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AUG 18 2014

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
In the Court of Appeals**

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable R. Markley Dennis, Jr., Circuit Court Judge  
Circuit Court Case No. 2010-CP-10-9305

APPELLATE CASE NO.: 2013-001632

Cambridge Lakes HOA,.....Respondent,

v.

Johnson Koola,.....Appellant.

**MOTION TO EXCLUDE IRRELEVANT MATERIALS FROM THE DESIGNATION  
OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellant pro se requests the permission of the Appellate Court to exclude irrelevant materials from the Respondent's Designation of Matter to be included in the Record on Appeal.

Respondent's attorneys certified that "Respondent's Designation of Matter to be included in the Record on Appeal" contains no matter which is irrelevant to the appeal. However, Respondent's Designation of Matter to be included in the Record on Appeal, in spite of the certification, contained many designations which are duplicates and other irrelevant materials. The Respondent, through a letter dated August 11, 2014, agreed to remove certain designation of matter; copy of the letter is attached.

There is disagreement between the parties on additional "irrelevant materials" in the Designation of Matter, especially the Master Deed of the Respondent HOA. The

Master Deed, now included in the Designation of Matter, contains additional about one hundred and thirty five (135) pages, which are nothing but plats, building elevations, layout of each of the 104 condominium units on separate pages. Additionally, there are some twenty (20) pages, which are nothing but cover pages and certificate of service for the motions filed in the lower court, and about eight (8) pages of blank sheets just denoting Exhibits 1 to 8.

The Respondent's Initial Brief does not make reference to these plats, building elevations, layout of each of the 104 condominium units, motion cover sheets, certificate of service, and blank sheets denoting exhibits. The inclusion of these materials does not serve any legal purpose whatsoever. Therefore, Appellant pro se represents to the Court that these are "irrelevant materials", which should be excluded from the Respondent's Designation of Matter to be included in the Record on Appeal.

Inclusion of these "irrelevant materials" in the Record on Appeal will cost the Appellant pro se approximately \$500 more for making copies, printing and mailing. The cost of Judicial Time of the Appellate Court being wasted is not included.

Alternatively, I am requesting the approval of the Court to exclude the irrelevant materials as described above and finalize the final Record on Appeal, but to include the "irrelevant materials " in the unbound copy of the of the Record on Appeal to be filed with the Appellate Court.

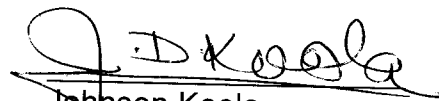
Appellant pro se will abide by the final decision of the Appellate Court, if the Court rules that the excluded materials shall be included in the Record on Appeal.

Anticipating the approval of the Court and subject to Court's Order on the pending Motion, Appellant pro se is finalizing the Record on Appeal excluding the "irrelevant materials" under reference and serving copies of the same to the respondent's attorneys on time.

Current deadline to file the Record on Appeal with the Court of Appeals is September 8, 2014. The appellant pro se respectfully requests that this time schedule be held in abeyance until this Motion can be heard and ruled on as quickly as possible.

Current deadline to file the Final Briefs by both parties is September 8, 2014. The appellant pro se respectfully requests that this time schedule be held in abeyance until this Motion can be heard and ruled on as quickly as possible.

Respectfully submitted,



Johnson Koola  
1587 Cambridge Lakes Dr  
Mt. Pleasant, S.C. 29464  
(843) 849-9241

Appellant pro se

August 15, 2014

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable R. Markley Dennis, Jr., Circuit Court Judge  
Circuit Court Case No. 2010-CP-10-9305

APPELLATE CASE NO.: 2013-001632

Cambridge Lakes HOA,.....Respondent,

v.

Johnson Koola,.....Appellant.

