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JAN 28 2022

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.

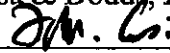
MOTION TO DISMISS OR IN THE ALTERNATIVE TO REQUIRE THE APPELLANTS TO
SERVE RESPONDENT’S ATTORNEY WITH THE RECORD ON APPEAL AND TO
CORRECT THE RECORD ON APPEAL TO INCLUDE THE DOCUMENTS CONTAINED
IN RESPONDENT’S AMENDED DESIGNATION OF MATTER

The Respondent, Rene McMasters Ronaghan, 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 Amended Designation of Matter to be Included in the Record on Appeal.

The basis for this motion are 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 all of the Respondent’s Amended Designation of Matter to be Included in the Record on Appeal as required by Rule 210 (c) SCACR. The Appellants were also previously ordered by this Court by Order filed on September 2, 2021 that “Appellants must serve on Respondent and file with this court a supplemental Record on Appeal, which includes all matters designated by Respondent, within thirty days of the date of this order”.

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

Cisa & Dodds, LLP



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 21 day of January, 2022

Appellants of Record:

H. Wayne Charpia
Jody E. Charpia
106 Axtell Drive
Summerville , SC, 29485

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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JAN 28 2022

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

SC Court of Appeals

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 he is the attorney for the Respondent relative to the above appeal.
2. That Appellant, Jody E. Charpia, mailed her Final Brief to me on January 13, 2022, as shown by a copy of the envelope attached hereto. The Appellant's certificate of mailing states she mailed the Final Brief on January 5, 2022. I received the Final Brief on January 15, 2022.
2. That I previously filed a motion on August 18, 2021 requesting this Court to dismiss the appeal, or alternatively, to require the Appellants to serve me with the Record on Appeal and to include the materials in the Respondent's Designation of Matter. This Court then filed an Order on September 2, 2021 denying the motion to dismiss but ordered " Appellants must serve on Respondent and file with this court a supplemental Record on Appeal, which includes all matters designated by Respondent, within thirty days of the date of this order." A copy of the order is attached.

3. On September 15, 2021 Appellant, Howard W. Charpia filed a request to withdraw the portion of his appeal addressing the "Motion to Vacate Sale". He also stated in his request that this would eliminate most of the "Designation of Matter" requested. The Clerk then sent a letter dated October 1, 2021 in which she stated that the partial withdrawal indicates that most of respondents designated materials would not be needed and asked that I file a return to the partial withdrawal. My return was filed on October 12, 2021 along with my Amended Designation of Matter. A copy of the Clerk's letter and my Amended Designation of Matter are attached.
4. I reviewed the appellant court file in the South Carolina Case Management System and found that the Appellants had filed a Supplemental Record on Appeal. The Supplemental Record on Appeal was not served on me. The Appellants' failure to serve me with filings has been a continuing problem for me.
5. The first and supplemental Records on Appeal only contain three items (6, 9, and 10) of the fifteen items that appear in the Respondent's Amended Designation of Matter.
6. This is the second motion that I have filed trying to get the Appellants to include the materials contained in the Respondent's Designation of Matter. I cannot file my Final Brief without my materials being included.

FURTHER THE DEPONENT SAYETH NOT!

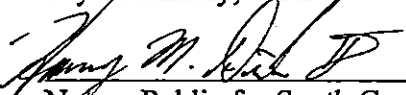
January 22, 2022



Frank M. Cisa
858 Lowcountry Blvd., Suite 101
Mt. Pleasant, SC 29464
Phone: (843) 881-6530
Fax: (843) 881-5433
E-mail: frank@cisadodds.com

Attorneys for the Respondent,
Renee McMasters Ronaghan

SWORN to before me this 22nd
day of January, 2022

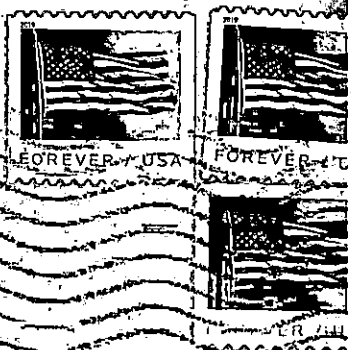
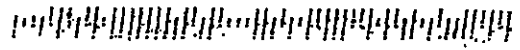


Notary Public for South Carolina

My Commission Expires: 6/30/2027

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Charleston SC
29485



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THU 13 JAN 2022 8M

Alimony FRACK Corp
858 Lowcountry Blvd
Mt Pleasant, SC
29464

The South Carolina Court of Appeals

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

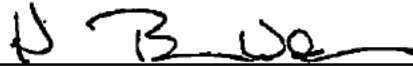
v.

