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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

DEC 22 2016

**SC Court of Appeals**

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No.: 2009-CP-26-3596  
Consolidated With  
Case No.: 2010-CP-26-11320  
Appellate No.: 2016-001063

Ronald Jarmuth, ..... *Pro Se* Appellant,

v.

The International Club Homeowners  
Association, Inc., ..... Respondent.

RESPONDENT'S MOTION TO AMEND  
THE RECORD ON APPEAL

Respondent, The International Club Homeowners Association, Inc. (hereinafter "Association" or "Respondent"), hereby moves before this Honorable Court for an Order requiring the Appellant, Ronald Jarmuth (hereinafter "Jarmuth"), to amend the Record on Appeal pursuant to Rules 210(c) and 212(b), SCACR. The Record should be supplemented to include documents designated by the Association as reflected in the Designation attached hereto as Exhibit "A". The items omitted from the Record include the following:

**ORDERS**

- a. Order transferring Civil Action No. 2010-CP-26-11320 from Magistrate's Court to Circuit Court filed December 1, 2010
- b. Order Consolidating Civil Action No. 2009-CP-26-3596 ("2009 Case") & Civil Action No. 2010-CP-26-11320 ("2010 Case") filed September 16, 2011

- c. Order granting Motions to Amend Answers to Assert Counterclaims in 2009 Case and 2010 Case filed October 11, 2011
- e. Final Order Dismissing Jarmuth's Counterclaims and Awarding Judgment Against Jarmuth (see Record pp. 64-66, pp. 46-48 are illegible)
- g. Order Denying Jarmuth's Post-Trial Motions filed on March 11, 2013
- k. Remittitur for Appellate Case No. 2013-000714 dated January 21, 2016

**FILED PLEADINGS, MOTIONS, AND MEMORANDUM IN SUPPORT**

- c. 2009 Case Jarmuth's Reply to Counterclaim filed May 15, 2009
- d. 2009 Case Jarmuth's Amendment to Complaint filed May June 9, 2009
- e. 2009 Case Respondent's Answer to First Amendment to Complaint and Counterclaim filed June 19, 2009
- f. 2009 Case Jarmuth's Reply to Counterclaim of Amended Complaint filed July 2, 2009
- g. 2010 Case Jarmuth's Complaint filed in Magistrate's Court on October 12, 2010 (see Record, pp. 219-233, Jarmuth included an unsigned, unfiled copy)
- l. 2010 Case Respondent's Amended Answer and Counterclaim filed on October 24, 2011
- m. 2009 Case Jarmuth's Reply to Amended Answer and Counterclaim and Assertion of Counterclaim filed on December 20, 2011 (see Record, pp. 249-256, Jarmuth included an unsigned, unfiled copy with notations)
- n. 2010 Case Jarmuth's Reply to Amended Answer and Counterclaim and Assertion of Counterclaim filed on December 20, 2011
- o. Jarmuth's Post-Trial Motions in Consolidated Cases dated September 19, 2012
- p. Jarmuth's Memorandum, Brief, and Exhibit List in Support of Post-Trial Motion for Relief dated January 22, 2013
- q. Jarmuth's Notice of Appeal of Final Order in Consolidated Cases dated April 3, 2013 (see Record, pp. 272-273, Jarmuth included an unsigned, unfiled copy)
- r. Jarmuth's Final Brief in Appellate Case No. 2013-000614 clocked July 22, 2013
- s. Jarmuth's Motion for Rehearing in Appellate Case No. 2013-000714 dated March 12, 2015
- t. Jarmuth's Notice of Motion and Motion for Civil Contempt filed March 17, 2015
- u. Jarmuth's Amended Notice of Motion and Motion for Civil Contempt dated June 10, 2015
- v. Respondent's Return to Motion for Rehearing in Appellate Case No. 2013-000714 dated filed March 24, 2015
- w. Jarmuth's Reply to Respondent's Return to Motion for Rehearing dated March 27, 2015
- x. Jarmuth's Petition for Writ of Certiorari to Review Unpublished Opinion No. 2015-UP-111 dated May 12, 2015
- y. Respondent's Return to Petition for Writ of Certiorari filed June 12, 2015
- z. Jarmuth's Rule 60(b)(2) and (3) Motion for Relief from Judgment dated January 22, 2016
- aa. Jarmuth's Amended Addition to Rule 60(b)(2) and (3) Motion for Relief from Judgment dated February 1, 2016