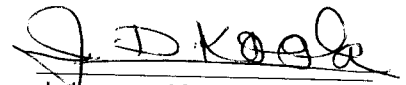
PROOF OF SERVICE

I, appellant pro se, under penalty of perjury, certify that on August 15, 2014, I served a copy of appellant's "MOTION TO EXCLUDE IRRELEVANT MATERIALS FROM THE DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL" by mailing a true copy of the same to the following counsels of record for the respondent:

Eugene P. Corrigan III, Esq.  
Corrigan & Chandler, LLC  
16, Charlotte St., St. B  
Charleston, SC 29403

Lydia P. Brooks, Esq.  
Krawcheck and Davidson, LLC  
9 State Street  
Charleston, SC 29401

Dated: Mt. Pleasant, SC  
August 15, 2014

  
Johnson Koola  
1587 Cambridge Lakes Dr.  
Mt. Pleasant, S.C. 29464  
(843) 849-9241

Appellant pro se

---

# CORRIGAN & CHANDLER LLC

---

ATTORNEYS AT LAW

Eugene P. Corrigan III  
(843) 577-5450 (direct)  
rick@corriganchandler.com

REPLY TO:  
P.O. Box 547  
Charleston, SC 29402

August 11, 2014

**VIA US MAIL**

Mr. Johnson Koola  
1587 Cambridge Lakes Drive  
Mt. Pleasant, SC 29464

Re: *Cambridge Lakes HOA v. Johnson Koola*  
Appellate Case No. 2013-001632  
Our File No. C1001.M0142

Dear Mr. Koola:

I am in receipt of your correspondence dated August 4, 2014. Regarding your proposed changes in bold to Respondent's Designation of Matter, please see below:

5. I agree #5 is a repetition of Respondent #8. Please include it in the Record on Appeal only once.
7. I agree #7 is a duplicate of Appellant #9. Please include it in the Record on Appeal only once.
8. I agree #8 is a duplicate of item Respondent #5. Please include it in the Record on Appeal only once.
10. I agree #10 is a duplicate of Appellant #8. Please include it in the Record on Appeal only once.
12. I disagree with deleting Exhibits (a), (b), and (c) from Respondent #12. Exhibits are integral parts of Plaintiff/Respondent's Memorandum in Support of Motion for Summary Judgment. Include the filed Memorandum as is in the Record on Appeal.
13. I agree #13 is a duplicate of Appellant #1. Please include it in the Record on Appeal only once.
14. I agree #14 is a duplicate of Appellant #2. Please include it in the Record on Appeal only once.
15. I agree #15 is a duplicate of Appellant #12. Please include it in the Record on Appeal only once.

16. I agree #16 is a duplicate of Appellant #3. Please include it in the Record on Appeal only once.
17. Yes. Please include the Notice on Appeal.
18. See comments to #12 above, and include the entire Master Deed for Cambridge Lake Horizontal Property Regime dated February 24, 2003 on file with the Register Mesne Conveyance at Book Z442 Pg 433 through Book Z442 Pg 605.
20. Yes, the provided number is correct. I have also attached a copy of the Judgment.
24. Item #24 is a duplicate of Respondent #18, see comments above..

Since you should be in possession of all documents filed in this matter, I am enclosing a copy of the following items designated in Plaintiff/Respondent's Designation of Matter:

19. *Cambridge Lakes HOA v. Michael B. Hartnett*, 2010-cp-10-9146 Judgment;
20. *Cambridge Lakes HOA v. Charles W. Taylor Jr.*, 2011-cp-10-39 Judgment;
21. *Cambridge Lakes HOA v. The Naws, LLC*, 2011-cp-10-2767 Judgment;
22. *Cambridge Lakes HOA v. Geoff G. Forbes*, SC872010002259 Judgment; and
23. *Cambridge Lakes HOA v. The Naws, LLC*, 2012-cp-10-4714 Judgment.

Should you require any other documents, please let me know.

With best regards, I am

Yours very truly,



Eugene P. Corrigan III

EPCIII:lsb

Enclosures (as noted)

cc: Lydia P. Brooks, Esquire (w/enclosures)

JOHNSON D KOOLA  
1587 Cambridge Lakes Dr  
Mt. Pleasant, SC 29464  
Phone: (843) 849-9241

August 15, 2014

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AUG 18 2014

**SC Court of Appeals**

13263

The Hon. Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, S.C. 29201

Re: Cambridge Lakes HOA v. Johnson Koola  
Appeal Case No.: 2013-001632

Sub: Motion to Exclude Irrelevant Materials from the Designation of Matter to  
be Included in the Record on Appeal.

