

Ronald J. Ferguson  
103 Mill Creek Road  
Piedmont, SC 29673

February 6, 2016

Rodney M. Brown, P.A.  
210 S. Main Street  
Fountain Inn, SC 29644

**RECEIVED**  
FEB 10 2016  
SC Court of Appeals

RE: Ronald J. Ferguson vs. Mill Creek, LP  
2015-000593

Dear Mr. Brown:

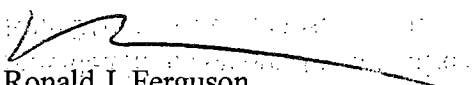
I am in receipt of your correspondence dated February 3, 2016 which alleges material is missing from the Record on Appeal.

While I might be mistaken, there was no Order of February 13, 2015, to include in the record. My records indicate a hearing was held on February 12, 2015 and the actual order on appeal was signed on March 18, 2015. If there is a question I would make arrangements to forward such for your review by facsimile or email to speed things along?

You reference the Complaint from civil action number 2013-CP-23-1810 as a document to be provided in the record. I would direct your attention to South Carolina Rules of Appellate Procedure, Rule 210(c) which states, in part, "The Record shall not, however, include matter which was not presented to the lower court or tribunal." I am unaware from either the hearing transcript, exhibits filed that day, or other document available on February 12, 2015, that the Court viewed or accepted such exhibit for consideration. Since I am required to certify to the Court of Appeals the documents being introduced are limited to those before the lower court, perhaps you can provide a beacon to where this item being included would not be a violation?

Again, the Notice of Appeal in Case Number 2013-CP-23-01810 is not something for which I am familiar as related to this appeal. That case is actually before the U.S. District Court and, if related to this action, would prevent this appeal. The case at bar is 2013-CP-23-05102. It is not consolidated with any other pending matters nor does it involve the parties from 1810. Referring back to Rule 210(c), if you could provide some legal basis for the inclusion of such in the record I would be glad to address it.

Respectfully,

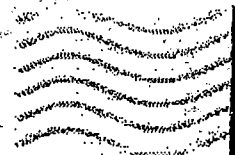
  
Ronald J. Ferguson

cc: South Carolina Court of Appeals

Ronald Ferguson  
103 Mill Creek Road  
Piedmont, SC 29673

GREENVILLE SC 296

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The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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SC Court of Appeals

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