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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

RECEIVED

OCT 06 2022

The Honorable Steven H. John
Circuit Court Judge

SC Court of Appeals

C.A. No. 2022-CP-22-00032

Appellate Case No. 2022-000811

Ernest F. Middleton, III, and Joyce J. Middleton, Michael J. Farrar and Diana Farrar,
Robert H. Hunt and Jeane M. Sullivan, the Colony Homeowners Association, Inc.,
and Keep it Green, Inc., Respondents,

v.

Georgetown County and Benjamin F. Goff, Sr., Trustee of the Benjamin F. Goff 2004 Revocable
Trust dated June 18, 2004,Defendants,

Of whom Benjamin F. Goff, Sr., Trustee of the Benjamin F. Goff 2004 Revocable Trust dated
June 18, 2004 is the.....Appellant.

MOTION TO BE DESIGNATED AS A RESPONDENT

Defendant Georgetown County, by and through the undersigned counsel, respectfully
requests this Honorable Court designate it as a named respondent in this appeal. Appellant filed
its Notice of Appeal on June 10, 2022, without naming Georgetown County as a respondent. The
case was then assigned and captioned with Georgetown County being named as a defendant rather
than a respondent.

South Carolina Appellate Court Rule 202(a) specifies that parties to an appeal are to be designated as either an appellant or a respondent. S.C. App. Ct. R. 202(a). Because this defendant is a named party in the underlying case, its rights would be unduly prejudiced by not being included as a respondent in this appeal.

Wherefore, Defendant Georgetown County moves the Court to enter its order designating it as a respondent in this proceeding.

Respectfully submitted,

SMITH | ROBINSON
Smith Robinson Holler DuBose and Morgan, LLC

s/H. Thomas Morgan, Jr.
H. Thomas Morgan, Jr., SC Bar No. 73585
Rachel Lee, SC Bar No. 104184
Post Office Drawer 39
Camden, South Carolina 29020
(803) 432.1992
tommy@smithrobinsonlaw.com
Rachel.lee@smithrobinsonlaw.com

**ATTORNEYS FOR DEFENDANT
GEORGETOWN COUNTY**

Camden, South Carolina
October 4, 2022

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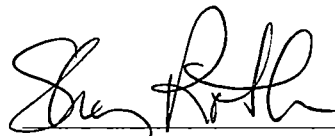
PROOF OF SERVICE

I, the undersigned paralegal of the law offices of Smith Robinson Holler DuBose and Morgan, LLC, attorneys for defendant Georgetown County, do hereby certify that on October 4, 2022, I have served all parties in this action with a copy of the document(s) hereinbelow specified by mailing a copy of the same by U.S. Mail, Postage prepaid, to the following address(es):

Documents Served: Motion to be Designated as a Respondent

Served: Cynthia Ranck Person, esq.
PO Box 1922
Pawleys Island, SC 29585
Attorney for Respondents Middleton, et al.

Benjamin F. Goff, Sr., Trustee
18 Powers Farm Road
Randolph, MA 02368
Pro Se Appellant



Sherry Roth
Paralegal

October 4, 2022

SMITH ROBINSON

Forward thinking. Results driven.

Smith Robinson Holler DuBose and Morgan, LLC

COLUMBIA 2530 Devine Street, Columbia, SC 29205
P: 803.254.5445 F: 803.254.5007

SUMTER 126 N. Main Street, Sumter, SC 29151
P: 803.778.2471 F: 803.778.1643

CAMDEN 935 Broad Street, Camden, SC 29020
P: 803.432.1992 F: 803.432.0784

October 4, 2022

RECEIVED Reply To: Camden

OCT 06 2022

SC Court of Appeals

South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

RE: Ernest F. Middleton, III, and Joyce J. Middleton, Michael J. Farrar and Diana Farrar, Robert H. Hunt and Jeane M. Sullivan, the Colony Homeowner Association, Inc., and Keep it Green, Inc., Respondents, v. Georgetown County and Benjamin F. Goff, Sr., Trustee of the Benjamin F. Goff 2004 Revocable Trust dated June 18, 2004, Defendants, Of whom Benjamin F. Goff, Sr., Trustee of the Benjamin F. Goff 2004 Revocable Trust dated June 18, 2004 is the Appellant.

Appellate Case No. 2022-000811

Dear Court of Appeals:

I represent the Defendant Georgetown County in the above-referenced appeal filed by Defendant Benjamin F. Goff, Sr., Trustee of the Benjamin F. Goff 2004 Revocable Trust dated June 18, 2004.

I greatly appreciate the Court's service in filing the Motion to Be Designated as a Respondent. Enclosed please find the original Motion and Proof of Service, six copies of the Motion, check number 9068 for the \$50.00 filing fee, and a postage paid return envelope.

If there are any questions, please do not hesitate to contact me. I am copying Plaintiff's Counsel and Appellant on this communication with the Court.

Very truly yours,

SMITH ROBINSON HOLLER
DuBOSE AND MORGAN, LLC



H. Thomas Morgan, Jr.

HTM/sr

cc: Cynthia Ranck Person, Esquire
Benjamin F. Goff, Sr., Trustee

FIRST CLASS



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SC Court of Appeals

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Columbia, South Carolina 29211

