

5

**IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPELLATE CASE NO. 2014-000148

**Orders of Judges Carmen T. Mullen, Ernest Kinard and Master in
Equity Marvin Dukes, III.**

ALEXANDER PASTENEAppellant,

Vs.

**THOMAS TROBOUGH, Mr. and Mrs. NORMAN GINSBURG, W.
RICHARD BEETLE, COUNTRY CLUB OF HILTON HEAD, CLUB CORP
OF DALLAS, TX AND CCHH TENNIS COMMITTEE MEMBERS,
RESPONDENTS.**

SUPPLEMENTAL RECORD ON APPEAL

Mary B Lohr, Esq.
HOWELL, GIBSON & HUGHES
P.O. Box 40, Beaufort, S.C., 29901-0040
843-522-2400

Terry Finger, Esq.
FINGER & FRASER, P.A.
35 Hospital Center Common, Suite 200
P.O. Box 24005, Hilton Head Is., SC 29925
843- 681-7000

Attorneys for the Respondents

Alexander Pastene, Esq.
P.O. 22298
Hilton Head Is., SC 29925
843-605-5266
Appearing pro se as Appellant

RECEIVED
MAR 09 2015
SC Court of Appeals

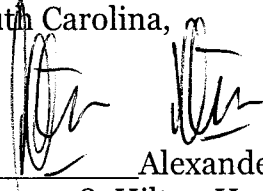
SUPPLEMENTAL RECORD ON APPEAL

Comes now, the Appellant, Alexander Pastene, who submits and complies with Appellate Judge Jasper Cureton's Order dated 2/9/15, by serving and filing the following four (2) documents within twenty (20) days from the date of his Order:

1. Form 4, Judge Dukes, III, dated and clocked May 17, 2012 (2 pages).
(This Form was among the Appellants' records but he seemingly failed to include it in his ROA-Please note Appellant's pencil notations made at the time of receipt by Appellant in 2012).
2. Form 4, Judge Dukes, III, dated July 10, 2012 (two (2) pages).
(This Form was not among the Appellant's records, which he may not have received it –Please note seeming corrections without initialization, which was secured through the Beaufort County Clerk of Court's Judgment Clerk Trena Patterson on 2-24-15, see copy of email appended herewith).
3. AFFIDAVIT OF DEFAULT, dated March 13th, 2012, with unintelligible Clerk of Court clock's markings.
(This document was not among the Appellant's records and was secured through the Beaufort County Clerk of Court's Judgment Clerk Trena Patterson on 2-24-15, see copy of email appended herewith).
4. Appellant's MOTION TO EXCUSE HONORABLE JUDGE MARVIN DUKES, III AND APPOINT SPECIAL REFEREE, dated 5-22-13.
(Please note that this document does not exist; Attorney/B.C. Magistrate Finger may have erred when he requested same or similar document dated 5-22-2012. However, the Appellant included it anyway, insomuch that he, indeed, Motioned to Excuse Judge Dukes, but in 2013. This document was in the Appellant's records, but recorded digitally in his flash drive without hard copy, and was missed.

Respectfully submitted,

On Beautiful Hilton Head Island, South Carolina,
On this 26th day of February, 2015.

Signed:  Alexander Pastene, Esq.
P.O. 22298, Hilton Head Is., SC 29925
843-605-5266 - Appearing pro se as Appellant

Attorneys for the Respondents

Mary B Lohr, Esq.
HOWELL, GIBSON & HUGHES
P.O. Box 40, Beaufort, S.C., 29901-0040
843-522-2400

Terry Finger, Esq.
FINGER & FRASER, P.A.
35 Hospital Center Common, Suite 200
P.O. Box 24005, Hilton Head Is., SC 29925
843- 681-7000

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPELLATE CASE NO. 2014-000148

Orders of Honorable Judges Carmen T. Mullen, Ernest Kinard and
Master in Equity Marvin Dukes, III.

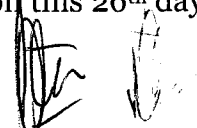
ALEXANDER PASTENEAppellant,

Vs.

THOMAS TROBOUGH, Mr. and Mrs. NORMAN GINSBURG, W.
RICHARD BEETLE, COUNTRY CLUB OF HILTON HEAD, CLUB CORP OF
DALLAS, TX AND CCHH TENNIS COMMITTEE MEMBERS,
RESPONDENTS

Certificate of Mailing

The Appellant certifies that he USPS mailed copies of his Supplemental
Record on Appeal to the attorneys and addresses listed below on this 26th day of
February, 2015.



