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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas

Roger M Young, Circuit Court Judge

2013-CP-28-358

Case No. 2014-000084

Richard Hough,

Appellant

vs.

Angela Hough,

Respondent

RESPONDENT'S MOTION TO COMPEL THE APPELLANT TO INCLUDE IN THE
RECORD ON APPEAL THE RESPONDENT'S DESIGNATION OF MATTER

Angela Hough
42 Magnolia Lane
Lugoff, South Carolina 29078
Respondent Pro Se

The Respondent respectfully moves this Court, pursuant to Rule 209 and Rule 210(c) of the South Carolina Rules of Appeal, to order the Appellant to submit in the Record on Appeal the material designated in the Respondent's initial brief under designation of matter to be included in the record on appeal.

In the Respondent's initial brief the designation of matter included the same items as the Appellant's with the exception of the addition of the item listed as 3a Return of the Honorable William D. Corbett- April 29, 2013. This Return was created as part of the process of the appeal that was initiated by the Appellant. It is part of the normal procedures of the appeals process. This was the only item that had been a part of the record which the Appellant chose to delete from the list of items. The Return of Judge Corbett was part of the file that was reviewed by Judge Young in making his decision to affirm the dismissal of the case. Judge Corbett's Return clearly recounts the legal aspects of his decision.

The Respondent followed the Rule 209 which reads as follows:

“(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.”

In the Appellant's initial brief under designation of matter, there was included under item 4b Incident Report- January 23, 2011. This item had not been a part of the record nor even part of the file for this case. This was brought out in the first appeal hearing as seen in the transcript page 12, attached as Exhibit 1. This was a clear violation of

South Carolina Rule of Appeal Rule 210 (c). It reads as follows:

“(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.”

The Respondent did due diligence by calling attention to this to the clerk handling this case and was told to write a letter to the Clerk of Court. The Respondent did send the letter and served it upon the opposing party as well, attached Exhibit 2. The letter clearly states the facts that the Appellant has no Incident Report of January 23, 2011. The only Incident Report of January 23, 2011 was the Respondent’s call into the Sherriff’s office two times that day with two officers responding one in the morning and one in the evening documenting the Appellant’s continued extortion, destruction of the property, waste, and nuisance activities on the jointly owned property. The Appellant responded by deleting this item from the Record on Appeal.

It becomes obvious that the Appellant does not want all the information of the incident brought out in court and will continue to mislead the Court wherever and however he can. The Appellant does not state that his activities of extortion, vandalism, property damage, harassment, waste and nuisance that started on October 19, 2010 and continued until January 24, 2011 when the legal injunction stopped his activities played any part in this incident, which is a complete misleading of the Court. The Appellant continues to state in all Court documents that he is a private citizen pursuing this action; however in two prominent arenas he claims to be a business entity. The first is the Appellant’s 2011 income taxes revealing he filed as a cattle business, Exhibit 2.

In subsequent Court papers and transcripts the Appellant also uses the property as a firewood business, attached Exhibit 3. The Appellant has trees cut in North Carolina where he lives and transports the wood to the Kershaw County farm to season for sale, which is a business he claims; thus, misleading this Court with claims to the contrary. The biggest misleading of the Court is the Appellant's claim that his property was stolen despite the two witnesses, one of which was the responding officer, that were at the scene and his inability to produce any witness in his court case except himself.

The Return of Judge Corbett is only three pages long. It is clearly part of the Respondent's designation of matter, attached as Exhibit 4. It is missing from the Record on Appeal Index and content, attached Exhibit 5 which was submitted by the Appellant.

WHEREFORE, the Respondent respectfully requests that this Court grant the Respondent's motion to require the Appellant to correct the Record on Appeal to include the Return of the Honorable William D. Corbett not as a supplement that may be lost or overlooked due to the limited number of pages, but as an item in the bound Record on Appeal. The Respondent also request that the Appellant will be ordered to pay this extra expense created due to lack of adherence to the rules and a desire to mislead the Court, attached Exhibit 6.

Respectfully Submitted,

Angela Hough
42 Magnolia Lane
Lugoff, South Carolina 29078
Respondent Pro Se

1 every day and he was tearing up water lines.

