

RECEIVED

Jul 05 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM WILLIAMSBURGH COUNTY
Court of Common Pleas

Hon. George M. Mc Faddin, Jr., Circuit Court Judge

Case No. 2016-CP-45-00590, Circuit Court
Appeals Court Docket No. 2021-00849

Cassandra Selph, appellant, vs.

Barbara Boatwright, Margaret S. Daniels, Individually and as
Personal Representative of the Estate of Eli Selph, Eli Maurice
Selph, and Dwayne Selph, respondents

**NOTICE OF MOTION AND MOTION TO STRIKE THE
REQUEST OF RESPONDENT DANIELS FOR INCLUSION OF
ADDITIONAL MATERIAL IN RECORD ON APPEAL
PURSUANT TO SCAR RULE 210**

Comes now on the notice of motion and motion attaching an affirmation of Bernard M. Alter, SC Bar No. 78125, dated July 3, 2022, and exhibits attached to the affirmation to strike respondent's entire request for inclusion in the record on appeal the documents were not included in the record of the court below.

Dated: Brooklyn, N.Y.
July 3, 2022



Bernard M. Alter, Esq., SC Bar No. 78125
ALTER & BARBARO, ESQS.
Attorneys for appellant
26 Court Street, Suite 1812
Brooklyn, New York 11242-1118
Tel: (718) 237-0880
Mitchalter48@hotmail.com

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM WILLIAMSBURGH COUNTY
Court of Common Pleas

Hon. George M. Mc Faddin, Jr., Circuit Court Judge

Case No. 2016-CP-45-00590, Circuit Court
Appeals Court Docket No. 2021-00849

Cassandra Selph, appellant, vs.

Barbara Boatwright, Margaret S. Daniels, Individually and as
Personal Representative of the Estate of Eli Selph, Eli Maurice
Selph, and Dwayne Selph, respondents

AFFIRMATION OF
BERNARD M. ALTER

STATE OF NEW YORK, COUNTY OF KINGS) ss.:

Bernard M. Alter, being an attorney duly admitted to practice in the
Courts of the State of South Carolina, hereby affirms and certifies under
penalty of perjury as follows:

1. I am one of the appellant's attorneys, fully familiar with the facts, and
make this request pursuant to SCAR Rule 210 to strike the
respondent's request in its entirety for inclusion on the record on
appeal on the grounds that those documents are not part of the filed
lower court record.
2. I filed the appellants brief and record on appeal timely.

3. Respondent, Daniels, has requested inclusion of five (5) additional documents on appeal.
4. A copy of that request is annexed as **Exhibit A**.
5. In that request respondent agreed that my prepared record is correct but wanted five additional documents added to the record on appeal to supplement the record.
6. In reviewing the electronic docket of the lower court, attached and annexed as **Exhibit B**, it appears those items were not recorded below.
7. On June 27, 2022, and again on June 29, 2022, I sent an email to respondent's counsel stating that respondent could not have that request included and made part of the record on appeal because those five documents are not part of the filed docket in the court below.
8. I set forth in my e-mails the electronic docket in the court below, again a copy of which is attached and annexed as **Exhibit B**.
9. It is clear from examining the lower court's online docket that these five items were not filed as part of that record and could not be considered as part of the record on appeal.
10. I asked for a response from counsel by June 30, 2022, concerning my request and still have received none.

11. As a result, this motion is necessary.
12. If these documents are not included in the record below, they clearly could not be considered on appeal by this Court.

WHEREFORE, pursuant to SCAR Rule 210, the entire request by respondent, set forth above as **Exhibit A**, should be rejected and the request stricken.

Dated: Brooklyn, New York
July 3, 2022



BERNARD M. ALTER
SC BAR No. 78125

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY

Court Of Common Pleas

George M. McFaddin, Jr. Circuit Court Judge

Case No.: 2016-CP-45-00590, Circuit Court
Appeals Court Docket No.: 2021-000849

Cassandra Selph..... Appellant,

v.

Barbara Boatwright, Margaret S. Daniels, Individually
and as Personal Representative of The Estate of Eli Selph,
Eli Maurice Selph, and Dwayne Selph

Of whom Margaret S. Daniels, Individually and as Personal Representative of the Estate of Eli
Selph, and Dwayne Selph Respondents.