Dear Honorable Kitchings:

I am the appellant pro se in the above appeal, Cambridge Lakes HOA v. Johnson Koola, Appeal case No.: 2013-001632.

Respondent's attorneys certified that "Respondent's Designation of Matter to be included in the Record on Appeal" contains no matter which is irrelevant to the appeal. However, Respondent's Designation of Matter to be included in the Record on Appeal, in spite of the certification, contained many designations which are duplicates and other irrelevant materials. I wrote three letters to the attorneys to clarify these matters. On Aug. 11, they replied to me agreeing to remove certain designation of matter. The correspondences between the parties are included here.

There is disagreement between the parties on additional "irrelevant materials" in the Designation of Matter, especially the Master Deed of the Respondent HOA. The Master Deed, now included in the Designation of Matter, contains additional one hundred and thirty five (135) pages, which are nothing but plats, building elevations, layout of each of the 104 condominium units on separate pages. Additionally, there are some twenty (20) pages, which are nothing but cover pages and certificate of service for the motions filed in the lower court, and eight (8) pages of blank sheets just denoting Exhibits 1 to 8.

The Respondent's Initial Brief does not make reference to these plats, building elevations, layout of each of the 104 condominium units, motion cover sheets, certificate of service, and blank sheets denoting exhibits. The inclusion of these materials does not serve any legal purpose whatsoever. Therefore, Appellant pro se believes that these are "irrelevant materials", which should be excluded from the Respondent's Designation of Matter to be included in the Record on Appeal.

Inclusion of these "irrelevant materials" in the Record on Appeal will cost the Appellant pro se approximately \$500 more for making copies, printing and mailing. The cost of Judicial Time of the Appellate Court being wasted is not included.

I am filing herewith seven copies of a "Motion to Exclude Irrelevant Materials from the Designation of Matter to be Included in the Record on Appeal" and Proof of Service requesting permission of the Court to exclude the irrelevant materials as described above and finalize the final Record on Appeal.

Alternatively, I am requesting the approval of the Court to exclude the irrelevant materials as described and finalize the final Record on Appeal, but to include the "irrelevant materials" in the unbound copy of the of the Record on Appeal to be filed with the Appellate Court.

Current deadline to file the Final Briefs by both parties is September 8, 2014. The appellant pro se respectfully requests that this time schedule be held in abeyance until this Motion can be heard and ruled on as quickly as possible.

Anticipating the approval of the Court, Appellant pro se is finalizing the Record on Appeal excluding the "irrelevant materials" under reference and serving copies of the same to the respondent's attorneys on time.

Appellant pro se will abide by the final decision of the Appellate Court, if the Court rules that the excluded materials shall be included in the Record on Appeal.

Sincerely yours,

  
Johnson Koola

CC: Eugene P. Corrigan III, Esq.  
Corrigan & Chandler, LLC

Lydia P. Brooks, Esq.  
Krawcheck and Davidson, LLC

Johnson Koola  
1587 Cambridge Lakes Dr  
Mt. Pleasant, SC 29464  
(843) 84909241

July 29, 2014

Attorney Eugene P. Corrigan III, Esq.  
Corrigan and Chandler, LLC  
16, Charlotte St. St. B  
Charleston, SC 29403


**RECEIVED**  
AUG 18 2014  
SC COURT OF APPEALS

Dear Mr. Corrigan,

I have just started working on finalizing the Record on Appeal to print them. However, I met with an accident and fractured/broke the small toe bones on the left foot. This put a restriction on my work and moving around. Nevertheless, I propose to finish the work by this coming weekend and will provide you with the necessary information.

Thanks,

Sincerely,

  
Johnson Koola

Copy to:  
Attorney Ms. Lydia P. Brooks Esq.  
Krawcheck and Davidson, LLC  
9 State Street  
Charleston, SC 29401.