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

Appellate Case No. 2019-001516

ORDER

Appellants' motion to strike Respondent's Initial Brief is denied. Respondent's motion to dismiss is denied. Appellants must serve on Respondent and file with this court a supplemental Record on Appeal, which includes all matters designated by Respondent, within thirty days of the date of this order.



FOR THE COURT.

Columbia, South Carolina

cc:
H. Wayne Charpia
Jody E. Charpia
Frank M. Cisa, Esquire

FILED
Sep 02 2021



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1880
FAX: (803) 734-1839
www.sccourts.org

October 01, 2021

H. Wayne Charpia
106 Axtell Drive
Summerville SC 29485

Re: Rene McMasters Ronaghan v. H. Wayne Charpia (5)
Appellate Case No. 2019-001516

Dear Mr. Charpia:

This will acknowledge receipt of your Partial Withdrawal of Appeal dated September 15, 2021.

Appellant states in partial withdrawal that most of respondent's designated material would not be needed in the record on appeal. Therefore, opposing counsel is requested to file a return to the partial withdrawal of appeal no later than ten (10) days from the date of this letter.

Very truly yours,

V. Claire Allen

CLERK

cc: Jody E. Charpia
Frank M. Cisa, Esquire

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

OCT 12 2021

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

SC Court of Appeals

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 B. Charpia..... Appellants

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

Respondent proposes the following to be included in the Record on Appeal based on Appellant,
H. Wayne Charpia's Partial Withdrawal of Appeal:

1. Order of Judge William P. Keesley filed July 25, 2019, Administrative Order Dismissing Rule To Show Cause.
2. Judge Edgar Warren Dickson's Order of Foreclosure and Sale filed November 27, 2012.
3. Unpublished opinion of the South Carolina Court of appeals filed October 5, 2016, Unpublished opinion number 2016-UP-423
4. Order from the South Carolina Supreme Court dated February 8, 2017 which denied Appellants

Petition for a Writ of Certiorari.

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

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

7. Form 4 Order of Judge Keesley Dismissing Motion To Disburse Homestead Exemption filed January 23, 2020.

8. Filed copy of the Complaint

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

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

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

12. A filed copy of Appellant, Jody Charpia's Motion To Disburse Homestead Exemption filed January 21, 2020.

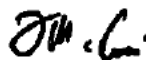
13. Assignment of Bid. filed August 1, 2017.

14. 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.

15. 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
858 Lowcountry Blvd., Suite 101

October 8, 2021

Mt. Pleasant, SC 29464
(843) 881-6530
fax:(843) 881-5433
E-mail: frank@cisadodds.com
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 H. Wayne Charpia is the Appellant

PROOF OF SERVICE

I certify that I have served a copy of the Respondent's Return to Appellant's Partial Withdrawal of Appeal and Respondent's Amended Designation of Matter to be Included in the Record on Appeal, by United States Mail, postage prepaid, on October 8, 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
858 Lowcountry Blvd., Suite 101
Mt. Pleasant, SC 29464
(843) 881-6530
fax:(843) 881-5433

October 8, 2020

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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.

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 Amended Designation of Matter to be Included in the Record on Appeal together with the supporting Affidavit, by United States Mail, postage prepaid, on January 22, 2022, addressed to the Appellants, H. Wayne Charpia and Jody E. Charpia located at 106 Axtel Drive, Summerville, SC 29485.

Cisa & Dodds, LLP

FW.C.

Frank M. Cisa
858 Lowcountry Blvd., Suite 101
Mt. Pleasant, SC 29464
(843) 881-6530
fax:(843) 881-5433

January 22, 2022

E-mail: frank@cisadodds.com

Attorney for Respondent

CISA & DODDS, LLP
ATTORNEYS AND COUNSELORS AT LAW
858 Lowcountry Boulevard, Suite 101
Mt. Pleasant, South Carolina 29464
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FRANK M. CISA
JOHN J. DODDS III

frank@cisadodds.com
john@cisadodds.com

January 22, 2022

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

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SC Court of Appeals

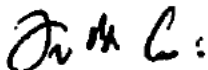
RE: Rene McMasters Ronagham v. H. Wayne Charpia
Case No.: 2009-CP-18-2200
Appellant No.: 2019-001516
Our file: 09-084

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 Amended 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.)



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U.S. POSTAGE PAID
P.O. BOX 11629
COLUMBIA, SC
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AMOUNT
\$1.76
R232-11100003-06

CISA & DODDS, LLP
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