

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
The Honorable Edward W. Miller, Judge of Circuit Court

Civil Action No. 2019-CP-23-01501
Appellate Case No. 2020-000506

Raymond A. Wedlake, as a Member of Woodington Homeowners' Association, Inc., Appellant,

v.

Scott Bashor, William Craigo, Christopher Edwards, Denis Esteve and Charles Koshis in
their capacity as Members of the current Board of Directors of Woodington Homeowners'
Association, Inc. and Doe Entities 1-10, and John & Jane Does 1-10, Respondents,

SUPPLEMENTAL RECORD ON APPEAL

James P. Walsh, Esq.
Michael J. Murphy, Esq.
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jwalsh@clarksonwalsh.com
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wedlakera@mail.com

Appellant (Pro Se)

Attorneys for Respondents

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DECLARATION AND PETITION FOR INCORPORATION
 APPLICATION MUST BE TYPEWRITTEN
 DO NOT FILE IN DUPLICATE

Jim Mills
 SECRETARY OF STATE
 FILED
 AUG 27 1993
 AM
 7/8/93 10:11:12

151

The undersigned declarants and petitioners. NAME	STREET ADDRESS AND CITY
David L. Sikkelee	700 Creekview Dr., Greenville, SC 29607
Judy Swilley	702 Creekview Dr., Greenville, SC 29607

being two or more of the officers or agents appointed to supervise or manage the affairs of Woodington Homeowners' Association, Inc.

Corporation which has been duly and regularly organized for the purposes hereinafter to be set forth, do affirm and declare: That as a meeting of the aforesaid organization, held pursuant to the by-laws or regulations of the said organization, they were authorized and directed to apply for incorporation.
 That the said organization holds, or desires to hold, property in common for a Religious, Educational, Social, Fraternal, Charitable or other eleemosynary purpose, or any two or more of said purposes, and is not organized for the purpose of profit or gain to its members, otherwise than is above stated, or for the insurance of life, health, accident or property; and that the three days' notice in the Greenville News a newspaper published in the County of Greenville has been given that the aforesaid Declaration would be filed.

The said Declarants and Petitioners further declare and affirm:
 FIRST Their names and residences are as above given.
 SECOND The name of the proposed Corporation is Woodington Homeowners' Association, Inc.

THIRD The place at which it proposes to have its headquarters or to be located is 104 Woodside Crossing in the City of Greenville, SC 29607

FOURTH The purpose of the said proposed Corporation is to provide for an association for the betterment of the property and homeowners of Woodington Subdivision, Greenville County, South Carolina.

FIFTH The names and residence of all Managers, Trustees, Directors or other officers, are as follows:

NAMES	TITLE	ADDRESS
Chip Koshis	President	104 Woodside Crossing Greenville, SC 29607
Mark Taylor	Vic. President	302 Woodington Drive Greenville, SC 29607
David Sikkelee	Treasurer	700 Creekview Drive Greenville, SC 29607
Judy Swilley	Secretary	702 Creekview Drive Greenville, SC 29607

SIXTH That they desire to be incorporated in perpetuity (or number of years _____).

Wherefore your petitioners pray that the Secretary of State do issue to the aforesaid

Woodington Homeowners' Association, Inc.
(Repeat Name of Corporation)

A Certificate of Incorporation, with all rights, powers, privileges and immunities, and subject to all the limitations and liabilities conferred by Title 13, Chapter 31 1976 Code, and Acts amendatory thereto, to provide for the incorporation of Religious, Education, Social, Fraternal or Charitable Churches, Lodges, Societies, Associations, or Companies, and for amending the Charters of those already formed and to be formed.

(Sign here) David L. Sikkelee
Judy Swilley

Date _____ 19____

ELECTRONICALLY FILED - 2018 Jul 14 10:48 AM - GREENVILLE - COMMON PLEAS - CASE#2018CP2303758

EXHIBIT F - "Articles of Incorporation"

DECLARATION AND PETITION FOR INCORPORATION
 APPLICATION MUST BE TYPEWRITEN
 DO NOT FILE IN DUPLICATE

s/Jim Miles
 Secretary of State
 FILER
 Aug 27, 1993

The undersigned declarants and petitioners.

