

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Dec 14 2022

SC Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Roger M. Young, Circuit Court Judge

Appellate Case No. 2022-001385
Berkeley County Case No. 2017-CP-08-02238

Matthew Zetz, Appellant,
v.
Daniel Island Company, Inc., Respondent.

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

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

1. Order of October 22, 2020;
2. Order of September 9, 2022;
3. Summons and Complaint;
4. First Amended Summons and Complaint;
5. Second Amended Summons and Complaint;
6. Developer's Answer to Second Amended Complaint;
7. Motion for Summary Judgment, September 14, 2020;
8. Memorandum in Support of Developer's Motion for Summary Judgment, October 12, 2020;
9. Memorandum in Opposition to Developer's Motion for Summary Judgment, October 12, 2020;
10. Supplemental Memorandum in Opposition to Developer's Motion for Summary Judgment, October 19, 2020;
11. Memorandum in Support of Developer's Motion for Summary Judgment, August 16, 2022;
12. Memorandum in Opposition to Developer's Motion for Summary Judgment, August 23, 2022;

13. Supplemental Memorandum in Opposition to Developer’s Motion for Summary Judgment, August 25, 2022;
14. Transcript of Hearing, August 24, 2022;
15. Deposition of Frank Brumley, May 9, 2022, pp. 5; 10–13; 15–29; and 31–32;
16. Deposition of Sara Cuthbert, September 22, 2021, p. 14;
17. Deposition of Kay Fabrizio, September 14, 2021, pp. 8; 11–17; 19; 38–40; 42; 55; 58–59; and 62–67;
18. Deposition of G. Chris Hamil, March 16, 2021, pp. 8–9; 13; 18; 23–24; 35; 39–43; 45–46; and 50–51;
19. Deposition of Barbara McLaughlin, October 5, 2021, pp. 10; 119; and 129–132;
20. Deposition of Matthew Sloan, May 9, 2022, pp. 10; 17–19; 30–60; 65; and 68–71;
21. Deposition of Mary Stuart Sutton, September 14, 2021, pp. 8–20; 22–23; 32; and 35–39;
22. Email from Amy Moyer to “Matt and [J]ane,” December 5, 2019, 2:54 PM;
23. Developer’s Answers to Interrogatories, October 12, 2020, pp. 13–14;
24. Association’s Answers to Interrogatories, October 12, 2020, pp. 11–12;
25. Affidavit of Amy Moyer in Support of Developer’s Motion for Summary Judgment, October 12, 2020;
26. By-laws of Daniel Island Town Center Owners Association, Inc., and Declaration of Covenants, Conditions, and Restrictions for Daniel Island Town Center Zone, pp. 1–108;
27. Articles of Amendment to the Articles of Incorporation of Daniel Island Town Center Owners Association, Inc.;
28. Amended and Restated Declaration of Easements and Covenant to Share Costs for Daniel Island, pp. 7–8;
29. Title to Real Estate, Transferred From DIBS – SALES CENTER, L.L.C., to Daniel Island Town Center Owners Association.

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

December 14, 2022

Angeline M. Larrivee
S.C. Bar No. 105466
Angeline.larrivee@akimlawfirm.com
Lane Jefferies
SC Bar No. 101764
Lane@akimlawfirm.com
Roy T. Willey, IV
SC Bar No. 101010
Roy@akimlawfirm.com
Eric Poulin
SC Bar No. 100209

Eric@akimlawfirm.com
Anastopoulo Law Firm, LLC
32 Ann Street
Charleston, SC 29403
(843) 614-8888
CLD@akimlawfirm.com
Attorneys for Appellant

RECEIVED
Dec 14 2022
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Roger M. Young, Circuit Court Judge

Appellate Case No. 2022-001385
Berkeley County Case No. 2017-CP-08-02238

Matthew Zetz,

Appellant,

v.

Daniel Island Company, Inc.,

Respondent.