Johnson Koola  
1587 Cambridge Lakes Dr  
Mt. Pleasant, SC 29464  
(843) 84909241

Aug. 4, 2014

**RECEIVED**  
AUG 18 2014  
SC Court of Appeals

Attorney Eugene P. Corrigan III, Esq.  
Corrigan and Chandler, LLC  
16, Charlotte St. St. B  
Charleston, SC 29403

Appeal No.: 2013-001632

Dear Mr. Corrigan,

I am now writing to you regarding finalizing the Record on Appeal for printing and submission to the Court.

Reference to South Carolina Rules of Court, Vol. 1, 2012, **sample Record on Appeal**, pp 50-51, instructs me that the plaintiff has the responsibility to print and deliver the copies of the Record on Appeal to the Court and to the opposing party and that the Record on Appeal shall contain only relevant materials. This excludes materials that are presented more than once by either party. Also, there shall be no blank pages indicating "Exhibit". Further, the Orders of the Court must be presented at the very beginning. With this view, I make the following changes to the Designation of matter as will presented in the Record on Appeal.

Appellant:

- 1 Form 4 Order, Cambridge Lakes HOA v. Koola, Case No.: CP-10-9305, dated March 4, 2013
- 2 Order granting Plaintiff's Motion for summary Judgment, March 15, 2013
- 3 Order denying Defendant's Motion to Reconsider
- 4 Builder's certification
- 5 Letter from the HOA, dated June 25, 2008
- 6 Notice of Lien
- 7 HOA's Answer to Koola's Request for Admissions, Aug. 15, 2011
- 8 Motion to Compel, Aug. 15, 2012
- 9 Koola, Amended Answer and Counterclaim, June 8, 2012
- 10 HOA, Reply to Defendant's Amended Answer and Counterclaims, June 18, 2012

- 11 Koola, Reply to HOA's Motion for Summary Judgment (without Exhibits)
- 12 Motion to Reconsider
- 13 Minutes of the BOD meeting, Aug. 25, 2009
- 14 4/22/2008: Cambridge Lakes HOA Bard Meeting Minutes
- 15 HOA, Cash Distribution by Vendor, Cambridge Lakes HOA, for March 2009 and Nov. 2010

Respondent: (**Changes and reasons for changes are highlighted**).

- 1 Plaintiff/Respondent's Small Claims Court Summons and Complaint with attachments, July 29, 2010
- 2 Defendant/Appellant's "Summons", September 2, 2010
- 3 Motion to Transfer Small Claims Case to Circuit Court, October 13, 2010
- 4 Defendant/Appellant's Counterclaim, November 3, 2010
- 5 Plaintiff/Respondent's Responses to Motion to Dismiss, July 19, 2011  
**Item # 8 is repetition of the item # 5.**
- 6 Defendant/Appellant's Response to Motion to Dismiss, July 19, 2011
- 7 **Item # 7 is deleted. Appellant presents this item at 9**
- 8 **Item # 8 is deleted. Respondent has already presented this item at # 5**
- 9 Plaintiff/Respondent's Motion for Summary Judgment, July 30, 2012
- 10 **Item # 10 is deleted. Appellant presents this item at # 8**
- 11 Form 4 Order, November 14, 2012
- 12 Plaintiff/Respondent's Memorandum in Support of Motion for Summary Judgment And Exhibits d, e, f, g, h, Dec. 7, 2012. **Exhibits (a) Master Deed Art. 5, Sec. M, (b) Master Deed Art. 16, Sec. 1 and (c) Master Deed, Art. 16, Sec. 8 are deleted. Respondent will present the Master Deed in full as presented at item # 18.**
- 13 **Item # 13 deleted. Appellant presents this item at # 1**
- 14 **Item # 14 deleted. Appellant presents this item at # 2**
- 15 **Item # 15 deleted. Appellant presents at item at # 12**

**16 Item # 16 deleted. Appellant presents at item at # 3**

17 Notice of Appeal, July 17, 2013 (**Is it necessary to include this item? Please reconsider**)

18 Master Deed of Cambridge Lakes Condominium Homeowner's Association, Inc. (**in full**) (**Please see comments made to Respondent's item # 12**).

