Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.

APPELLANT PRO SE:

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ATTORNEYS FOR APPELLEE:

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IN THE
COURT OF APPEALS OF INDIANA

RON POE,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 43A03-0812-CV-605
	)	
LASALLE BANK NATIONAL ASSOCIATION,	)	
	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE KOSCIUSKO CIRCUIT COURT
The Honorable Rex L. Reed, Judge
Cause No. 43C01-0711-MF-1301

OCTOBER 13, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

HOFFMAN, Senior Judge

Ron Poe appeals the trial court's grant of summary judgment in favor of LaSalle Bank National Association in LaSalle's action to foreclose on a land sales contract. We affirm.

The sole issue for our review is whether the trial court erred in granting LaSalle's summary judgment motion.

In 1995, Poe defaulted on a mortgage held by United Companies Lending Corporation. United Companies filed a complaint to foreclose the mortgage and a summary judgment motion. The trial court granted United Companies' motion and issued a judgment of foreclosure.

In 2003, EMC, a successor in interest to United Companies, entered into a land sales contract with Poe for the same property. Pursuant to the terms of the contract, Poe agreed to pay EMC $50,000.00 in monthly installments of $477.83 for fifteen years. When Poe defaulted, EMC conveyed its interest in the property to LaSalle through a quitclaim deed executed in November 2007.

Two weeks later, LaSalle filed a foreclosure action against Poe. LaSalle subsequently filed a summary judgment motion. Poe submitted an affidavit, and LaSalle filed a motion to strike portions of it. Following a hearing, the trial court granted LaSalle's motion to strike as well as its summary judgment motion. Poe appeals.

At the outset we note that LaSalle has filed a motion to strike those portions of Poe's Appellant's Brief and Appendix that were not a part of the record before the trial court. Matters outside the record cannot be considered by this court on appeal. *McVey v.*

Sargent, 855 N.E.2d 324, 327 n.3 (Ind. Ct. App. 2006), *trans. denied*. We therefore grant LaSalle's motion and review the case considering only the evidence that the parties designated to the trial court.

Poe contends that the trial court erred in granting LaSalle's summary judgment motion. La Salle, on the other hand, asks us to dismiss Poe's appeal or consider Poe's arguments waived due to Poe's flagrant violations of the rules. Poe is representing himself. Pro se litigants are held to the same standard regarding rule compliance as are attorneys duly admitted to the practice of law. *Smith v. State*, 822 N.E.2d 193, 203 (Ind. Ct. App. 2005), *trans. denied*.

Here, Poe's appellate brief violates multiple appellate rules. Specifically, Poe's brief does not include a Table of Authorities, his Statements of the Case and Facts do not cite to the record of the proceedings or the appendix, and his argument does not include the applicable standard of review, all in violation of Appellate Rule 46. In addition, Poe's Statements of the Facts and Case are argumentative and inappropriate. They accuse the trial court of being biased in favor of LaSalle and accuse LaSalle's trial counsel of perjury.

Further, Poe does not include in his brief or appendix a copy of the trial court order that he is appealing. Poe also fails to include relevant documents such as LaSalle's complaint, summary judgment motion, designation of evidence in support of its motion, and motion to strike portions of Poe's affidavit. It is inappropriate for an appellant to include only its documents in the appendix. *Plaza Group Properties, LLC v. Spencer*

County Plan Commission, 877 N.E.2d 877, 880 n. 2. (Ind. Ct. App. 2007), *trans. denied*. It is the appellant's duty to present a record adequate for intelligent appellate review. *Bambi's Roofing v. Moriarty,* 859 N.E.2d 347, 352 (Ind. Ct. App. 2006). Poe has tendered a one-sided Appendix that excludes LaSalle's pertinent documents and makes appellate review of the trial court's grant of summary judgment unduly difficult.

Although this court is often tolerant of minor infractions of the appellate rules so that we may decide appeals on the merits, those rules are nonetheless binding on all persons bringing appeals to us. *Ramsey v. Board of Indiana Department of Workforce Development*, 789 N.E.2d 486, 490 (Ind. Ct. App. 203). In the instant case, because Poe's noncompliance with the appellate rules substantially impedes us from reaching the merits of this appeal, we find that the issue raised is waived. *See id.*

Waiver notwithstanding, Poe's argument fails. On appeal from a grant of summary judgment, our standard of review is identical to that of the trial court. *Neu v. Gibson*, 905 N.E.2d 465, 472-73 (Ind. Ct. App. 2009). We must determine whether there exists a genuine issue of material fact and whether the moving party is entitled to judgment as a matter of law. *Id. at 473.* Appellate review of a summary judgment motion is limited to those materials designated to the trial court. *Id.*

Here, the designated evidence reveals that Poe entered into a land sales contract and defaulted on it. Poe does not dispute that he failed to make the required payments and defaulted on the contract, and he has designated no evidence to create a genuine issue

of material fact. Accordingly, LaSalle is entitled to judgment as a matter of law, and the trial court correctly entered summary judgment in its favor.

Affirmed.

BAKER, C.J., and BAILEY, J., concur.