

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

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**APPEAL FROM HORRY COUNTY
Court of Common Pleas**

JAN 18 2019
SC Court of Appeals

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,

.....**Appellant,**

v.

**The International Club Homeowners Association, Inc., Rosemary Toth, and
K.A. Diehl & Associates, Inc**

.....**Respondents.**

**APPELLANT'S JURISDICTIONAL PRECIPE
RELATING TO ISSUANCE OF REMITTITUR**

**- JURISDICTION WAS IN THE
UNITED STATES SUPREME COURT
PRIOR TO ACTION BY
SOUTH CAROLINA SUPREME COURT RE:
DENIAL OF PETITION FOR WRIT OF CERTIRARI
WITH SOUTH CAROLINA SUPREME COURT
COURT OF APPEALS LACKED JURISDICTION TO
ISSUE REMITTITUR**

1. Appellant Ronald Jarmuth, Pro Se, respectfully calls this Court's attention to the jurisdictional fact that this court innocently issued the Remittitur in this case when jurisdiction over this matter was already with the United States Supreme Court.

2. Timeline.

a. Jurisdiction is with the United States Supreme Court since November 29, 2018 (Exhibit A).

On November 29, 2018 a Petition for a Writ of Certiorari was filed with the United States Supreme Court. Procedurally there is no formal mechanism to inform courts below of this jurisdictional fact. No matter when and how the fact of filing the Petition with the U.S. Supreme Court is conveyed to lower courts, the jurisdictional fact is determined by the date of filing the Petition with the United States Supreme Court.

In point of fact the date that the United States Supreme Court sets as the filing date may be unknown for over a month – as was the situation here – until the U.S. Supreme Court sets the case on its docket.

On or about January 7, 2019 the U.S. Supreme Court determined that the date of filing the Petition was November 29, 2018.

The Petition relates to the subject of the appeal in this court, a lack of subject matter jurisdiction and a request that the underlying state court order (appealed here) be enjoined.

b. The South Carolina Supreme Court acted after jurisdiction changed to the U.S. Supreme Court. Again, this was innocent due to a lack of notice of filing the Petition with the U.S. Supreme Court on November 29, 2018.


On December 13, 2018, fourteen (14) days after the South Carolina Supreme Court lost jurisdiction, the South Carolina Supreme Court

proceeded to act on its prior denial of a petition to that court by notifying this court of the denial. This was (again) an innocent jurisdictional error.

c. On December 18, 2018, acting on the Notice from the South Carolina Supreme Court, the South Carolina Court of Appeals issued a Remittitur. This court lacked jurisdiction to do so, even though it acted innocently based on the jurisdictionally void notice by the upper court.

d. On January 3, 2019 the HOA Respondent filed a motion for costs. In point of fact these same HOA attorneys were on actual notice of the prior filing of the Petition with the U.S. Supreme Court. The HOA's Motion for Costs is thus jurisdictionally premature; it is also (as noted by Petitioner's Brief in Opposition, filed previously) without merit and not allowed by the rule.

Respectfully submitted,



**Ronald Jarmuth
249 Pickering Drive
Murrells Inlet, SC 29576
843-314-4355**

January 9, 2019


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JAN 18 2019

SC Court of Appeals

Search - Supreme Court of the United States

Page 1 of 1

 Search documents in this case: <input type="text"/> <input type="button" value="Search"/>	
No. 18-871	
Title:	Ronald Jarmuth, Petitioner v. The International Club Homeowners Association, Inc.
Docketed:	January 8, 2019
Lower Ct:	United States Court of Appeals for the Fourth Circuit
Case Numbers:	(18-1335)
Decision Date:	September 13, 2018
Rehearing Denied:	October 23, 2018

DATE	PROCEEDINGS AND ORDERS
Nov 29 2018	Petition for a writ of certiorari filed. (Response due February 7, 2019) Petition Appendix Certificate of Word Count Proof of Service

NAME	ADDRESS	PHONE
Attorneys for Petitioner		
Ern Reynolds Counsel of Record	Ern Reynolds Prof. Corp. 1324 Brunswick Street S.W. Roanoke, VA 24015-2229 Ern_Reynolds@juno.com	540-874-6234
Party name: Ronald Jarmuth		EXHIBIT A

CLERK'S OFFICE
SUPREME COURT
COURT OF APPEALS

South Carolina Appellate Case Management System

C-Track, the browser based CMS for Appellate Courts

Appellate Case No. ...

Cases

Case Search

Participant Search

Disclaimer: The information and documents available here should not be relied upon as an official record of action. Only filed documents can be viewed. Some documents received in a case may not be available for viewing. Some documents originating from a lower court, including records and appendices, may not be available for viewing.