2 We had been to the magistrate with that. He was told
3 to stop.

4 We had -- I got a courtesy summons for him. I had to
5 bring in a police report to get my courtesy summons, and
6 if you look at the courtesy summons that is in the folder,
7 there is no police report with it.

8 When he -- when he says that he is not a business, the
9 place holds cattle. And he -- he did not post the signs.
10 And most of it was caution tape and police tape stuff.
11 There were a few caution signs. And he attached those
12 signs, after he had spent a day -- you can see from the
13 pictures, he had spent the morning digging us out of the
14 entrance.

15 He -- he put it up with duct tape, and he put it up
16 like you would a Christmas tree, not on the -- on the --
17 the root of the -- the -- what do you call it -- the stem
18 of the tree. It was on the leaves, on the stems, on the
19 outside part. It was not on the base of the tree, and it
20 was done in a fashion like toilet paper. It was just
21 everywhere.

22 And so when we got to the scene, we called the police.
23 And they came out and he called the police at the same
24 time, because while I'm waiting on the police, I'm taking
25 this down because they're just like trash, all over in the

Exhibit 1

**SCHEDULE F
(Form 1040)**

Department of the Treasury
Internal Revenue Service (99)

Profit or Loss From Farming

▶ Attach to Form 1040, Form 1040NR, Form 1041, Form 1065, or Form 1065-B.
▶ See instructions for Schedule F (Form 1040).

OMB NO. 1545-0047
2010
Attachment
Sequence No. 14

Name of proprietor

RICHARD W. HOUGH

Social security number (SSN)

[REDACTED]

Principal product. Describe in one or two words your principal crop or activity for the current tax year.

CATTLE

B Enter code from Part IV
▶ 11121111

D Employer ID number (EIN), if any

C Accounting method:

(1) Cash

(2) Accrual

E Did you "materially participate" in the operation of this business during 2010? If "No," see instructions for limit on passive losses. Yes No

Part I Farm Income—Cash Method. Complete Parts I and II (Accrual method. Complete Parts II and III, and Part I, line 11.) Do not include sales of livestock held for draft, breeding, sport, or dairy purposes. Report these sales on Form 4797.

1	Sales of livestock and other items you bought for resale	1			
2	Cost or other basis of livestock and other items reported on line 1	2			
3	Subtract line 2 from line 1	3			
4	Sales of livestock, produce, grains, and other products you raised	4			
5a	Cooperative distributions (Form(s) 1099-PATR)	5a			5b Taxable amount
6a	Agricultural program payments (see instructions)	6a			6b Taxable amount
7	Commodity Credit Corporation (CCC) loans (see instructions):	7a			
a	CCC loans reported under election	7b			7c Taxable amount
b	CCC loans forfeited	7b			7c Taxable amount
8	Crop insurance proceeds and federal crop disaster payments (see instructions):	8a			8b Taxable amount
a	Amount received in 2010	8a			8b Taxable amount
c	If election to defer to 2011 is attached, check here <input type="checkbox"/>	8d			8d Amount deferred from 2009
9	Custom hire (machine work) income	9			
10	Other income, including federal and state gasoline or fuel tax credit or refund (see instructions)	10			
11	Gross income. Add amounts in the right column for lines 3 through 10. If you use the accrual method to figure your income, enter the amount from Part III, line 51	11			

Part II Farm Expenses—Cash and Accrual Method.

Do not include personal or living expenses such as taxes, insurance, or repairs on your home.