Name	Street Address and City
David L. Sikkelee	700 Creekview Dr., Greenville, SC 29607
Judy Swilley	702 Creekview Dr., Greenville, SC 29607

being two or more of the officers or agents appointed to supervise the affairs of Woodington Homeowners' Association, Inc. a Corporation which has been duly and regularly organized for the purposes hereinafter to be set forth, do affirm and declare:

That at a meeting of the aforesaid organization, held pursuant to the by-laws or regulations of the said organization, they were authorized and directed to apply for incorporation.

That the said organization holds, or desires to hold, property in common for a Religious, Educational, Social, Fraternal, Charitable or other eleemosynary purpose, or any two or more of said purposes, and is not organized for the purpose of profit or gain to the members, otherwise than is above stated, or for the insurance of life, health, accident or property; and that the three days' notice in the Greenville News a newspaper published in the County of Greenville has been given that the aforesaid Declaration would be filed.

The said Declarants and Petitioners further declare and affirm:

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SECOND The name of the proposed Corporation is Woodington Homeowners' Association, Inc.

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FIFTH The names and residence of all Managers, Trustees, Directors or other officers, are as follows:

NAMES	TITLE	ADDRESS
-------	-------	---------

Chip Koshis	President	104 Woodside Crossing, Greenville, SC 29607
Mark Taylor	Vice President	302 Woodington Drive, Greenville, SC 29607
David Sikkelee	Treasurer	700 Creekview Drive, Greenville, SC 29607
Judy Swilley	Secretary	702 Creekview Drive, Greenville, SC 29607

SIXTH That they desire to be incorporated in perpetuity (or number of years _____).

Wherefore your petitioners pray that the Secretary of State do issue to the aforesaid

Woodington Homeowners' Association, Inc.

a Certificate of Incorporation, with all rights, powers, privileges and immunities, and subject to all the limitations and liabilities conferred by Title 11, Chapter 11 1976 Code, and Acts amendatory thereto, to provide for the incorporation of Religious, Education, Social, Fraternal or Charitable Churches, Lodges, Societies, Associations, or Companies, and for amending the Charters of those already formed and to be formed.

(Sign here) _____ s/David L. Sikkelee
_____ s/Judy Swilley

Date _____, 19____

93-017444BC

EXHIBIT - Appellant Objected to the Proposed Order, but was not Given Time to Respond

From: "Ray Wedlake" <wedlakera@mail.com>
To: emillersc@sccourts.org
Cc: mmurphy@clarksonwalsh.com, larmstrong@clarksonwalsh.com, sgray@clarksonwalsh.com
Subject: RE: Proposed Order for 2019-CP-23-01501 - Summary Judgment
Date: Tue, 10 Mar 2020 23:31:25

Dear Honorable Judge Miller:

Please recall my "Notice of Unavailability" which was filed in the Public Index on February 4, 2020, also recalling that unavailability is due to "Community Service" as I volunteer as a Tax-Aide Counselor to help individuals prepare and electronically file their United States and South Carolina tax returns. This week, I am committed to a Tax-Aide site on all remaining days (including Saturday).

Would you be so kind, please, to defer issuing the Proposed Order (PO) until sometime next week? I would like to have, and to take, the time to suggest a Plaintiff's version for a PO. My initial reaction to the non-judicial content of the PO is that it is totally absurd, and totally inappropriate as a Circuit-Court Order. The PO is basically a recitation, in some cases verbatim, of their "... Memorandum in Support of Their Motion for Summary Judgment". Other initial reactions to the PO are appended.

Thank you.

Cheers wedlakera@mail.com
Support "wilderness" - conserve nature !
Be American - buy "Made in USA" !!
GO ORANGE - Syracuse University ORANGE !!
Never let failure get to your heart !!
Stop organized crime. Re-elect no one !