- bb. William Friebboth's Memorandum in Opposition to Jarmuth's Notice of Motion and Motion for Civil Contempt and Amended Motion for Contempt filed March 3, 2016
- cc. McNair Law Firm, P.A.'s Memorandum in Opposition to Jarmuth's Notice of Motion and Motion for Civil Contempt and Amended Motion for Contempt filed March 3, 2016
- dd. Respondent's Memorandum in Opposition to Jarmuth's Rule 60(b)(2) and (3) Motion for Relief from Judgment with Exhibits filed March 3, 2016 (see Record, pp. 270-290, Jarmuth included an annotated version that omitted exhibits)
- ee. Jarmuth's Rule 12(b)(1)/Rule 60 Motion to Dismiss Counterclaim – No Subject Matter Jurisdiction filed March 11, 2016 (see Record, pp. 291-298, Jarmuth included an unsigned, unfiled annotated version)
- ff. Respondent's Memorandum in Opposition to Motion to Dismiss Counterclaim for Lack of Subject Matter Jurisdiction filed April 8, 2016 with Exhibits (see Record, pp. 312-314 Exhibits omitted)
- gg. Jarmuth's Memorandum in Support of Rule 12(b)1/Rule 60 Motion to Dismiss Counterclaim for Lack of Subject Matter Jurisdiction filed April 27, 2016

The basis for including these filings is more fully set forth in the Association's Return to Jarmuth's Motion to Limit the Record filed on December 14, 2016.

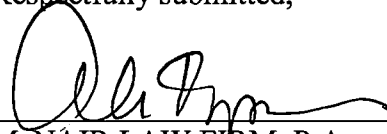
Furthermore, Jarmuth included materials that are irrelevant to the appeal and were not before the circuit court judge in ruling on Jarmuth's motion to dismiss for lack of subject matter jurisdiction. Matters that should be stricken from the Record or otherwise disregarded by this Court in ruling on Jarmuth's appeal include the following:

1. Unfiled Statutes and Rules of Civil Procedure, Record pp. 1-11;
2. Unfiled and unrecorded excerpts of the Declaration of Covenants and Restrictions for the International Club, the Bylaws of the Association, purported lists of property subject to the Declaration, and unfiled Articles of Incorporation for the Association, Record pp. 120-133;
3. Unfiled Architectural Board and Association records and Jarmuth's SCHAC Complaint with Jarmuth's notations, Record pp. 189-219, 232-236, 241-242;
4. Unfiled, unrecorded, and/or annotated copies of pleadings, Record pp. 243-256, 274-290, 291-303;
5. Unfiled, annotated copies of the trial transcript for the Consolidated Cases, Record pp. 257-271;

6. Unfiled, unsigned Notice of Appeal dated April 3, 2013, Record pp. 272-273.

WHEREFORE, having fully set before this Court the grounds for this motion, the Association moves for an Order requiring Jarmuth to amend the Record to include all matters designated by the Association, to strike irrelevant matters, and to address the errors listed above pursuant to SCACR, Rule 210.

Respectfully submitted,



---

McNAIR LAW FIRM, P.A.  
Henrietta U. Golding, SC Bar #2173  
Alicia E. Thompson, SC Bar #77056  
Post Office Box 336  
2411 Oak Street, Suite 206  
Myrtle Beach, SC 29578  
(843) 444-1107

Attorneys for Respondent  
The International Club Homeowners  
Association, Inc.

Myrtle Beach, South Carolina  
Date: December 2, 2016

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No.: 2009-CP-26-3596  
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SC Court of Appeals

Ronald Jarmuth, ..... *Pro Se* Appellant,  
v.

The International Club Homeowners  
Association, Inc., ..... Respondent.

DESIGNATION OF MATTER TO BE INCLUDED IN RECORD  
OF RESPONDENT THE INTERNATIONAL CLUB HOMEOWNERS  
ASSOCIATION, INC.

The Respondent, The International Club Homeowners Association, Inc.  
("Respondent"), designates the following materials to be included in the record on appeal  
pursuant to Rule 209 of the South Carolina Appellate Court Rules:

**ORDERS**

- a. Order transferring Civil Action No. 2010-CP-26-11320 from Magistrate's Court to Circuit Court filed December 1, 2010
- b. Order Consolidating Civil Action No. 2009-CP-26-3596 ("2009 Case") & Civil Action No. 2010-CP-26-11320 ("2010 Case") filed September 16, 2011
- c. Order granting Motions to Amend Answers to Assert Counterclaims in 2009 Case and 2010 Case filed October 11, 2011
- d. Consent Order of Reference filed June 15, 2012
- e. Final Order Dismissing Jarmuth's Claims and Awarding Judgment Against Jarmuth in the Amount of \$7,326.00 and Granting Injunctive Relief



