

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

Ellis B. Drew, Jr., Master-In-Equity

Case No. 2007-CP-04-2786
(Appellate Case No. 2012-213318)

Miller Construction Company, LLC,..... Respondent,

v.

Pendleton Station, LLC, Enterprise Bank of South Carolina, and
Angelo Penza..... Defendants

Of whom Enterprise Bank of South Carolina is the Appellant.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

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

1. Final Order and Judgment issued June 7, 2012
2. Pre-Trial Order issued June 7, 2012
3. Order on Motion to Reconsider dated October 4, 2012
4. Order of Reference to Master-In-Equity
5. Final Order and Judgment issued in *Craft Construction, Inc. of Starr. v. Pendleton Station, et al*, C/A No 2007-CP-04-2784 on June 7, 2012
6. Final Order and Judgment issued in *Moorhead Construction, Inc. v. Pendleton Station, et al*, C/A 2007-CP-04-2785 on June 7, 2012
7. Complaint of Respondent
8. Answer of Enterprise Bank
9. Motion to Reconsider dated June 22, 2012
10. Mechanic's Lien of Respondent filed April 17, 2007
11. Mechanic's Lien of Craft Construction, Inc. of Starr, filed May 25, 2007
12. Mechanic's Lien of Moorhead Construction Inc. filed April 17, 2007

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13. Trial Transcript from December 8, 2011
14. Transcript of Proceedings from January 24, 2012
15. Transcript of Proceeding from August 21, 2012
16. Tab 2 of Defendant's Exhibit 1 (Note & Mortgage)
17. Tab 6 of Defendant's Exhibit 1 (Deed-In-Lieu)
18. Plaintiff's Exhibit 4 (Contract)
19. Plaintiff's Exhibit 6 (Respondent's Damages and Invoices)
20. Plaintiff's Exhibit 8 (Moorhead's Damages and Invoices)
21. Plaintiff's Exhibit 10 (Craft's Damages and Invoices)
22. Defendant's Affidavit for Award of Attorney's Fees & Cost (Exhibit A to Memorandum of Respondent in Support of Fees and Costs)

I certify that this designation contains no matter which is irrelevant to this appeal.



David J. Brousseau
McIntosh, Sherard, Sullivan & Brousseau
Post Office Box 197
Anderson, South Carolina 29622
(864) 225-0001 | 225-0004 (fax)
Attorney for Respondent

May 6, 2013.

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Ellis B. Drew, Jr., Master-In-Equity

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Miller Construction, LLC,..... Respondent,

v.

Pendleton Station, LLC, Enterprise Bank of South Carolina, and
Angelo Peña..... Defendants

Of whom Enterprise Bank of South Carolina is the..... Appellant.

PROOF OF SERVICE

I certify that I have served the Respondents's Initial Brief and Designation of Matter to be Included in the Record on Appeal in the above-referenced case has been served on all parties of record by mailing a copy of the same in the Unites States mail, postage prepaid this 6th day of May, 2013, addressed as follows:

Thomas E. Dudley, III, Esquire
M. Stokely Holder, Esquire
704 East McAbee Avenue
Greenville, South Carolina 29601

James W. Logan, Jr., Esquire
Post Office Box 259
Anderson, South Carolina 29622

C. Nicholas Lavery, Esquire
Post Office Box 1633
Clemson, South Carolina 29633



David J. Brousseau
McIntosh, Sherard, Sullivan & Brousseau
Post Office Box 197
Anderson, South Carolina 29622
(864) 225-0001 | 225-0004 (fax)
Attorney for Respondent

May 6, 2013

MCINTOSH, SHERARD, SULLIVAN & BROUSSEAU

ATTORNEYS AT LAW
138 NORTH MAIN STREET
PO BOX 197
ANDERSON, SC 29622-0197

WALTER H. HOOD (1908-1971)
MARSHALL P. SHERARD (1910-1970)
JACK F. McINTOSH
MARSHALL P. SHERARD, JR.
GEORGE P. SULLIVAN
DAVID J. BROUSSEAU

TELEPHONE
(864) 225-0001
FAX (864) 225-0004

May 6, 2013

The Honorable Tanya A. Gee
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211


Re: *Miller Construction Company, LLC v Pendleton Station, LLC, Enterprise Bank of South Carolina and Angelo Penza*
Of whom Enterprise Bank of South Carolina is the Appellant
Case No.: 2012-213318

Dear Ms. Gee;

Enclosed for filing is a the Respondent's Initial Brief in the above case. Also enclosed are the following:

- (1) Designation of Matter to be Included in the Record on Appeal.
- (2) Proof of service of the Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal.

Sincerely,



David J. Brousseau
McIntosh, Sherard, Sullivan & Brousseau
Post Office Box 197
Anderson, South Carolina 29622
(864) 225-0001
Attorney for Moorhead Construction, Inc.

cc: Thomas E. Dudley, III, Esquire
M. Stokely Holder, Esquire
Kenison, Dudley & Crawford, LLC
704 East McAbee Avenue
Greenville, South Carolina 29601
(864) 242-4899 (864) 242-4844 (fax)
Attorney for Appellant

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James W. Logan, Jr., Esquire
Post Office Box 259
Anderson, South Carolina 29622

C. Nicholas Lavery, Esquire
Post Office Box 1633
Clemson, South Carolina 29633