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AUG 18 2021
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

The Honorable William P. Keesley
Appellate Case Number 2019-001516

Trial Court Case No.: 2009-CP-18-2200

Rene McMasters, now known as Rene McMasters Ronaghan,.....Respondent,

V.

H. Wayne Charpia a/k/a Howard W. Charpia and Jody E. Charpia,Appellants.

MOTION TO DISMISS OR IN THE ALTERNATIVE TO REQUIRE THE APPELLANTS TO
SERVE RESPONDENT’S ATTORNEY WITH THE RECORD ON APPEAL AND TO
CORRECT THE RECORD ON APPEAL TO INCLUDE THE DOCUMENTS CONTAINED
IN RESPONDENT’S DESIGNATION OF MATTER

The Respondent, Rene McMasters Ronagham, hereby petitions the Court for an Order Dismissing the Appellants Consolidated Appeals, or in the alternative, to issue an Order requiring the Appellants to serve the Respondents attorney with the record on appeal and to correct the record on appeal to include the documents contained in the Respondent’s Designation of Matter to be Included in the Record on Appeal.

The basis for this motion is that the Respondent’s attorney has not been served with the record on appeal as required by Rule 210 (a) SCACR and the Appellants did not include the Respondent’s Designation of Matter to be Included in the Record on Appeal as required by Rule 210 (c) SCACR.

This motion is supported by the Affidavit of Respondent’s attorney which is attached.

Cisa & Dodds, LLP

F.M. Cisa

Frank M. Cisa

858 Lowcountry Blvd., Suite 101

Mt. Pleasant, SC 29464

(843) 442-3353

fax:(843) 881-5433

E-mail: frank@cisadodds.com

Attorney for Respondent

This 16th day of August, 2021

Appellants of Record:

H. Wayne Charpia

Jody E. Charpia

106 Axtell Drive

Summerville, SC, 29485

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The Honorable William P. Keesley
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Trial Court Case No.: 2009-CP-18-2200

Rene McMasters, now known as Rene McMasters Ronaghan,.....Respondent,

V.

H. Wayne Charpia a/k/a Howard W. Charpia and Jody E. Charpia,Appellants.

PROOF OF SERVICE

I certify that I have served a copy of the Respondent’s Motion to Dismiss Appeal, or in the alternative, Require the Appellants to serve Respondent’s Attorney with the Record on Appeal and to Correct the Record on Appeal to Include the Documents Contained in Respondent’s Designation of Matter to be Included in the Record on Appeal, by United States Mail, postage prepaid, on August 16, 2021, addressed to the Appellants, H. Wayne Charpia and Jody E. Charpia located at 106 Axtel Drive, Summerville, SC 29485.

Cisa & Dodds, LLP

Frank M. Cisa

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August 16, 2021

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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AUG 18 2021
SC Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

The Honorable William P. Keesley
APPELLATE CASE NUMBER 2013-002311

Rene McMasters now known as Rene McMasters Ronaghan.....Respondent

vs.

H. Wayne Charpia a/k/a Howard W. Charpia and Jody E. Charpia.....Appellants

AFFIDAVIT OF FRANK M. CISA

PERSONALLY, appeared before, Frank M. Cisa, who being duly sworn, deposes and says as follows:

1. That I am the attorney for the Respondent relative to the above appeal.
2. That I served the Respondent's Initial Brief and Designation of Matter to Be Included In the Record on Appeal on the Appellants on April 9, 2021, as shown by the Proofs of Service filed with the Clerk of the South Carolina Court of Appeals copies of which are attached..
3. That I have not received or been served with a copy of the Record on Appeal from the Appellants.
4. I reviewed the appellant court file in the South Carolina Case Management System and found that the Appellants had filed the Record on Appeal and had also filed Proof of Service, but I have not received or been served with the Record on Appeal.
5. This is not the first time the Appellant, Howard W. Charpia, has filed a Proof of

Service and not mailed or served the filing to me.