- f. Order of Recusal and Referring C.A. No. 2009 and C.A. No. 2010 to circuit court filed October 17, 2012
- g. Order Denying Jarmuth's Post-Trial Motions filed on March 11, 2013
- h. Unpublished Opinion of the South Carolina Court of Appeals No. 2015-UP-111 in Appellate Case No. 2013-000714 dated January 1, 2015 and filed March 4, 2015
- i. Order Denying Jarmuth's Petition for Rehearing Filed April 24, 2015
- j. Order Denying Jarmuth's Petition for Writ of Certiorari to Review Unpublished Opinion No. 2015-UP-111 dated January 15, 2016
- k. Remittitur for Appellate Case No. 2013-000714 dated January 21, 2016
- l. Form 4 Order denying Jarmuth's Rules 60 and 12(b)(1) Motion filed April 27, 2016
- m. Order Denying Jarmuth's Rules 60 and 12(b)(1) Motion filed June 6, 2016

#### **FILED PLEADINGS, MOTIONS, AND MEMORANDUM IN SUPPORT**

- a. 2009 Case Complaint filed April 7, 2009
- b. 2009 Case Respondent's Answer and Counterclaim filed May 13, 2009
- c. 2009 Case Jarmuth's Reply to Counterclaim filed May 15, 2009
- d. 2009 Case Jarmuth's Amendment to Complaint filed May 9, 2009
- e. 2009 Case Respondent's Answer to First Amendment to Complaint and Counterclaim filed June 19, 2009
- f. 2009 Case Jarmuth's Reply to Counterclaim of Amended Complaint filed July 2, 2009
- g. 2010 Case Jarmuth's Complaint filed in Magistrate's Court on October 12, 2010
- h. 2010 Case Respondent's Answer filed on November 17, 2010
- i. 2009 Case Respondent's Motion to Amend Answer to Complaint and First Amendment to the Complaint and Counterclaim filed August 26, 2011
- j. 2010 Case Respondent's Motion to Amend Answer to Complaint and Counterclaim filed August 26, 2011
- k. 2009 Case Respondent's Amended Answer and Counterclaim filed on October 24, 2011
- l. 2010 Case Respondent's Amended Answer and Counterclaim filed on October 24, 2011
- m. 2009 Case Jarmuth's Reply to Amended Answer and Counterclaim and Assertion of Counterclaim filed on December 20, 2011
- n. 2010 Case Jarmuth's Reply to Amended Answer and Counterclaim and Assertion of Counterclaim filed on December 20, 2011
- o. Jarmuth's Post-Trial Motions in Consolidated Cases dated September 19, 2012
- p. Jarmuth's Memorandum, Brief, and Exhibit List in Support of Post-Trial Motion for Relief dated January 22, 2013
- q. Jarmuth's Notice of Appeal of Final Order in Consolidated Cases dated April 3, 2013
- r. Jarmuth's Final Brief in Appellate Case No. 2013-000614 clocked July 22, 2013
- s. Jarmuth's Motion for Rehearing in Appellate Case No. 2013-000714 dated March 12, 2015

- t. Jarmuth's Notice of Motion and Motion for Civil Contempt filed March 17, 2015
- u. Jarmuth's Amended Notice of Motion and Motion for Civil Contempt dated June 10, 2015
- v. Respondent's Return to Motion for Rehearing in Appellate Case No. 2013-000714 dated filed March 24, 2015
- w. Jarmuth's Reply to Respondent's Return to Motion for Rehearing dated March 27, 2015
- x. Jarmuth's Petition for Writ of Certiorari to Review Unpublished Opinion No. 2015-UP-111 dated May 12, 2015
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- bb. William Friebboth's Memorandum in Opposition to Jarmuth's Notice of Motion and Motion for Civil Contempt and Amended Motion for Contempt filed March 3, 2016
- cc. McNair Law Firm, P.A.'s Memorandum in Opposition to Jarmuth's Notice of Motion and Motion for Civil Contempt and Amended Motion for Contempt filed March 3, 2016
- dd. Respondent's Memorandum in Opposition to Jarmuth's Rule 60(b)(2) and (3) Motion for Relief from Judgment with Exhibits filed March 3, 2016
- ee. Jarmuth's Rule 12(b)(1)/Rule 60 Motion to Dismiss Counterclaim – No Subject Matter Jurisdiction filed March 11, 2016
- ff. Respondent's Memorandum in Opposition to Motion to Dismiss Counterclaim for Lack of Subject Matter Jurisdiction filed April 8, 2016
- gg. Jarmuth's Memorandum in Support of Rule 12(b)(1)/Rule 60 Motion to Dismiss Counterclaim for Lack of Subject Matter Jurisdiction filed April 27, 2016

