testify for us, without adequate preparation for no apparent purpose. However, Mr. Lovelace failed to call one witness, Rosanne Pazoga, who sat in the audience for both days, had been fully deposed, and could have helped our case.

It was poorly planned out all the way, but it was all that we had, given the prior lack of preparation. Appellants Crotty and Orzech were embarrassed. Please remember that 'Ineffective Representation' is one of the bases for our Appeal.

We already had prepared a white three-ring binder entitled "Photo Album of Windjammer Parking Practices," which included neatly mounted emulsion photos of parking practices from each of the Circles in the Village, complete with an annotated

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PLAT and a sketch-map of each Circle. Although dated June 2011, it had not been prepared for this Trial, since we did not know beforehand that we were going to be on Trial those days. However, we took it to the Trial that second day, along with two more uncaptioned photo poster that became Plaintiffs' Exhibits 14 and 15.

As we recall, Attorney Lovelace showed the "Photo Album of Windjammer Village Parking Practices" to attorney Moss, and then to Judge John to examine at the Trial. Presumably it was taken into evidence at the Trial, but there seems now to be no record. Once again it was the original and the only such Photo Album, but we had scanned a color copy of it. Several of the photos and the annotated PLAT in that Photo Album also appear in the RECORD ON APPEAL (See Attachment #2).

Appellants visited the courthouse on May 29, 2012, long after the Trial but well before the August 30<sup>th</sup> Hearing, but the original "Photo Album of Windjammer Village Parking Practices" was not in the Evidence Locker. It was gone. However, we did recover the seven large, mounted photos from the Court labeled Plaintiffs' Exhibits 5, 6, 7, 8, 9, 10 and 11, which are mentioned in the partial TRANSCRIPT (Respondent's Exhibit **G**) from the first day of the Trial, as well as Plaintiffs' Exhibits 14 and 15. Each of the numbered Exhibit Photos, except #14 and #15, was annotated by hand on the reverse side, and some corresponds to Photos shown in the RECORD ON APPEAL, as shown below: (See Attachment #3)

- Plaintiffs' Exhibit 5 is the same photo as page 214 of the RECORD ON APPEAL.
- Plaintiffs' Exhibit 6 is another view of the photo on page 217 of the ROA.
- Plaintiffs' Exhibit 7 is the same photo as page 217 of the ROA.

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- Plaintiffs' Exhibit 8 is another view of the photo on page 216 of the ROA.
- Plaintiffs' Exhibit 9 does not appear in the ROA.
- Plaintiffs' Exhibit 10 does not appear in the ROA, but is analogous to page 215.
- Plaintiffs' Exhibit 11 does not appear in the ROA.
- Plaintiffs' Exhibits 14 and 15 are analogous to Pages 213 and 212 in the ROA.

### Conclusions

Appellants produced the Photo Album (pages 207-220) in the RECORD ON APPEAL from the wreckage of the June 2011 Trial, as best we could, using the above as a starting point. The chaos noted in Plaintiffs' Exhibits at the June 2011 Trial certainly makes the case for the third PROPOSITION in our FINAL BRIEF:

“To be adequately represented in South Carolina by Counsel, the attorney must at least inform his or her clients that they were walking into a (non-jury) TRIAL, at which their property rights would be put at risk in perpetuity, and not just another routine MERITS HEARING to make a TEMPORARY INJUNCTION permanent.”

We feel that the annotated PLAT and the captioned photos we inserted into the RECORD ON APPEAL will make it easier for the reader to visualize our situation in Windjammer Village and to understand our plight. However, Respondent's attorney fiercely disagrees, which we accept is his job. Our case is strong with or without these photos, and whether or not we make the changes that Respondent asks. We are prepared to make all changes to the RECORD ON APPEAL ordered by the Court.

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Respectfully submitted,



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