6. Appellant also filed a Certificate of Counsel that the Record on Appeal contains all materials proposed by any party. However, the Record on Appeal that Appellant, Howard W. Charpia, filed does not contain any of the materials that I designated to be included in the Record on Appeal in the Respondent's Designation of Matter. A copy of Appellant Howard W. Charpia's Certification and the Respondent's Designation of Matter are attached.
7. I cannot finalize the Respondent's Final Brief until the Record On Appeal is corrected or supplemented to add the Respondent' Designation of Matter.
8. The appellate court's file also indicates that Appellate, Howard W. Charpia, filed a Proof of Service stating he mailed me his Final Brief to me on July 28, 2021, but I have not received it as of today.


FURTHER THE DEPONENT SAYETH NOT!



Frank M. Cisa
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Mt. Pleasant, SC 29464
Phone: (843) 442-3353
Fax: (843) 881-5433
E-mail: frank@cisadodds.com

Attorney for the Respondent,
Renee McMasters Ronaghan

SWORN to before me this 16th
day of August


Notary Public for South Carolina
My Commission Expires: 6/30/2027

This 16th day of August, 2021

Attorney for Respondent

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

The Honorable William P. Keesley
Appellate Case Number 2019-001516

Trial Court Case No.: 2009-CP-18-2200

Rene McMasters, now known as Rene McMasters Ronaghan,.....Respondent,

V.

H. Wayne Charpia a/k/a Howard W. Charpia and Jody E. Charpia,.....Defendants

of whom Jody E. Charpia is theAppellant

PROOF OF SERVICE

I certify that I have served a copy of the Respondent's Initial Brief and Designation of Matter to be Included in the Record On Appeal, by United States Mail, postage prepaid, on April 9, 2021, addressed to the Appellants. H. Wayne Charpia and Jody E. Charpia located at 106 Axtel Drive, Summerville, SC 29485.

Cisa & Dodds, LLP

FM. C.

Frank M. Cisa
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April 9, 2021

Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

The Honorable William P. Keesley
Appellate Case Number 2019-001516

Trial Court Case No.: 2009-CP-18-2200

Rene McMasters, now known as Rene McMasters Ronaghan,.....Respondent,

V.

H. Wayne Charpia a/k/a Howard W. Charpia and Jody E. Charpia,.....Defendants

of whom H. Wayne Charpia is the.....Appellant

PROOF OF SERVICE

I certify that I have served a copy of the Respondent's Initial Brief and Designation of Matter to be Included in the Record On Appeal, by United States Mail, postage prepaid, on April 9, 2021, addressed to the Appellants, H. Wayne Charpia and Jody E. Charpia located at 106 Axtel Drive, Summerville, SC 29485:

Cisa & Dodds, LLP



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E-mail: frank@cisadodds.com

April 9, 2021

Attorney for Respondent

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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS **SC Court of Appeals**

APPEAL FROM DORCHESTER COUNTY
COURT OF COMMON PLEAS
Judge William Keesley

Case # 2009-CP-18-2200
Appellant's Case # 2019-001516

Howard W. Charpia.....Appellant
vs.
Rene McMasters.....Respondent

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material. Appellant Charpia is a Pro Se litigant not an Attorney.


Howard W. Charpia

843-879-3180

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APR 12 2021

SC Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

APPELLATE CASE NUMBER 2019-001516

The Honorable William P. Keesley
Dorchester County
Trial Court Case N. 2009CP1802200

Rene McMasters now known as Rene McMasters Ronaghan..... Respondent

vs.