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

Kenneth A. Davis, Esq.
Peter E. Keup, Esq.
Boykin & Davis, LLC
P.O. Box 11844
Columbia, South Carolina 29211
Telephone: (803) 254-0707
Facsimile: (803) 254-5609
kdavis@boykinlawsc.com
pkeup@boykinlawsc.com
Counsel for Respondent,
Margaret S. Daniels

Bernard Mitchell Alter, Esq.
Alter And Barbaro
26 Court St., Ste. 1812
Brooklyn, NY 11242-1118
Telephone: (718) 237-0880
mitchalter48@hotmail.com
Counsel for Appellant,

Gary W. Crawford, Esq.
P.O. Box 508
Florence, SC 29503
Telephone: (843) 665-7727
Fax: (843) 667-1073
kitco@msn.com
Counsel for Respondent, Dwayne Selph

**Exhibit A-Respondent's Designation of Matter to Be Included
in the Record on Appeal**

Respondent agrees with the inclusion of the documents in the proposed Record on Appeal provided by Appellant with Appellant's Initial Brief. Respondent proposes that the following additional documents, which are listed with their filing dates, be included in the Record on Appeal:

1. Memorandum in Support of Motion to Compel Compliance with Settlement Agreement, June 6, 2020
2. Affidavit of Jerome P. Askins, III, June 6, 2020
3. Email to counsel from Lucius H. Bullock, on behalf of the Honorable Judge George M. McFaddin, Jr., June 30, 2021
4. Electronic communication from Darlene Parsons to Lucius Bullock with attached letter from Jerome P. Askins III, June 30, 2021
5. Letter from Bernard Mitchell Alter to Judge McFadden[sic], July 2, 2021

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

Respectfully Submitted,

By: _____
Charles J. Boykin (SC Bar #65149)
Kenneth A. Davis (SC Bar #66416)
Peter E. Keup (SC Bar #78383)

P. O. Box 11844
Columbia, South Carolina 29211
Telephone: 803-254-0707
Facsimile: 803-254-5609

cjboykin@boykinlawsc.com
kdavis@boykinlawsc.com
pkeup@boykinlawsc.com

Attorneys for Margaret S. Daniels

April 22, 2022
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY

Court Of Common Pleas

George M. McFaddin, Jr. Circuit Court Judge

Case No.: 2016-CP-45-00590, Circuit Court
Appeals Court Docket No.: 2021-000849

Cassandra Selph..... Appellant,

v.

Barbara Boatwright, Margaret S. Daniels, Individually
and as Personal Representative of The Estate of Eli Selph,
Eli Maurice Selph, and Dwayne Selph

Of whom Margaret S. Daniels, Individually and as Personal Representative of the Estate of Eli
Selph, and Dwayne Selph Respondents.


PROOF OF SERVICE

I certify that I have served the Designation of Matter on the counsel of record listed below,
by electronic mail and U.S. Mail a copy of same on April 22, 2022, addressed to:

Bernard M. Alter, Esq.
Alter & Barbaro
26 Court Street, Suite 1812
Brooklyn, New York 11242-1118
Telephone: 718-237-0880
mitchalter48@hotmail.com

Gary W. Crawford, Esq.
P.O. Box 508
Florence, SC 29503
Tele: (843) 665-7727
Fax: (843) 667-1073
kitco@msn.com

[SIGNATURE NEXT PAGE]

By: 
Charles J. Boykin (SC Bar #65149)
Kenneth A. Davis (SC Bar #66416)
Peter E. Keup (SC Bar #78383)

