

EXHIBIT C

Johnson Koola
1587 Cambridge Lakes Dr
Mt. Pleasant, SC 29464

January 10, 2013

To
Attorney Mr. Eugene P. Corrigan III
16 Charlotte St., Suite B
Charleston, SC 29403

Re: Cambridge Lakes HOA v. Johnson Koola
Case No.: 2010-CP-10-9305
Appellate Case No.: 2013-001632

Dear Mr. Corrigan,

I am now responding to your letter of December 23, 2013 requesting clarifications about the Designation of Matter included in the Record on Appeal.

ROA # 2: Master of the HOA at page 1

It should have been written as Master Deed of the HOA at p. 1. It is a typographical error. I regret the error. I wish to state that I have to deal with cataract. Occasionally, my vision gets blurred which reduces my ability to spot mistakes.

The ROA # 2 Master Deed was issued by the HOA's predecessor. The HOA had filed extracts of the Master Deed when it filed a small claims court case against Appellant/Defendant, Case No.: 10-SC-87-1646 on Aug. 10, 2010. The HOA had also filed extracts of the Master Deed when it filed the Memorandum in Support of the Motion for Summary Judgment filed on Dec. 7, 2012. The Appellant/Defendant had filed copy of the Master Deed while Appellant/Defendant replied to the Motion for Summary Judgment filed on Jan. 2, 2013.

ROA # 5: Summons, Aug. 10, 2011.

The summons was filed by the Respondent/Plaintiff HOA initially in the small claims court case against Appellant/Defendant on Aug. 10, 2010 in the

case No.: 10-SC-87-1646. The summons with the attachments has been transferred to the HOA's case docket No.: 2010-CP-10-9305 on Nov. 9, 2010.

ROA # 6: Summons on Crossclaims of HOA, Dec. 15, 2010.

The Respondent/Plaintiff HOA filed the Summons on Crossclaims in the foreclosure case against Appellant/Defendant on Dec. 15, 2010.

ROA # 7: President's report 2011 at 3.

The Respondent/Plaintiff HOA, in response to the Appellant/Defendant's Request for Production produced a few of the President's reports. The Record on Appeal # 7 refers to the President's report 2011 at page 3.

ROA # 8: Koola Counterclaim, Nov. 5, 2010.

On November 5, 2010, Appellant/Defendant filed a Counterclaim in the HOA's case against Appellant/Defendant in the small claims court No.: 10-SC-87-1646; the same has now been transferred to the HOA's case docket No.: 2010-CP-10-9305 on November 9, 2009.

ROA # 9: Koola, Answer and Counterclaim, Case No.: 2010-CP-10-6060.

Appellant/Defendant filed an Answer and Counterclaim against Respondent/Plaintiff on March 3, 2011 in response to Respondent/Plaintiff's Summons on Crossclaims of Defendant Cambridge Lakes Homeowners Association, Inc. filed on Dec. 15, 2010 (ROA # 6).

ROA # 21 Minutes of the meetings of the BOD May 2008 and June 2008

The Respondent/Plaintiff had refused to answer Appellant/Defendant when the BOD of the HOA knew of the construction defects and violation of Horizontal Property Act. Pursuant to Appellant/Defendant's Request for Production of the minutes of the meetings of the Board of Directors of the HOA, the Respondent/Plaintiff produced a selected number of the minutes while intentionally withholding the minutes of the meetings for several months. **The**

minutes of the meeting, which were produced, had no evidentiary value. The Respondent/Plaintiff's Memorandum in support of the Plaintiff's Motion for Summary Judgment filed on Dec. 27, 2012 stated:

(i) In March-April 2008, the Board of Directors learned of potential construction defects to the Association property. (ii) Immediately upon learning of the defects, the Association retained attorney John C. Hayes, IV, to file a construction lawsuit on its behalf."

This implies that the BOD authorized John C Hayes, IV, to file the lawsuit during May and June 2008. The Minutes of the BOD meetings for these months do not contain any reference to the authorization by the BOD to John C. Hayes to file the lawsuit. This implies that the authorization was not granted by the BOD, but by some individual BOD members in their personal capacity outside the review of HOA. Therefore, the minutes for May and June 2008 now have evidentiary value and are now included in the Record on Appeal at # 21.