19 *Cambridge Lakes HOA v. Michael B. Hartnett*, 2010-CP-10-9146 Judgment

20 *Cambridge Lakes HOA v. Charles W. Taylor, Jr.*, 2011-CP-10-39 Judgment  
**Is the provided case number correct? Please check!**

21 *Cambridge Lakes HOA v. The Naws, LLC, et al.*, 2011-CP-10-2767 Judgment

22 *Cambridge Lakes HOA v. Geoff G. Forbes*, SC872010002259, Judgment

23 *Cambridge Lakes HOA v. The Naws, LLC*. 2012-CP-10-4714 Judgment

24 Master Deed on Feb. 24, 2003. (**I do not have copy of this Master Deed under reference**)

Please review the index. Please send me copy of the Respondent's Designation of Matters to be included in the Record on Appeal. Please reply by Friday, Aug. 8.

I will add page numbers after the body of the Record on Appeal is printed and consecutively numbered.

Thanks,

Sincerely,

  
Johnson Koola

Copy to:  
Attorney Ms. Lydia P. Brooks Esq.  
Krawcheck and Davidson, LLC  
9 State Street  
Charleston, SC 29401.

Johnson Koola  
1587 Cambridge Lakes Dr  
Mt. Pleasant, SC 29464  
(843) 84909241

Aug. 7, 2014

Attorney Eugene P. Corrigan III, Esq.  
Corrigan and Chandler, LLC  
16, Charlotte St. St. B  
Charleston, SC 29403

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SC Court of Appeals

Appeal case # 2013-001632

Dear Mr. Corrigan

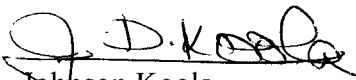
Kindly refer to my letters addressed to you dated July 29 and August 4.

Kindly review the revised Index to Record on Appeal, which I sent to you on August 4, 2014. I have serious questions about the Master presented at item No. 18 and item No.: 23 in your Designation of Matter to be included in the Record on Appeal. I have serious questions whether these two documents are the same.

Kindly reply to me by Friday, Aug. 8. Also please send tome by mail a copy of all the documents that you wish to present. I wish to take the document to the printers On Wednesday, Aug. 13.

If there is a delay please notify me. I have to notify the Court of Appeals of the delay.

Sincerely,

  
Johnson Koola

Copy to:  
Attorney Ms. Lydia P. Brooks Esq.  
Krawcheck and Davidson, LLC  
9 State Street  
Charleston, SC 29401.

---

CORRIGAN & CHANDLER LLC

---

ATTORNEYS AT LAW

Eugene P. Corrigan III  
(843) 577-5450 (direct)  
rick@corriganhandler.com

REPLY TO:  
P.O. Box 547  
Cambleton, SC 29402  
**RECEIVED**  
AUG 18 2014  
SC Court of Appeals

August 11, 2014

**VIA US MAIL**

Mr. Johnson Koola  
1587 Cambridge Lakes Drive  
Mt. Pleasant, SC 29464

Re: *Cambridge Lakes HOA v. Johnson Koola*  
Appellate Case No. 2013-001632  
Our File No. C1001.M0142

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20. *Cambridge Lakes HOA v. Charles W. Taylor Jr.*, 2011-cp-10-39 Judgment;
21. *Cambridge Lakes HOA v. The Naws, LLC*, 2011-cp-10-2767 Judgment;
22. *Cambridge Lakes HOA v. Geoff G. Forbes*, SC872010002259 Judgment; and
23. *Cambridge Lakes HOA v. The Naws, LLC*, 2012-cp-10-4714 Judgment.

Should you require any other documents, please let me know.

With best regards, I am

Yours very truly,



Eugene P. Corrigan III

EPCIII:lsb

Enclosures (as noted)

cc: Lydia P. Brooks, Esquire (w/enclosures)



Johnson D. Koola  
1587 Cambridge Lakes Dr.  
Mt Pleasant, SC 29464-7300

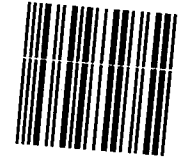
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SC Court of Appeals



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