----- Original Message -----

Sent: Tuesday, March 10, 2020 at 1:33 PM
From: "Stephanie Gray" <sgray@clarksonwalsh.com>
To: "emillersc@sccourts.org" <emillersc@sccourts.org>
Cc: "Ray Wedlake" <wedlakera@mail.com>, "Michael Murphy" <mmurphy@clarksonwalsh.com>, "Lisa Ledbetter" <larmstrong@clarksonwalsh.com>
Subject: 2019-CP-23-01501; Wedlake v. Bashor

Good afternoon,

Please find the attached Proposed Order Granting Defendants' Motion for Summary Judgment. I have included Mr. Wedlake on this email as well.

Thank you kindly,

Stephanie Gray
Legal Assistant
sgray@clarksonwalsh.com
Direct: 864.720.1998

1164A Woodruff Road | Greenville, SC 29607
P.O. Box 6728 | Greenville, SC 29606
Office: 864.232.4400 | Fax: 864.235.4399
www.clarksonwalsh.com

This communication, together with any attachments hereto or links contained herein, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is **STRICTLY PROHIBITED**. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments hereto or links herein, from your system.

----- Appendix -----

The Proposed Oder contains content which is:

- > irrelevant and definitely inappropriate for a court's order
- > neither accurate nor germane to the issues presented, and therefore should be stricken
- > unnecessary and incomplete in any event, and therefore should be stricken
- > not reflective of a judicial viewpoint nor proper judicial objectivity
- > not reflective of the fact that there were multiple disputes of material fact
- > presenting and raising questions of material fact
- > conclusionary as in a trial setting, which is not appropriate for a finding of summary judgment
- > in dispute by Plaintiff, who presented well-articulated argument based upon statute, yet his argument was not addressed at the Hearing, nor is it noted in this proposed order

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

Raymond A. Wedlake, as a Member of the)
Woodington Homeowners' Association, Inc.)

Plaintiff)

vs.)

Scott Bashor, William Craigo, Christopher)
Edwards, Denis Esteve and Charles Koshis)
in their capacity as Members of the current)
Board of Directors of)
Woodington Homeowners' Association, Inc.)

and)

Doe Entities 1-10, and John & Jane Does 1-10)

Defendants)

IN THE COURT OF COMMON PLEAS

THIRTEENTH JUDICIAL CIRCUIT

Civil Case No.:

2019-CP-23-01501

NOTICE OF UNAVAILABILITY

20 FEB 4 AM 9:21
Paul Wickensmeyer DDC SCL SC

SCANNED

COMES NOW, Raymond A. Wedlake (Plaintiff *Pro Se*), and respectfully requests the Court to accept this "NOTICE OF UNAVAILABILITY", stating as follows:

1. Plaintiff volunteers as a tax-preparation Counselor with the Federal Program VITA/TCE (Volunteer Income Tax Assistance / Tax Counseling for the Elderly), as sponsored locally by AARP Tax-Aide; this commitment to community service is important to taxpayers who otherwise would be challenged to submit their IRS, and South Carolina, individual-tax returns.
2. The season for Tax-Aide begins on February 4, 2020, and goes until April 15, 2020.
3. Plaintiff has committed to serve three weekdays at three-Tax-Aide sites.

ENTERED COMPUTER

4. Due to Plaintiff's-Tax-Aide commitment, he is unavailable for Court-related events and activities during and around these days and hours of community service, where the Tax-Aide Site is also shown:

Tuesdays	08:00 – 16:00	Augusta Road UM Church
Wednesdays	08:30 – 14:30	Zoar UM Church
Fridays	08:30 – 13:30	Sears Recreation Center

5. Plaintiff may also be called for “fill-in” service on Thursdays, where two Thursday commitments are known at this time:

Thursday 20 Feb	08:30 – 13:30	Ray Hopkins Senior Center
Thursday 05 Mar	08:30 – 13:30	Ray Hopkins Senior Center

Dated this 3rd day of February, 2020.