Alexander Pastene, Esq.
P.O. Box 22298, Hilton Head Is.,
S.C., 29925, Tel. 843-605-5266
Appearing pro se as Appellant

Mary B. Lohr, Esq.
HOWELL, GIBSON & HUGHES
P.O. Box 40, Beaufort, S.C., 29901-0040
843-522-2400

Terry Finger, Esq.
FINGER & FRASER, P.A.
35 Hospital Center Common, Suite 200
P.O. Box 24005, Hilton Head Is., SC 29925
843- 681-7000

Attorneys for the Respondents

RECEIVED

MAR 09 2015

SC Court of Appeals

STATE OF SOUTH CAROLINA
 COUNTY OF BEAUFORT
 IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2011 CP-07-04407

ALEXANDER PASTENE

THOMAS TROBOUGH, ET AL.

2012 MAY 17 PM 4:38

JERIL ANN ROSENEAU
 BEAUFORT COUNTY, S.C.
 CLERK OF COURT

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: BEAUFORT COUNTY MASTER IN EQUITY

Attorney for : Plaintiff Defendant
 or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

PLAINTIFF'S MOTION TO DISQUALIFY ATTORNEY TERRY FINGER AND CONTINUANCE TO RESPOND IS DENIED.

ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk :

How could he be disbarred if the motion was decided 7-13-12?

respond to it if continuance? the one on 3-5-12?

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

3069
 Judge Code

5/17/2012
 Date

For Clerk of Court Office Use Only

This judgment was entered on the 17 day of May, 20 12 and a copy mailed first class or placed in the appropriate attorney's box on this 24 day of May, 20 12 to attorneys of record or to parties (when appearing pro se) as follows:

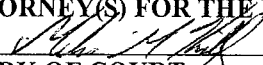
PRO-SE

ATTORNEY(S) FOR THE PLAINTIFF(S)

MARY BASS LOHR

TERRY A. FINGER

ATTORNEY(S) FOR THE DEFENDANT(S)


CLERK OF COURT

Court Reporter: N/A

ApplicationXtender - AXEM - CMS_DOCS - THOMAS TROBOUGH

- [Patterson, Trena](#)
-
- Feb 25 at 2:48 PM

To

- me

Photos

- AXEM - CMS_DOCS - THOMAS TROBOUGH(1_2).bmp
- AXEM - CMS_DOCS - THOMAS TROBOUGH(2_2).bmp

[Download All](#)

Trena Patterson
Judgment Clerk
Beaufort County Clerk Of Court
Post Office Drawer 1128
Beaufort, SC 29901
Desk (843)255-5055
Fax (843) 255-9412
tpatterson@bcgov.net
<http://bcgov.net/clerk-of-courts>

-
-
- 2 Attachments
- [View all](#)
- [Download all](#)

- [Download](#)
- [Download](#)

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2011 CP-07-04407

ALEXANDER PASTENE

THOMAS TROBOUGH, ET AL.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: BEAUFORT COUNTY MASTER IN EQUITY

Attorney for : Plaintiff Defendant
or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

PLAINTIFF'S MOTION FOR RECONSIDERATION, FILED 5/23/2012, IS DENIED.

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk :

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

3069

Judge Code

7/10/2012

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

PRO-SE

ATTORNEY(S) FOR THE PLAINTIFF(S)

MARY BASS LOHR

TERRY A. FINGER

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter: N/A

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)
)
 ALEXANDER PASTENE,)
)
 Plaintiff,)
)
 vs.)
)
 THOMAS TROBOUGH, MR. & MRS.)
 NORMAN GINSBURG, W. RICHARD)
 BEETLE, COUNTRY CLUB OF)
 HILTON HEAD, CLUB CORP OF)
 DALLAS, TX, CCHH TENNIS)
 COMMITTEE MEMBERS,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CIVIL ACTION NO.: 2011-CP-07-04407

AFFIDAVIT OF DEFAULT

2012 FEB 2 10:06

PERSONALLY appeared before me, the undersigned Notary Public in and for the State of South Carolina, an individual known to me and known to me to be, one TERRY A. FINGER, who, being duly sworn, sayeth and giveth his Affidavit as follows:

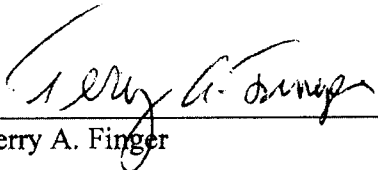
1. I am an attorney duly licensed to practice law in the State of South Carolina and engaged in the private practice of law with offices in Beaufort County, South Carolina.
2. I am legal counsel to Defendant, Mr. & Mrs. Norman Ginsburg, and I am their attorney of record in that certain action, Civil Action No. 2011-CP-07-04407, filed in the Office of the Clerk of Court of Beaufort County, South Carolina, styled as captioned above.
3. At my direction, copies of an Answer and Counterclaim, a First Set of Interrogatories, and a First Request for Production in this matter were served upon the Plaintiff via the United States Postal Service on February 2, 2012 at his address of record in Beaufort County, South Carolina. Service was perfected as evidenced by the attached copy of the Certificate of Service contained within the Answer and Counterclaim, incorporated herein as Exhibit "A."

