

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHESTERFEILD COUNTY  
Court of Common Pleas

William O. Spencer Jr., Lawyer

Case No.2018-000355

**RECEIVED**  
FEB 21 2019  
SC Court of Appeals

JPMorgan Chase Bank,

Respondent,

v.

Fritz A. Timmons

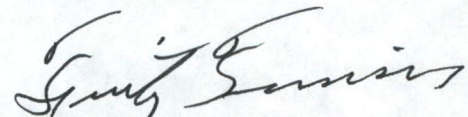
Appellant.

PROOF OF SERVICE

I certify that I have served a Copy of the **RECORD ON APPEAL** to Nicholas A. Charles @ Nelson Mullins., PO Box 11070, Columbia SC 29211, by depositing a copy of it in the United States Mail, postage prepaid, on Feb 20, 2019 .

Feb 20, 2019

Respectfully



Fritz A. Timmons, Pro Se  
P. O. Box 367  
Hartsville, SC 29551

Feb 20, 2019

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

**RECEIVED**  
FEB 21 2019  
SC Court of Appeals

RE: JPMorgan Chase Bank, National Association. Respondent v. Fritz A. Timmons  
Appellant Case No 2018-000355

Dear Jenny Abbott Kitchings

Enclosed for filing are the following:

1. Fifteen copies of THE RECORD ON APPEAL with one of which is unbound
2. Proof of service

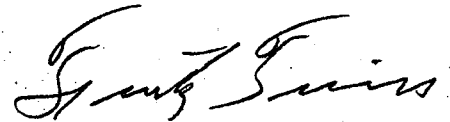
Items of the Respondents Designation that was not raised nor presented to the Summary Trial Court, of which the Final Order of which is on Appeal, has not been placed in the Record on Appeal. These Items are in Violations of Rules 209 and 210 SCACR. If the Items are not considered on Appeal then it can not be part of the Record. The Transcript of the Trial Court Confirms the Items was not Raised to or Presented to the Trial Court. These rules does not allow a judge to take judicial notice of any facts merely because it is within his personal knowledge Also see the Following;

1. SC Code 14-11-15. The equity court is considered a division of the circuit court,... and subject to all the ... rules of the Supreme Court in the same respect as circuit court.
2. RULE 16 The pre-trial brief is solely for the use of the court at the pre-trial hearing, and shall not be filed with or made part of the record in the action.
3. RULE 403 Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice,.
4. To be preserved, the issue must be explicitly ruled upon. *Siau v. Kassel*, 369 S.C. 631,632 S.E.2d 888, 894 (Ct.App. 2006) (“when an issue presented to the circuit court in a civil case is not explicitly ruled upon in the final order, the issue must be raised by an appropriate post-trial motion to be preserved for appellate review.”).
5. “a contention not presented to and passed upon by the trial court cannot be considered on appeal” *Stanley v. Reserve Insurance Co.*, 238 S.C. 533, 121 S.E. (2d) 10 (1961).

6. "[I]ssues not raised and ruled upon in the trial court will not be considered on appeal." *Spreeuw v. Barker*, 385 S.C. 45, 682 S.E.2d 843, 856 (Ct.App. 2009).
7. "Issues not raised before the trial court on summary judgment cannot be argued for the first time on appeal and are waived" *Dunaway v. Allstate Ins. Co.*, 813 N.E.2d 376, 387 (Ind. Ct. App. 2004)

Therefore, the Items of the Respondents Designation may only be submitted by Supplementing the Record under Rule 212, SCARC and only with the Consent of all Parties.

Sincerely,



Fritz A. Timmons  
P. O. Box 367  
Hartsville, SC 29551