P. O. Box 11844
Columbia, South Carolina 29211
Telephone: 803-254-0707
Facsimile: 803-254-5609

cjboykin@boykinlawsc.com
kdavis@boykinlawsc.com
pkeup@boykinlawsc.com

Attorneys for Respondent Margaret S. Daniels

Cassandra Selph	Service/Affidavit Of Service	Filing	04-08-2020	11:21:00 AM
Eli Maurice Selph	NEF(04-07-2020 03:12:39 PM) Motion/Compel	Filing	04-07-2020	05:05:59 PM
Eli Maurice Selph	Motion/Compel	Motion	04-07-2020	03:12:39 PM
Eli Maurice Selph	Motion/Other	Motion	04-07-2020	03:12:39 PM
Cassandra Selph	NEF(03-19-2020 01:33:04 PM) Motion/Relieve As Counsel	Filing	03-19-2020	03:24:43 PM
Cassandra Selph	Motion/Relieve As Counsel	Motion	03-19-2020	01:33:04 PM
Cassandra Selph	ADR/Proof of ADR	Action	01-31-2019	09:19:46 AM
Cassandra Selph	ADR/Alternative Dispute Resolution (Workflow)	Action	07-19-2017	04:38:11 PM
Eli Maurice Selph	Certificate/Certificate	Filing	05-25-2017	03:45:23 PM
Cassandra Selph	Reply/Reply to Counterclaim	Filing	05-25-2017	11:41:58 AM
Cassandra Selph	Affidavit/Default	Filing	05-19-2017	11:49:05 AM
Cassandra Selph	Service/Certificate Of Service	Filing	05-19-2017	11:49:05 AM
Cassandra Selph	Service/Certificate Of Service	Filing	05-10-2017	12:11:24 PM
Cassandra Selph	Reply/Reply to Counterclaim	Filing	05-08-2017	12:01:26 PM
Eli Maurice Selph	Certificate/Certificate	Filing	04-03-2017	11:58:52 AM
Cassandra Selph	Service/Acceptance Of Service	Filing	04-03-2017	09:21:35 AM
Eli Maurice Selph	Notice/Notice of Appearance	Filing	03-30-2017	04:48:59 PM
Eli Maurice Selph	Summons	Filing	03-30-2017	04:48:59 PM
Eli Maurice Selph	Answer/Answer & Counterclaim	Filing	03-30-2017	04:48:59 PM
Cassandra Selph	Service/Affidavit Of Service	Filing	03-23-2017	12:26:55 PM
Margaret S. Daniels	Summons	Filing	03-10-2017	06:08:10 PM
Margaret S. Daniels	Lis Pendens Filed	Filing	03-10-2017	06:08:10 PM
Margaret S. Daniels	Filing/Other	Filing	03-10-2017	06:08:10 PM
Margaret S. Daniels	Answer/Answer & Counterclaim	Filing	03-10-2017	06:08:10 PM
Margaret S. Daniels	Filing/Other	Filing	03-10-2017	06:08:10 PM
Margaret S. Daniels	Notice/Notice of Appearance	Filing	03-10-2017	06:08:10 PM
Cassandra Selph	Service/Acceptance Of Service	Filing	02-01-2017	11:02:02 AM
Cassandra Selph	Service/Acceptance Of Service	Filing	01-16-2017	07:57:21 AM
Cassandra Selph	Lis Pendens Filed	Filing	12-21-2016	04:38:11 PM
Cassandra Selph	Summons & Complaint	Filing	12-21-2016	04:38:11 PM

RECEIVED

Jul 05 2022

SC Court of Appeals

AFFIRMATION and CERTIFICATE OF SERVICE

The undersigned being duly sworn, deposes and says that deponent is not a party to the action, is over 18 years of age and works at Brooklyn, New York, and is a duly licensed attorney in the State of South Carolina, and affirms as follows under the penalty of perjury as follows:

That on July 3, 2022 deponent served the annexed Notice of Motion, motion, attorney's affirmation/certification and exhibits on:

1. Gary Crawford, Esq
Attorney for Dwayne Selph, respondent
By sending the documents using E-mail directed to the e-mail address designated by said attorney to receive such e-mail, namely: kitco@msn.com; and

2. Boykin and Davis, LLC
Attorneys for respondent, Margaret Daniels
By sending the documents using E-mail directed to the e-mail address designated by said attorneys to receive such e-mail, namely: kdavis@boykinlawsc.com, cjboykin@boykinlawsc.com, tgoodwyn@boykinlawsc.com, and hgerald@boykinlawsc.com; and

3. Curry Law Firm, LLC
Attorneys for appellant Selph
By sending the documents using E-mail directed to the e-mail address designated by said attorneys to receive such e-mail, namely: currylawfirm@bellsouth.net, cpinckney.currylawfirm@gmail.com, cgraham@thecurrylawfirmllc.com, and currylawfirmssc@gmail.com

No other party has appeared who is entitled to notice.

Dated: Brooklyn, N.Y.
July 3, 2022



BERNARD MITCHELL ALTER
SC Bar No. 78125