Raymond A. Wedlake, Plaintiff *Pro Se*
703 Creekview Drive
Greenville, SC 29607
864-254-9262 wedlakera@mail.com

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Raymond A. Wedlake, as a Member of the
Woodington Homeowners' Association, Inc.

Plaintiff

vs.

Scott Bashor, William CRAIGO, Christopher
Edwards, Denis Esteve, and Charles Koshis,
in their capacity as Members of the current
Board of Directors of
Woodington Homeowners' Association, Inc.

and

Doe Entities 1-10, and John & Jane Does 1-10

Defendants

)
) **IN THE COURT OF COMMON PLEAS**
)
) **THIRTEENTH JUDICIAL CIRCUIT**

Civil Action No.:

2019-CP-23-01501

CERTIFICATE

OF

SERVICE

20 FEB 4 AM 9:22
P. Wickensimer COC SUL SC

It is hereby certified that a copy of "Notice of Unavailability" was served upon the
following:

James P. Walsh (SC Bar# 15180)

Michael J. Murphy (SC Bar# 103084)

CLARKSON, WALSH & COULTER, P.A.

PO Box 6728

Greenville, South Carolina 29606

Attorneys for Defendants

via Priority Mail, Tracking Number: 9505 5265 1566 0034 1950 63

on February 3, 2020.

Raymond A. Wedlake, Plaintiff, *Pro Se*
703 Creekview Drive
Greenville, SC 29607
864-254-9262
wedlakera@mail.com

SCANNED

ENTERED COMP' TER

STATE OF SOUTH CAROLINA
The South Carolina Court of Appeals

APPEAL FROM GREENVILLE COUNTY
The Honorable Edward W. Miller, Judge of Circuit Court

Civil Action No. 2019-CP-23-01501
Appellate Case No. 2020-000506

RECEIVED
May 21 2020
SC Court of Appeals

Raymond A. Wedlake, as a Member of Woodington Homeowners' Association, Inc., Appellant,

v.

Scott Bashor, William Craigo, Christopher Edwards, Denis Esteve and Charles Koshis in their capacity as Members of the current Board of Directors of Woodington Homeowners' Association, Inc. and Doe Entities 1-10, and John & Jane Does 1-10, Respondents,

MOTION TO EXCLUDE CONTENT FROM THE RECORD ON APPEAL

Raymond A. Wedlake
703 Creekview Drive
Greenville, SC 29607
Tel: (864) 254-9262
wedlakera@mail.com
Appellant (*Pro Se*)

James P. Walsh, Esq., Michael J. Murphy, Esq.
Clarkson, Walsh & Coulter, P.A.
Post Office Box 6728
Greenville, SC 29606
Tel: (864) 232-4400
Attorneys for Respondents
jwalsh@clarksonwalsh.com, mmurphy@clarksonwalsh.com

Respondents' "Designation of Matter" desires to include an Exhibit in the "Record On Appeal" (ROA) which was "... not presented to the lower court ..." in violation of Rule 210(c), SCACR (excerpted to relevant part):

RULE 210 RECORD ON APPEAL

(c) Content. The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal. ...".

The Supreme Court of South Carolina attested in 1997 and 1998:

It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to be preserved for appellate review. *Creech v. South Carolina Wildlife and Marine Resources Dep't*, 328 S.C. 24, 491 S.E.2d 571 (1997); as *Wilder Corp. v. Wilke*, 330 S.C. 71 (1998), 497 S.E.2d 731

Rule 210(c) is confirmed by other cases:

... appellate court rules and rules of civil procedure, have emphasized the importance and absolute necessity of ensuring that all issues and arguments are presented to the lower court for its consideration. Issues and arguments are preserved for appellate review only when they are raised to and ruled on by the lower court. *Elam v. South Carolina Dept. of Transp.*, 361 S.C. 9 (2004), 602 S.E.2d 772