12	Car and truck expenses (see instructions). Also attach Form 4562	12			25	Pension and profit-sharing plans	25	
13	Chemicals	13			26	Rent or lease (see instructions):	26	
14	Conservation expenses (see instructions)	14			a	Vehicles, machinery, and equipment	26a	
15	Custom hire (machine work)	15			b	Other (land, animals, etc.)	26b	
16	Depreciation and section 179 expense deduction not claimed elsewhere (see instructions)	16	16324.00		27	Repairs and maintenance	27	
17	Employee benefit programs other than on line 25	17			28	Seeds and plants	28	
18	Feed	18			29	Storage and warehousing	29	
19	Fertilizers and lime	19			30	Supplies	30	
20	Freight and trucking	20			31	Taxes	31	
21	Gasoline, fuel, and oil	21			32	Utilities	32	
22	Insurance (other than health)	22			33	Veterinary, breeding, and medicine	33	
23	Interest:				34	Other expenses (specify):		
a	Mortgage (paid to banks, etc.)	23a			a		34a	
b	Other	23b			b		34b	
24	Labor hired (less employment credits)	24			c		34c	
					d		34d	
					e		34e	
					f		34f	
35	Total expenses. Add lines 12 through 34f. If line 34f is negative, see instructions	35					35	
36	Net farm profit or (loss). Subtract line 35 from line 11. Partnerships, see instructions.	36					36	
	• If a profit, enter the profit on both Form 1040, line 18, and Schedule SE, line 1a; on Form 1040NR, line 19; or on Form 1041, line 6.							
	• If a loss, you must go to line 37.							
37	If you have a loss, you must check the box that describes your investment in this activity and whether you received any applicable subsidy (see instructions).	37a					37a	All investment is at risk and you did not receive a subsidy.
	• If you checked 37a, enter the loss on both Form 1040, line 18, and Schedule SE, line 1a; on Form 1040NR, line 19; or on Form 1041, line 6.	37b					37b	Some investment is not at risk or you received a subsidy.
	• If you checked 37b, your loss may be limited. See instructions.							

For Paperwork Reduction Act Notice, see your tax return instructions.

Cat. No. 11346H

Schedule F (Form 1040) 2010

RICHARD 0042

Exhibit 2

1 affidavit, I think, makes that representation,
 2 this was something he chose to do. He wasn't
 3 compelled to transport his wood down here and
 4 put it under that shed. And I have, by the
 5 way, I mean, I'll go ahead and pass up to
 6 everyone a response Affidavit. I'd like to
 7 make sure it's the original one here. There we
 8 go. Make sure -- that's the original. Make
 9 sure I get both. That's yours. One for you
 10 and one for you. But that's -- you know,
 11 that's the argument. We just - I don't know
 12 what we can do at this point. But two
 13 injunction orders have already been entered and
 14 I don't know that a third one is going to do
 15 the trick when the first two haven't but status
 16 quo, that's what I'm looking for.
 17 MS. MCDANIEL: Well, Your Honor, this is the first
 18 time that I have seen or heard about this
 19 affidavit from Ms. Hough, and I request -
 20 THE COURT: And let me stop you for a second. I
 21 don't know that your client's affidavit has
 22 made it to my file --
 23 MS. MCDANIEL: Oh.
 24 THE COURT: --- from the Court.
 25 MS. MCDANIEL: My apologies.

1 then?
 2 MR. BRACKETT: No.
 3 THE COURT: All right. Go ahead, Ms. McDaniel.
 4 MS. MCDANIEL: Your Honor, I was simply asking if I
 5 might have just a few minutes to discuss Ms.
 6 Hough's affidavit with my client, off the
 7 record.
 8 THE COURT: That's fine.
 9 MS. MCDANIEL: We'll just step outside.
 10 THE COURT: Okay.
 11 (A break was taken from 3:35 p.m. to 3:43 p.m.)
 12 MS. MCDANIEL: Thank you, Your Honor, for allowing
 13 me to review that affidavit with my client.
 14 Your Honor, in response to Mr. Brackett's
 15 arguments we would, you know, maybe clear it to
 16 the Court that Richard Hough is indeed a co-
 17 owner of this property. Co-owners have the
 18 right to use the property to their own benefit
 19 to the extent that it does not exclude others.
 20 And in this case, the purpose of placing the
 21 wood in the shed was to allow the wood to be
 22 seasoned to be sold later. It's a legitimate
 23 business purpose and just to make the record
 24 clear, I provided the Court with a copy of
 25 Richard Hough's affidavit prepared definitive

