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SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Common Pleas

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Robert E. Hood, Circuit Court Judge

Appellate Case No.: 2022-000031

Royal Garden Resort Regime Homeowners Association, Inc.Respondent

v.

Sea Breeze Property Management & Contract Services, Inc.; Calvin Donaldson;
and Phoenix of the Strand, Inc. Appellants,

**APPELLANTS’ SECOND AMENDED DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

The Appellant proposes the following be included in the Record on Appeal:

Orders

1. December 21, 2018, Order of the Circuit Court;
2. November 8, 2019, Circuit Court Order Granting Defendants’, Sea Breeze Property Management & Contract Services, Inc., Calvin Donaldson, and Phoenix of the Strand, Inc., Motion for Partial Summary Judgment;
3. September 15, 2021, Circuit Court Order Granting Plaintiff, Royal Garden Resort Regime Homeowners Association, Inc.’s, Motion to Allow Entry;
4. December 30, 2021, Circuit Court Form 4 Order Denying Defendants’, Sea Breeze Property Management & Contract Services, Inc., Calvin Donaldson, and Phoenix of the Strand, Inc., Motion to Reconsider;

Pleadings

5. October 25, 2018, Affidavit of Judy Parrish;

6. October 31, 2018, Exhibit 1 to Affidavit of Judy Parrish (Calvin Donaldson resignation);
7. May 28, 2019, Affidavit of Alan Jeffcoat;
8. August 9, 2019, Affidavit of Daniel W. Stacy, Jr.;
9. April 21, 2020, Supplemental Affidavit of Daniel W. Stacy, Jr.;
10. July 28, 2020, Third Amended Complaint;
11. February 15, 2021, Defendants' Answer to Third Amended Complaint and Counterclaims
12. April 27, 2021, Affidavit of Calvin Donaldson;
13. April 28, 2021, Motion to Allow Entry;
14. July 30, 2021, Supplemental Affidavit of Daniel W. Stacy, Jr.
15. August 2, 2021, Affidavit of Harold Outz;
16. August 2, 2021, Affidavit of Stephen Hunt, Sr.;
17. September 21, 2021, Defendants' Motion to Reconsider September 15, 2021 Order Granting Plaintiff's Motion to Allow Entry
18. September 28, 2021, Affidavit of Stephen Hunt, Sr.;
19. October 13, 2021, Plaintiff Royal Garden Resort Regime Homeowners Association, Inc.'s Response in Opposition to Defendants' Motion to Reconsider, or Alter or Amend September 15, 2021 Order Granting Plaintiff's Motion to Allow Entry;

Transcript

20. August 4, 2021, Transcript of Hearing Re: Plaintiff Royal Garden Resort Regime Homeowners Association, Inc.'s Motion to Allow Entry;

Other Materials and Documents

21. June 12, 1984, Master Deed of Royal Garden Resort, Inc. Horizontal Property Regime;
22. April 29, 1989, Amendment to Lease Agreement regarding Commercial Unit One;
23. October 3, 2003, Amendment to Lease Agreement regarding Commercial Unit One;

24. November 18, 2005, Cable Communications Easement;
25. April 14, 2010, Second Amendment to Lease Agreement regarding Commercial Unit One;
26. February 1, 2012 Storage Facility Agreement;
27. February 1, 2019, Letter from Plaintiff Royal Garden Resort Regime Homeowners Association, Inc. to Appellant Phoenix of the Strand, Inc. regarding storage units;
28. August 24-25, 2021, Email Correspondence Between Counsel for Parties and Circuit Court.

Counsel for Appellants certify that this Designation of Matter contains no matter that is irrelevant to this appeal.¹

Respectfully submitted,

s/Douglas M. Zayicek
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¹ Within their Reply to Respondent's Initial Brief and in a separately filed Motion to Strike, Appellants contested the inclusion of a November 18, 2005 Cable Communications Easement in the Record on Appeal. (See Apps' Motion to Strike, p. 3, Apps' Reply to Resp's Initial Brief, pp. 10-11, 19). By Order dated July 21, 2022, the Court of Appeals denied Appellants' Motion to Strike and ordered Appellants to serve the Record on Appeal within twenty days (20). Appellants have thus included within this Second Amended Designation of Matter and the Record on Appeal all matters relied upon by Appellants and Respondent in their briefings on appeal, including the November 18, 2022 Cable Communications Easement. However, Appellants do not waive their argument that the November 18, 2005 Cable Communications Easement was never presented to the Circuit Court or entered into evidence in this matter.