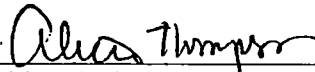
#### **TRANSCRIPTS**

- a. Transcript of April 27, 2016 Hearing on Jarmuth's Rule 12(b)(1)/Rule 60 Motion to Dismiss Counterclaim dated March 11, 2016

CERTIFICATION

We certify that this Designation contains no matter which is irrelevant to this Appeal.

Respectfully submitted,



---

McNAIR LAW FIRM, P.A.  
Henrietta U. Golding  
Alicia E. Thompson  
Post Office Box 336  
2411 Oak Street, Suite 206  
Myrtle Beach, SC 29578  
(843) 444-1107  
Attorneys for Respondent  
The International Club, Inc.

Myrtle Beach, South Carolina  
Date: November 28, 2016  
1343864v1

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

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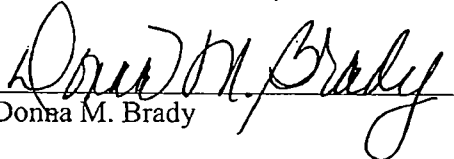
The International Club Homeowners  
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PROOF OF SERVICE

I, Donna M. Brady, an employee of McNair Law Firm, P.A., *Pro Se* Appellant Ronald Jarmuth in the above-entitled action, certify that I have served the Initial Brief of Respondent, Designation of Matters of Respondent, and Proof of Service on all parties to this matter by depositing a copy in the United States Mail, first class postage prepaid on the 28th day of November, 2016.

*Pro Se* Appellant of Record:

Ronald Jarmuth  
249 Pickering Drive  
Murrells Inlet, SC 29576

  
Donna M. Brady

Myrtle Beach, South Carolina  
1346995v1

**MCNAIR**  
ATTORNEYS

Alicia Thompson

athompson@mcnair.net  
T (843) 443-3058

December 21, 2016

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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DEC 22 2016

**SC Court of Appeals**

RE: *Ronald Jarmuth v. International Club HOA, Inc.*  
Appellate Case No.: 2016-001063  
Civil Action Nos.: 2009-CP-26-3596 and 2010-CP-26-11320  
Our File No.: 051490.00001

Dear Ms. Kitchings:

With regard to the above matter, enclosed for filing with the Court, please find the following:

- Original (unbound) and seven copies of the Respondent's Motion to Amend the Record on Appeal with Exhibit A;
- Original (unbound) and seven copies of the Respondent's Motion for Extension to File Final Brief;
- Two (2) checks for each \$25.00 filing fee; and
- Proof of Service.

By copy of this letter, and as shown on the Proof of Service, I hereby serve a copy of the aforementioned documents to the parties of record.

Please return to me clocked copies of the enclosed documents in the enclosed self-addressed envelope.

Sincerely,

**McNair Law Firm, P.A.**



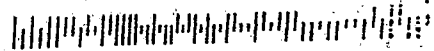
Alicia Thompson

McNair Law Firm, P. A.  
Founders Centre  
2411 Oak Street, Suite 206  
Myrtle Beach, SC 29577

Mailing Address  
Post Office Box 336  
Myrtle Beach, SC 29578

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AT/dmb  
Enclosures  
cc: Ronald Jarmuth  
Clients



**M C N A I R**  
ATTORNEYS

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The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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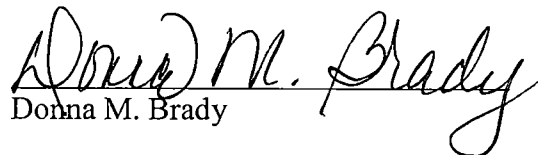
The International Club Homeowners  
Association, Inc., ..... Respondent.

PROOF OF SERVICE

I, Donna M. Brady, an employee of McNair Law Firm, P.A., certify that I have served Respondent's Motion to Amend the Record on Appeal with Exhibit A, Respondent's Motion for Extension to File Final Brief, and Proof of Service on all parties to this matter by depositing a copy in the United States Mail, first class postage prepaid on the 21<sup>st</sup> day of December, 2016.

*Pro Se* Appellant of Record:

Ronald Jarmuth  
249 Pickering Drive  
Murrells Inlet, SC 29576

  
Donna M. Brady

Myrtle Beach, South Carolina