1 MR. RANKIN: I don't have it either.
 2 COURT REPORTER: Are we entering those into
 3 evidence?
 4 THE COURT: Huh?
 5 COURT REPORTER: Are those going to be entered as
 6 Exhibits or ...
 7 THE COURT: I'm just going to consider them as filed
 8 pleadings here, hold on. I haven't even seen
 9 them, so.
 10 MS. MCDANIEL: Well, and -- Mr. Hough has the
 11 original with him. This has been served. It
 12 hasn't been filed --
 13 THE COURT: Okay.
 14 MS. MCDANIEL: -- that long ago.
 15 MR. BRACKETT: Yes. And I readily admit that I got
 16 it several days ago, whenever it was you sent
 17 it over so --
 18 THE COURT: Okay.
 19 MR. BRACKETT: So I don't dispute that at all.
 20 MS. ROBINSON: Can we speak while we're waiting?
 21 THE COURT: No.
 22 MS. ROBINSON: Informally, not for the proceedings?
 23 THE COURT: No.
 24 MR. RANKIN: They're reading.
 25 MS. ROBINSON: Okay. May I go and speak to Albert

1 prior to the previously scheduled hearing on
 2 this matter. Second, the wood does not, in any
 3 way, take over the entire shed. There's still
 4 plenty of room for the horses. And, in fact,
 5 it is the Plaintiffs' -- apparently the
 6 Plaintiffs' trash bags that are taking up the
 7 other half of the shed where the horses
 8 could've sheltered if that was a legitimate
 9 concern of Angela Hough. There are several
 10 pictures attached to Mr. Hough's affidavit and
 11 if you take a look at those, they clearly
 12 indicate -- unfortunately, they're a bit dark
 13 but they do document the trash bags on the
 14 other half of the horse shed and they also show
 15 the location of the cut wood in the back corner
 16 of one half of the shed. Now I will admit that
 17 those are rather dark photographs. However,
 18 the Plaintiffs have provided me with much
 19 better photographs and I ask the Court that
 20 these be made an Exhibit to this hearing. If
 21 you'll take a look at those. So, if you take
 22 a look at those, you can see that the shed --
 23 it's essentially ~~split~~ split. One half is taken
 24 up by a ~~stack~~ stack of large bags filled with who
 25 knows what. And the other half of the shed --

Exhibit 3

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas

The Honorable Roger M. Young, Circuit Court Judge

2013-Cp-28-358

Case No. 2014-000084

Richard Hough,.....Appellant,

v.

Angela Hough,.....Respondent.

**DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

The Respondent designates the following to be included in the Record on Appeal:

1. Hearing Transcripts:
 - a. Magistrate Court Proceedings, Honorable William D. Corbett, -April 12, 3013
 - b. Court of Common Pleas Appeal Proceedings, Honorable Roger M. Young-
October 16, 2013
 2. Orders:
 - a. Order Affirming Dismissal, Honorable Roger M. Young – December 4, 2913
 3. Other:
 - a. Return of the Honorable William D. Corbett- April 29, 2013
 - b. Courtesy Summons, Signed by Honorable R. Eugene Harris- February 3, 2011 as it
appeared in the record on October 16, 2013 without Incident Report attached.
- I hereby certify that this designation contains no matter which is irrelevant to this appeal.

1 of 2

Exhibit 4

INDEX

ORDERS:

12/10/13 Order Affirming Dismissal.....1

PLEADINGS:

01/10/14 Notice of Appeal.....3

TRANSCRIPTS:

04/12/13 Transcript of Magistrate Hearing Before Honorable William D. Corbett4

10/16/13 Transcript of Circuit Court Appeal Hearing Before Honorable Roger M. Young.....53

OTHER MATERIALS OR DOCUMENTS:

Courtesy Summons.....75

Exhibit 5

Expenses For Motion

1. Printing Cost	\$ 9.27
2. Filing Fee	\$25.00
3. Mailing Cost.....	\$ @ 10.00
4. Preparation of Motion	\$ 4,800
Total.....	\$ 4,829.27

Exhibit 6

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Case No. 2014-000084

Richard Hough,

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vs.

Angela Hough,

Respondent,

PROOF OF SERVICE

I, Angela Hough, Pro Se Respondent, do hereby certify that I have served a copy of
Respondent's ~~Final Brief and Designation of Matter~~ ^{Motion to Compel Designation of Matter} to be included in the Record on Appeal on
August 5, 2014 by causing a copy of the same to be deposited in the U.S. Mail, proper postage
prepaid addressed as follows:

William A. Hodge
P.O. Box 8753
Columbia, SC 29202

Lugoff, South Carolina
August 5, 2014


Angela Hough