The Minutes of the BOD meetings for May and June 2008 are now extraordinary evidences in the appeal; the Appellate Court has authority to admit such extraordinary evidences.

ROA # 22: Notice of Condominium Conversion and Offer to Purchase

Respondent/plaintiff has always maintained to Koola and in the court documents that Respondent/Plaintiff had no knowledge about the construction defects and Horizontal Property Act violation by its predecessor prior to June 2008. Even the affidavits filed by the board members reiterated this information. Affidavits are sworn statements and Appellant/Defendant had no reason to doubt the statements made in the affidavits.

While reviewing the filings in the HOA's construction defects case No.: 2008-CP-10-3506 during the time of preparing the Appellant's initial brief (sometime in August-September 2013), Appellant/Defendant discovered a letter sent by the HOA's predecessor to the apartment renters of Cambridge Lakes just before the apartments were converted to Cambridge Lakes condominiums. The letter under reference was filed by Trademark Properties, Inc. during its defense of the HOA's case for violation of Horizontal Property Act under "Trademark's

Memorandum in support of the its Motion for Summary Judgment filed on Jan. 6, 2011". The HOA's board members should have received this letter from the HOA's predecessor in 2002. According to this letter, the HOA's predecessor wrote to all the apartment renters in 2002 that they will be provided with the "Disclosure of the Physical Condition of the Building" report in conformity with Horizontal Property Act § 27-31-430. None of the apartment renters including the BOD members received this report, and therefore, the BOD knew as early as 2002/2003 that the HOA's predecessor was in violation of the said Act. The BOD of the HOA disclosed the violation of the act to the homeowners only in June/July 2010. This letter will confirm that the board members had knowledge of violation of Horizontal Property Act and construction defects as early as 2002/2003. Since this letter came to Appellant/Defendant's attention in August/September 2013, Appellant/Defendant could produce this document to the Court of Appeals as extraordinary evidences during the appeal

ROA #23: Cambridge Lakes HOA Annual Budgets 2007, 2009, 2010, 2011 and 2013.

These annual budgets were prepared by the HOA and given to the homeowners during the annual meeting of the homeowners. The budgets show irregularities in the budget. These irregularities were presented to the Court in Appellant/Defendant's "Reply to Plaintiff's Motion for Summary Judgment filed on Jan. 2, 2013" at pp 22, 23 and 24. Therefore, copies of the budgets were presented as Record on Appeal # 23 In the Appellant's initial brief for more clarity.

ROA #24: Certificate of Insurance

The Respondent/Plaintiff raised the issue that "Koola's claim for breach of fiduciary duty fails as a matter of law because the actions of the Cambridge Lakes Board of Directors are protected by the Business Judgment Rule. (Refer: Memorandum in Support of Plaintiff's Motion for Summary Judgment filed on Dec. 7, 2012 in case No.: 2010-CP-10-9305). Appellant/Defendant has countered this claim in Appellant/Defendant/s Reply to Plaintiff's Motion for

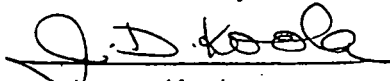
Summary Judgment" filed on Jan. 2, 2013. No exhibits were produced at that time, as they were not immediately available. During the preparation of the Plaintiff's initial brief (sometime in August/December 2013), Appellant/Defendant discovered a Certificate of Insurance document received from the HOA by Appellant/Defendant that the HOA buys insurance to cover the defective business decisions of the Board Members, which harmed the homeowners. This Certificate of Insurance is now produced as a Record on Appeal # 24.

Mr. Corrigan, I have shown to you that

- (i) ROA # 2, 5, 6, 7, 9, 21, 23 and 24 all originated from the Respondent/Plaintiff HOA.
- (ii) ROA # 2, 5, 6, 8, 9, and 23 were presented to the Court or are available in the court case dockets.
- (iii) ROA # 21, 22 and 23 became evidence or available only during the preparation of the Initial Brief. Because of their extraordinary value to hear the appeal, they are included in the Record on Appeal.
- (iv) If you have difficulty to access ROA # 23 and # 24, I can mail them to you; please let me know.

Mr. Corrigan, I thank you very much for your consideration.

Yours sincerely,


Johnson Koola

Cc: Attorney Ms. Lydia P. Brooks, Esquire