Case Information: 2016-001063

Court:	Court of Appeals	Classification:	Appeal - Common Pleas - Other
Short Title:	Ronald Jarmuth v. The International Club	Case Status:	Remittitur
	View Full Title		
Consolidated:			
Filed Date:	05/20/2016	Oral Argument Date:	
Disposition Date:	06/27/2018	Disposition Type:	Opinion
Remittitur Date:	12/18/2018		
Lower Court or Tribunal:	Horry (2009CP2603596)		

- Party Information

Appellate Role	Party Name	Former	Attorney(s)
Appellant	Ronald Jarmuth	N	Self Represented
Respondent	International Club Homeowners' Association, Inc., et al.	N	Henrietta U. Golding Alicia E. Thompson
Respondent	K.A. Diehl, Inc.	N	Henrietta U. Golding Alicia E. Thompson
Respondent	Rosemary Toth	N	Henrietta U. Golding Alicia E. Thompson

Views

Display:

Event Information

Filed Date	Event Information	Doc
01/08/2019	Deficiency - Deficiency Letter Sent (Respondents' Motion for Costs)	---
01/08/2019	Motion - Appellant's Return to Respondents' Motion for Costs	---
01/03/2019	Motion - Respondents' Motion for Costs	---
12/27/2018	Correspondence - Returned as undeliverable	---
12/19/2018	Remittitur - Remittitur Sent	---
12/13/2018	Correspondence - Incoming (Copy of Supreme Court's Order Denying Petition for Writ of Certiorari)	---
10/10/2018	Correspondence - Incoming (Copy of Return to Petition for Writ of Certiorari Filed in Supreme Court)	---
09/17/2018	Correspondence - Incoming (Copy of Supreme Court Initial Letter)	---
09/17/2018	Correspondence - Incoming (Copy of Petition for Writ of Certiorari and Appendix Filed in Supreme Court)	---
08/16/2018	Rehearing - Denied	---
07/27/2018	Rehearing - Reply to Return to Petition for Rehearing	---
07/23/2018	Rehearing - Return to Petition for Rehearing	---
07/11/2018	Rehearing - Petition for Rehearing	---
07/05/2018	Correspondence - Outgoing (Records to Be Purged)	---
06/27/2018	Dispositional Decision - Opinion	---
05/01/2018	Calendaring - Case Submitted	---
05/01/2018	Correspondence - Outgoing (Notice of Submission)	---
04/13/2017	Non-Dispositional Decision - Order	---
03/20/2017	Motion - Appellant's Reply to Respondent's Return to Appellant's Motion to Strike	---
03/20/2017	Motion - Respondent's Return to Appellant's Motion to Strike	---

11/29/2019
Petition filed
with US
Supreme Court

EXHIBIT B

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

**APPEAL FROM HORRY COUNTY
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**Case No.: 2009-CP-26-3596
Consolidated with
Case No.:2010-CP-26-11320
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Ronald Jarmuth,

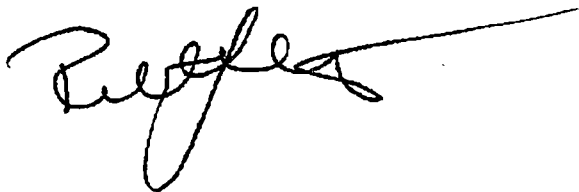
.....Appellant,

v.

**The International Club Homeowners Association, Inc., Rosemary Toth, and
K.A. Diehl & Associates, Inc.,.....Respondents.**

PROOF OF SERVICE

I, Ronald Jarmuth, certify that I have served the Respondent through Counsel a copy of the Appellant's Precipe Regarding Date of Loss of Jurisdiction (with Exhibits) by depositing a copy in the United States Mail, first class postage prepaid on January 10, 2019, addressed to Henrietta U. Golding; McNair Law Firm, P.A.; 2411 Oak Street; Suite 206; Myrtle Beach, SC 29577-3164.



**Ronald Jarmuth
249 Pickering Drive
Murrells Inlet, SC 29576
843-314-4355**

**Encl:
as**

Ronald Jarmuth
249 Pickering Drive
Murrells Inlet, SC 29576
843-314-4355
January 17, 2019

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JAN 18 2019
SC Court of Appeals

The Honorable Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211-1629
803-734-1890

BY FAX to 803-734-1839

Re: PRECIPE RE JURISDICTION OF CASE IS IN THE UNITED STATES SUPREME COURT
Jarmuth v International Club HOA et al
2009CP263596 in the Court of Common Pleas, Horry County
Appellate No. 2016- 001063

Dear Madam Clerk:

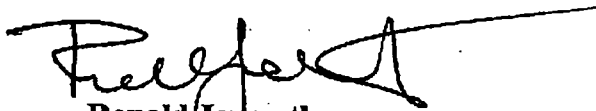
An original and four copies of the attached document were delivered to the Post Office Box of the Court of Appeals on Saturday January 12, 2019 as confirmed to me by the United States Post Office and as admitted to me on the phone on Wednesday, January 16, 2019 by the case manager.

The document confirms that on November 29, 2018 the United States Supreme Court took jurisdiction over the subject of this appeal. However, as of 10 PM tonight, January 17, 2019, this very important precipe is still not on the docket of this case, which circumstance I profess I do not understand.

To assure a proper documentation of the timelines involved, please take what steps are necessary to get the attached document, filed with the court on Saturday January 12, 2019, on the docket, with a "clocked" date reflecting the date the document was delivered to the Court.

Thank you for your attention to this matter.

Sincerely,



Ronald Jarmuth
Appellant Pro Se
249 Pickering Drive
Murrells Inlet, SC 29576

1 Enc: as

Cf: Henrietta Golding and Alicia Thompson, Attorneys for Respondents