Thus, under the standard appellate court rules, it would be improper for this Court to consider whether section 20-7-1572(2) may be employed to terminate Mother's parental rights. See Rule 210(c), SCACR ("The Record [on Appeal] shall not . . . include matter which was not presented to the lower court or tribunal."). *Aunt and Uncle v. Mother and Father*, No. 2008-UP-210 (S.C. App. 3/31/2008) (S.C. App. 2008)

Consequently, Appellant respectfully requests a stay of deadline date for filing the ROA, pending disposition of this "Motion to Exclude". Appellant contends that Respondents, contrary to claim in their proposed "Designation of Matter" certifying: "... that this designation contains no matter which is irrelevant to this appeal.", designated substantial matter which is irrelevant to Appellant's "Appeal

of Summary Judgment”. Appellant accedes, however, that matter found in the “Public Index” would arguably not be subject to exclusion, regardless of its irrelevancy relative to Summary Judgment.

On page 10 of “Brief of Respondents” is seen:

Here, the Appellant made no such motion and/or objection to the proposed Order to the Court. The lower court gave the Appellant an opportunity to do so, and Appellant declined. (See email as Exhibit).

which cites: “... Exhibit)” to be included in the ROA. This Exhibit (excerpted as Figure 1) must be excluded, since it was never before the Court, nor is it found in the “Public Index”. This desired Exhibit can not be brought as new evidence on Appeal.

Inspection of this Exhibit shows it was sent to an administrative aid, the Law Clerk (Grace Barringer) for Judge Edward Miller, but it was not sent to the Judge, nor to the Court. Thus, it was not presented to the lower court, and cannot be considered as part of the “Designation of Matter” for inclusion in the ROA.

Appellant prays for an Order **GRANTING** this Motion to preclude abuse of Rule 210(c), SCACR, and also prays for specification of a new deadline date for filing of a ROA, after disposition of this Motion.

Dated this 20th day of May, 2020.



Raymond A. Wedlake, Appellant (*Pro Se*)
703 Creekview Drive
Greenville, SC 29607
864-2654-9262 wedlakera@mail.com

FIGURE 1 (as excerpted to relevant part)

[Respondents' "Designation of Matter" :

3. Email correspondence between Raymond Wedlake and Court dated March 11, 2020"]

From: "Ray Wedlake" <wedlakera@mail.com>
To: emillerlc@sccourts.org
Cc: mmurphy@clarksonwalsh.com, larmstrong@clarksonwalsh.com
Subject: RE: Proposed Order for 2019-CP-23-01501 - Summary Judgment
Date: Wed, 11 Mar 2020 21:59:34

Dear Ms. Barringer:

.

----- Original Message -----

Sent: Wednesday, March 11, 2020 at 9:49 AM
From: "Miller, Edward W. Law Clerk (Grace Barringer)" <emillerlc@sccourts.org>
To: "wedlakera@mail.com" <wedlakera@mail.com>
Cc: ...
Subject: 2019-CP-23-01501; Wedlake v. Bashor

.

STATE OF SOUTH CAROLINA
The South Carolina Court of Appeals

APPEAL FROM GREENVILLE COUNTY
The Honorable Edward W. Miller, Judge of Circuit Court

Civil Action No. 2019-CP-23-01501
Appellate Case No. 2020-000506

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v.

Scott Bashor, William Craigo, Christopher Edwards, Denis Esteve and Charles Koshis in
their capacity as Members of the current Board of Directors of Woodington Homeowners'
Association, Inc. and Doe Entities 1-10, and John & Jane Does 1-10, Respondents,

CERTIFICATE OF SERVICE

It is hereby certified that copies of **“Motion to Exclude Content from the Record
on Appeal”** an was served upon the following:

James P. Walsh (SC Bar #15180)
Michael J. Murphy (SC Bar #103084)
Clarkson, Walsh & Coulter, P.A.
PO Box 6728
Greenville, South Carolina 29606
Attorneys for Respondents

via US Priority Mail, Tracking Number: 9505 5103 7347 0142 1470 39

on May 21 2020.