H. Wayne Charpia a/k/a Howard W. Charpia and Jody E. Charpia..... Defendants

of whom H.Wayne Charpia a/k/a Howard W. Charpia is the Appellant

RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON
APPEAL

Respondent proposes the following to be included in the Record on Appeal:

1. Order of Judge William P. Keesley filed June 13, 2019, Administrative Order Of Dismissal Of Motion Re: Motion To Vacate Sale .
2. Order of Judge William P. Keesley filed July 25, 2019, Administrative Order Dismissing Rule To Show Cause.
3. Judge Edgar Warren Dickson's Order of Foreclosure and Sale filed November 27, 2012.
4. Unpublished opinion of the South Carolina Court of appeals filed October 5, 2016,

Unpublished opinion number 2016-UP-423

5. Order from the South Carolina Supreme Court dated February 8, 2017 which denied Appellants Petition for a Writ of Certiorari.

6. Amended Order of Judge William P. Keesley filed June 22, 2018, Amended Order On Motions To Vacate Sale And To Disburse Homestead Exemption Funds.

7. Form 4 Order of Judge William P. Keesley filed May 15, 2018, dismissing with prejudice, Jody E. Charpia's Motion To Assert Homestead Exemption.

8. Form 4 Order of Judge Keesley Dismissing Motion To Disburse Homestead Exemption filed January 23, 2010.

9. Filed copy of the Complaint.

10. A filed copy of Appellant's Motion To Vacate Sale filed November 16, 2017.

11. A filed copy of Appellant's Affidavit filed on November 16, 2017.

12. A filed copy of Appellant 's Motion To Vacate Sale filed on June 10, 2019.

13. A filed copy of Appellant's Motion To Disburse Homestead Exemption Funds filed on August 3, 2017.

14. A filed copy of Appellants Motion For Rule To Show Cause As To Petition The Court To Release Homestead Exemption filed July 25, 2019.

15. A filed copy of Appellant Jody Charpia's Motion to Assert Homestead Exemption filed July 3, 2017.

16. A filed copy of Appellant, Jody Charpia's Motion To Disburse Homestead Exemption filed Letter from Clerk Of Court Of the South Carolina Court of Appeals dated October 01, 2019 notifying the parties of the consolidation of the two appeals January 21, 2020.

17. Assignment of Bid filed August 1, 2017.

18. Letter from Clerk Of Court Of the South Carolina Court of Appeals dated October 01, 2019 notifying the parties of the consolidation of the two appeals of Appellant H. Wayne Charpia.

19. Letter from Clerk Of Court Of the South Carolina Court of Appeals dated April 16, 2020 notifying the parties of the consolidation of Appellant, Jody Charpia's appeal.

I certify that this designation contains no matters which are irrelevant to this appeal.

Cisa & Dodds, LLP



Frank M. Cisa

SC Bar No. 1237

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Attorney for Respondent

April 9, 2021

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FRANK M. CISA
JOHN J. DODDS III

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AUG 18 2021

SC Court of Appeals

August 16, 2021

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

RE: Rene McMasters Ronagham v. H. Wayne Charpia
Case No.: 2009-CP-18-2200
Appellant No.: 2019-001516
Our file: 09-084

Dear Ms. Kitchings:

Enclosed is the original unstapled Respondent's Motion to Dismiss, or in the alternative, to require the appellants to serve Respondent's attorney with the Record on Appeal and to correct the record on appeal to include the documents contained in the Respondent's Designation of Matter to be Included in the record on Appeal, together with my Proof of Service and my firm check payable to the Clerk's office in the amount of \$50.00. I would appreciate you filing the original and returning one (1) filed copy of the Proof of Service to me in the self-addressed stamped envelope provided.

With kindest regards, I am

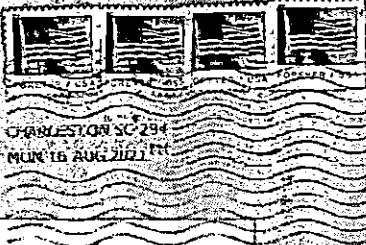
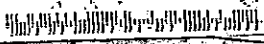
Very truly yours,



Frank M. Cisa

FMC/alp
Enclosures

cc: H. Wayne Charpia (w/enc.)
Jody E. Charpia (w/enc.)



CHARLESTON SC 294
MON 16 AUG 2001 11

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SC Court of Appeals

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