PROOF OF SERVICE

Pursuant to Rule 262(c), SCACR, I certify that I have served Appellant's Designation of Matter to be Included in the Record on Appeal on Respondent by Electronic Mail and U.S. Mail on December 14, 2022, addressed to Respondent's attorneys of record, Kenneth Michael Barfield and Diane Summers Clarke, II, of Barnwell Whaley Patterson & Helms, LLC, 211 King Street, Suite 300, P.O. Drawer H, Charleston, SC 29402.

s/ Angeline M. Larrivee
Angeline M. Larrivee
S.C. Bar No. 105466
Angeline.larrivee@akimlawfirm.com
Lane Jefferies
SC Bar No. 101764
Lane@akimlawfirm.com
Roy T. Willey, IV
SC Bar No. 101010
Roy@akimlawfirm.com
Eric Poulin

SC Bar No. 100209
Eric@akimlawfirm.com
Anastopoulo Law Firm, LLC
32 Ann Street
Charleston, SC 29403
(843) 614-8888
CLD@akimlawfirm.com

Attorneys for Appellant

Williamston, South Carolina

December 14, 2022

Other Counsel of Record:

Kenneth Michael Barfield
S.C. Bar No. 69400
E-Mail: mbarfield@barnwell-whaley.com
Diane Summers Clarke, II
S.C. Bar No. 74829
E-Mail: sclarke@barnwell-whaley.com
Barnwell Whaley Patterson & Helms, LLC
211 King Street, Suite 300
P.O. Drawer H
Charleston, S.C. 29402
(843) 577-7708

Attorneys for Respondent

TOLL FREE: 1(800) 313-2546
FACSIMILE: (843) 494-5536

POULIN | WILLEY ANASTOPOULO

AKIM A. ANASTOPOULO (SC)
ERIC M. POULIN (SC)(GA)(NC)(CA)
ROY T. WILLEY, IV (SC)(KY)

REPLY TO ANN STREET OFFICE
CLD@AKIMLAWFIRM.COM

Commercial Litigation Division

December 14, 2022

VIA U.S. MAIL and E-MAIL ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings
Clerk of Court, S.C. Court of Appeals
P.O Box 11629
Columbia, SC 29211

RE: *Matthew Zetz v. Daniel Island Community Foundation, et al.*
Case No.: 2022-001385

Dear Ms. Kitchings:

Attached for filing, please find Appellant's Initial Brief, Appellant's Designation of Matter to be Included in the Record on Appeal, and Proofs of Service for both the Brief and the Designation in the above-mentioned case.

Sincerely,

s/Angeline M. Larrivee

Cc: Kenneth M. Barfield, Esq. (via email and mail)
Diane Summers Clarke, II, Esq. (via email and mail)
Barnwell Whaley Patterson & Helms, LLC
211 King Street, Suite 300
P.O. Drawer H
Charleston, SC 29402

BLAKE G. ABBOTT (SC)(NC)
CONSTANCE ANASTOPOULO (SC)*
A. ELLIOTT HUGER BARROW, JR. (SC)*
HANNA K. BATHRICK (NC)
BRADLEY BURGESS (SC)
MATTHEW J. BURGESS (SC)
JOSHUA P. CANTWELL (SC)
CHASE H. COBLE (SC)
RALPH JAMES D'AGOSTINO III (DC)
JENNIFER S. DICKERSON (SC) (FL)
ERICA M. DOBRICH (SC)
PAUL DOOLITTLE (SC)
JACQUELINE A. DUFOUR (SC)
HERB F. GLASS (SC)(GA)
RENATE HOHMAN (SC)
LANE D. JEFFERIES (SC)
NIKIRA M. LAFRANCE (NC) (SC)
ANGELINE LARRIVEE (NJ) (SC)
RYAN A. LOVE (SC)(NC)
STEPHANIE L. MASCELLA (SC)
FREDRICK J. MOGAB (SC)(NE)
LAUREN E. MOORE (SC)
JESSICA S. NELSON (SC)
J.C. NICHOLSON (SC)
JULIA K. PIRILLO (WV)
REBECCA A. RAYNER (OH)(SC)
INDIA D. SHAW (SC)(DC)
ANDREW D. SMITH (SC)
JOSEPH E. THOENSEN (SC)
BRADLEY TINGER (SC)

*OF COUNSEL

RECEIVED
Dec 14 2022
SC Court of Appeals

MAILING: 32 Ann Street, Charleston, South Carolina 29403

Charleston, SC | North Charleston, SC | Columbia, SC | Florence, SC | Greenville, SC | Myrtle Beach, SC
Charlotte, NC | Lumberton, NC | Wilmington, NC (Appt. Only)