Raymond A. Wedlake

Raymond A. Wedlake - Appellant *Pro Se*
703 Creekview Drive
Greenville, SC 29607
(864) 254-9262 wedlakera@mail.com

EXHIBIT 2 - The Constitution of the United States: A Transcription

The Bill of Rights: A Transcription

AMENDMENT XIV [excerpted, emphasis added]

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; **nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**

legal-dictionary.thefreedictionary.com/equal+protection+of+the+law

equal protection of the law

n. the right of all persons to have the same access to the law and courts, and to be treated equally by the law and courts, both in procedures and in the substance of the law. It is akin to the right to due process of law, but in particular applies to equal treatment as an element of fundamental fairness. ... The principle is stated in the 14th Amendment to the Constitution: "No State shall deny to any person within its jurisdiction the equal protection of the laws."

(See: due process of law)

legal-dictionary.thefreedictionary.com/due+process+of+law

due process of law

n. a fundamental principle of fairness in all legal matters, both civil and criminal, especially in the courts. All legal procedures set by statute and court practice, including notice of rights, must be followed for each individual so that no prejudicial or unequal treatment will result. While somewhat indefinite the term can be gauged by its aim to safeguard both private and public rights against unfairness. The universal guarantee of due process is in the Fifth Amendment to the U. S. The American Constitution which provides "No person shall...be deprived of life, liberty, or property, without due process of law," and applied to all states by the 14th Amendment. From this basic principle flow many legal decisions determining both procedural and substantive rights.

	<u>Year 2019</u>			<u>Year 2020</u>	
-Income-	Actual Cost	* Budget	* Difference	Projected Cost	
HOA Dues	\$13,200	\$13,200	\$0	\$13,200	
Temporary Due Increase	\$8,700	\$9,900	\$1,200	\$3,300	
TOTAL:	\$21,900	\$23,100	\$1,600	\$19,200	
-Administrative-					
Legal Fees	\$13,200	\$19,800	\$6,600	\$13,200	*Potential Additional Legal Fees as of This Date:
Insurance	\$1,130	\$1,500	\$370	\$1,300	2017 Appeal: \$63,000
Management Services	\$0	\$0	\$0	\$0	2018 Case: \$30,000
Misc.	\$21	\$50	\$29	\$50	
ADM Fees	\$734.38	\$800	\$65.62	\$500	
TOTAL:	\$15,085.38	\$22,150	\$7064.62	\$8,450	
-Landscape-					
Landscape Contract	\$3,300	\$3,300	\$0	\$3,300	
Landscaper repairs	\$0	\$800	\$800	\$500	
Other	\$0	\$0	\$0	\$0	
TOTAL:	\$3,300	\$4,100	\$800	\$3,800	
-Maintenance & Repair-					
General Maintenance	\$84.78	\$200	\$115.22	\$200	
Other	\$0	\$0	\$0	\$0	
TOTAL:	\$84.78	\$200	\$115.22	\$200	
-Utilities-					
Electricity	\$1708.62	\$1,800	\$91.38	\$1,800	
Water & Sewer	\$125.02	\$200	\$74.98	\$200	
TOTAL:	\$1833.64	\$2,000	\$166.36	\$2,000	

pay McCabe, only

*Potential Additional Legal Fees as of This Date:
 2017 Appeal: \$63,000
 2018 Case: \$30,000

Account Balance EOY: \$10,584.03

~ 6600 Jan 3
~~3984~~ left
 2384 Escrow

RECEIVED

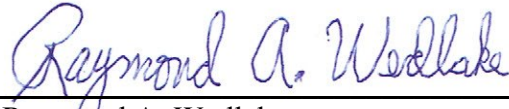
Jul 21 2020

SC Court of Appeals

Certificate of Appellant

The undersigned hereby certifies that the Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

July 21, 2020



Raymond A. Wedlake
703 Creekview Drive
Greenville, SC 29607
Tel: (864) 254-9262
wedlakera@mail.com

Appellant (Pro Se)