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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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.: 2015-002400

Unpublished opinion No.: 2015-UP-391 (S.C. Ct.App. filed Aug. 5, 2015)

Cambridge Lakes Homeowners Association,.....Respondent,

v.

Johnson Koola,.....Petitioner.

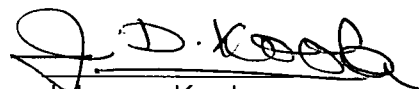
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In *Fisher v. Shipyard Village Council of Co-owners, Inc.*, 415 S.C. 256, 781 S.E.2d 903 (2016), published in January 2016, this Court affirmed the Court of Appeal's Decision as modified after determining that: (i) the business judgment rule applies to disputes between directors of homeowners' association and aggrieved homeowners; (ii) the business judgment rule is not a cloak that protects a corporation from violation of its own bylaws; (iii) the business judgment rule applies to *intra vires* acts of the corporation made in good faith, but not to *ultra vires* acts; (iv) the Board has a duty to investigate who is responsible for the damages; and (v) the jury should have decided whether the Board breached its duty to investigate.

The Court of Appeals did not refer the following questions of fact to a jury: (i) were the respondent's Management Company and attorneys its agents, P. (Petition) p. 5, line 1-p. 10, line 12; (ii) did the petitioner raise the issue of enforceability of the *ab initio* invalid Master Deed in the Trial Court, P. p. 10, line 13-p.13; (iii) was petitioner's voluntary offer to pay off any regime-related dues to the respondent through short sale was a legitimate and legal tender; P. p. 22, line 9-p. 23, line 9; and (iv) did respondent have legal standing to sue petitioner for regime related dues when the annual budgets presented to the homeowners show no dues from any homeowners, P. p. 23, line 10-p. 24, line 11?

The Petition for a Writ of Certiorari has detailed that respondent: (i) had a duty to investigate who were all responsible for construction defects and violation of South Carolina Horizontal Property Act in Cambridge Lakes, P. p. 14, line 14-p.16, line 15; (ii) did not authorize its attorney to file construction defects-lawsuit, P. p. 16, line 16-p.17, line 6; (iii) filed the construction defects-lawsuit and made the homeowners agree to the collection of unspecified amount of special assessments at a future date without the approval of two-thirds majority of the homeowners, P. p. 17, line 7-p.19, line 6; (iv) dismissed claims against developers/sellers in the construction defects-lawsuit under fraudulent circumstances, P. p. 19, line 16-p.20, line 18; (v) did not file claims against Carolina One in the construction defects-lawsuit; P. p. 20, line 19-p. 21, line 5; and (vi) incompetently handled the construction defects-lawsuit; P. p. 21, line 6-p. line 24.

Respectfully submitted,



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

Petitioner *pro se*

April 13, 2016

J. Koola
1587 Cambridge
Lakes Dr
Mt Pleasant
SC 29464

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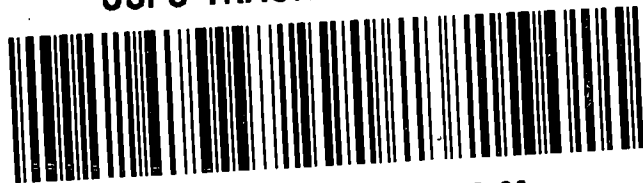
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