4. The time for answering the Counterclaim and discovery responses or arranging an extension of time to answer has expired.

5. The Plaintiff is in default in that he has not timely answered the Counterclaim and discovery in this matter.

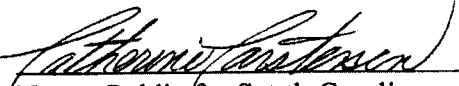
6. Under Rule 55(a) of the S.C.R.C.P., upon the within Affidavit, upon information and belief, the Clerk of Court of Common Pleas for Beaufort County shall enter this default upon the calendar or file book.

THE AFFIANT FURTHER SAYETH NOT.



Terry A. Finger

Sworn to and subscribed before
me this 3rd day of March, 2012.



Notary Public for South Carolina
My Commission Expires: 6-25-2012

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

ALEXANDER PASTENE)
Plaintiff,)

VS.)

THOMAS TROBOUGH. NORMAN)
GINSBURG. W. RICHARD BEETLE.)
COUNTRY CLUB OF HILTON HEAD)
CLUB CORP OF DALLAS, TX. Et al)
Defendants.)

COURT OF COMMON PLEAS)
FOURTEENTH JUDICIAL CIRCUIT)
ACTION NO.: 2011-CP-0704407)

MOTION TO EXCUSE HONORABLE)
JUDGE MARVIN DUKES III AND)
APPOINT REFEREE)

APR 22 2013
FILED

Comes now the Plaintiff, Alexander Pastene, and pleads with this Honorable Court that Judge Marvin Dukes III is excused from the case at bar, and a Referee is appointed to hear the case at bar.

Respectfully submitted,



Alexander Pastene
Plaintiff, Appearing Pro se
P.O. Box 22298, Hilton Head Is., SC 29925
843-605-5266

On this, 22nd Day of April, 2013, on beautiful Hilton Head Is., SC

Cc. I certify that in this day I served copies to Attorneys for defendants:
Mary B. Lohr, Beaufort SC PO Box 40, 29901
Terry Finger, Hilton Head Is. SC PO Box 24005, HHI SC 29925

RECEIVED

MAR 09 2013

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The SC Court of Appeals

RECEIVED
MAR 23 2015
SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Carmen T. Mullen, Judge Fourteenth Judicial District
J. Ernest Kinard, Judge, Fourteenth Judicial District
Marvin H. Dukes, III, Beaufort County Master-in-Equity


S.C. Court of Appeals Case No: 2014-000148

Alexander PasteneAppellant,
v.

Thomas Trobough, Mr. & Mrs. Norman
Ginsburg, W. Richard Beetle, Country
Club of Hilton Head, ClubCorp. of Dallas,
Tx., CCH, Tennis Committee Members.....Respondents.

CERTIFICATE OF COUNSEL

I certify that, to the best of my knowledge and ability I kept my Supplemental Record the same as the original Record on Appeal, except for the deficiency or deficiencies, and typographical and/or syntax errors, as ordered by the Honorable Court of Appeals, in accordance to S.C. Appellate Court Rules (SCACR).

Signed: 
Alexander Pastene

Date: Friday, March 20, 2015

Alexander Pastene, Esq.
Post Office Box 22298
Hilton Head Is., SC 29925
(843) 605-5266
Appellant, appearing pro se

THE STATE OF SOUTH CAROLINA
In The SC Court of Appeals

RECEIVED
MAR 23 2015

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Carmen T. Mullen, Judge Fourteenth Judicial District
J. Ernest Kinard, Judge, Fourteenth Judicial District
Marvin H. Dukes, III, Beaufort County Master-in-Equity


S.C. Court of Appeals Case No: 2014-000148

Alexander PasteneAppellant,
v.

Thomas Trobaugh, Mr. & Mrs. Norman
Ginsburg, W. Richard Beetle, Country
Club of Hilton Head, ClubCorp. of Dallas,
Tx., CCH, Tennis Committee Members.....Respondents.

PROOF OF SERVICE

I certify that I have served Plaintiff's Supplemental Record on Thomas Trobaugh, Mr. & Mrs. Norman Ginsburg, W. Richard Beetle, Country Club of Hilton Head, Club Corp of Dallas, Texas, CCHH Tennis Committee Members, by depositing copies of it in the United States Mail/UPS Store, postage Pre-paid, on March 20, 2015, addressed to their attorneys of record, Mary B. Lohr, Esq., Howell, Gibson & Hughes, at P.O. Box 40, Beaufort, SC, 29901-0040, and Terry Finger, Esq., FINGER AND FRASER, PA, at P.O. Box 24005, Hilton Head Is, SC, 29925.

Signed: 
Alexander Pastene
Date: March 20, 2015

Alexander Pastene, Esq.
Post Office Box 22298
Hilton Head Is., SC 29925
(843) 605-5266
Appellant, appearing pro se