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Dec 29 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Honorable Marvin H. Dukes, III, Master In Equity and Special Circuit Court Judge

APPELLATE CASE NO.: 2022-000475

Coffin Point Plantation Homeowners Association, Inc.

Appellants,

vs.

The State of South Carolina, Estate of Charles H. Lyman, The St. Helena Company, Its Successors or Assigns, The Estate of J.D. Cameron a/k/a J. Donald Cameron, The Estate of J.E. McTeer, Wilma Clark, Jeanine Skok, Lawrence Casler, Dean Morrissey, Carol Morrissey, Ralph Netherland, Gloria Netherland, Special Trust of William B. Fahrner, Mark Heles, Beverly Heles, David Smith, Lynn Smith, LiLi, LLC, Revocable Living Trust of Thomas Walterhoefer, Ceclily Deegan McMillan, Steven Teets, Lucinda Teets, Beverly Boulware, Russell Waldon, Nicolette Waldon, David Shaffer, Delora Cook, Gerald Hartwig, Carol Hartwig, Paulette Brown, Benjamin Couch, Thomas S. Clark Family Living Trust, Euniceteen Diggs, Janet Kathleen Reynolds Trust, Slade Family Revocable Trust, David C. Strother, Andrew Seward, Ashley Heath Madilon, Arnold Hollis, Lillian Hollis, Jennifer Allen, Zia As Exchange Company, LLC, Qualified Intermediary for Barbara J. Bailey Limited Partnership, Travis Washington, Janet Embly, Trustee and Individually, William S. Embly, Trustee and Individually, Scott Simmons Omari Trust, Mary Hudson, Rachelle Carolynne Owens Revocable Trust, Gerald Hartwig, Carol Hartwig, Gerald L. Wayne, Vivian M. Wayne, Lorrie Gaskin Germann, Grant Martin Germann, Gregory J. Giardina, Melissa Basenburg, Mark M. Hazard, Micah L. Myers, Jennifer J. Myers, John Joseph Edwards, Nancy Jean Edwards, Preston Ventures, LLC, Donald Lunardini, Kristina Barbara Moore Lunaradini, Melissa Uhlman Revocable Trust and All Other Persons Known or Unknown Having Any Interest, Title, Estate or Interest In Or Lien Upon the Real Property Described in the

Complaint Herein Through the Above Defendants or Any Other Source Being Designated Collectively As John Doe and Mary Roe Including All Persons Who May Be Deceased, Minors, Persons in the Armed Forces of the United States of America, Insane or Incompetent Persons, and All Other Persons Under Any Other Disability Who Might Have or Claim to Have Any Right, Title or Interest in or Lien Upon the Real Property Described in the Complaint.

Respondents.

REVISED DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL

The Appellant hereby designates the following documents to be included in the Record on Appeal:

1. Summons and Complaint.
2. Order Appointing Guardian ad Litem.
3. Order for Service by Publication.
4. Consent Order of Reference.
5. State of South Carolina's Motion to Dismiss.
6. Motion to Dismiss filed by Scot F. Hersh.
7. Order Allowing Plaintiff to Amended Complaint.
8. Amended Summons and Complaint.
9. Answer of Scot F. Hersh to Amended Complaint.
10. Answer of the State of South Carolina to the Amended Complaint.
11. Answer of John B. Marlow and Veronica Elaine Marlow to Amended Complaint.
12. Answer of David Ross Striebinger and Jill C. Striebinger to Amended Complaint.
13. Answer of Anthony Roselle and Michelle R. Roselle to Amended Complaint.

14. Answer of Maureen Westmoreland Dodgen and Dudley Sanford Dodgen to Amended Complaint.

15. Answer of James Von Rossem and Laurie Van Rossem to Amended Complaint.

16. Answer of Charles Roplogle and Dianne Roplogle to Amended Complaint.

17. Answer of Frederick Lambert Urtz and Jill Urtz to Amended Complaint.

18. State of South Carolina Memorandum dated January 5, 2020.

19. Plaintiff's Memorandum dated January 10, 2020.

20. Order Granting Partial Summary Judgment dated February 2, 2022.

21. Plaintiff's Motion to Reconsider, Alter or Amend dated February 7, 2022.

22. Order Denying Plaintiff's Motion to Reconsider.

23. Deed and Land Grant from the State of South Carolina to Charles H. Lyman recorded in the Office the Sinking Fund of South Carolina in Vol. 91 at Page 58 of the South Carolina Archives for State Grants, and recorded by the Secretary of State in the Book of Public Grants for the State of South Carolina in Record Book 2 at Page 22, and also recorded in Deed Book 19 at Page 86 in the Office of the Register of Deeds for Beaufort County, South Carolina.

24. Plat for Deed and Land Grant from the State of South Carolina to Charles H. Lyman recorded in Book 2 of Public Land Plats at Page 22. This Plat is also filed with the South Carolina Department of Archives and History in its "Sinking Fund Miscellaneous Plats" at pages 289-99.

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

MOSS & KUHN, P.A.

By: 

H. Fred Kuhn, Jr.

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Beaufort, South Carolina
December 29, 2022

Attorneys for the Appellant

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Respondents.

CERTIFICATE OF SERVICE

The undersigned certifies that the **Revised Designation of Matter to be Included in Record on Appeal** to which this certificate is affixed, was served upon the parties to this action by depositing a copy of the same, enclosed in a first class, postpaid wrapper properly addressed to the following:

Alan Wilson, Attorney General
Robert D. Cook, Solicitor General
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Thomas S. Clark Family Living Trust
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Janet Embly Trustee and Individually
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Scott Simmons Omari Trust
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Rachelle Carolynne Owens Revocable Trust
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Grant M. Germann and Lorrie G. Germann
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Mark M. Hazard and Shelley L. Hazard
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Micah L. Meyers and Jennifer J. Meyers
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James J. Edwards and Nancy J. Edwards
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St. Helena Island, South Carolina 29920

Preston Ventures, LLC
1959 N. Peace Heaven Road #372
Winston-Salem, North Carolina 27106

Donald Lunardini and Kristina Lunardini
4 Saltwind Drive
St. Helena Island, South Carolina 29920

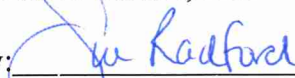
Melissa Uhlman Revocable Trust
81 Sea Pines Drive
St. Helena Island, South Carolina 29920

in a post office or official depository under the exclusive care and custody of the United States

Postal Service on December 29, 2022.

MOSS & KUHN, P.A.

By: _____


Sue Radford

MOSS & KUHN, P.A.
ATTORNEYS AT LAW

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The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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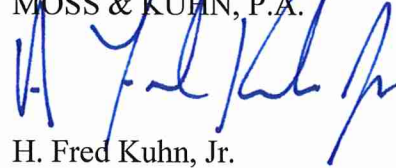
Dear Mrs. Kitchings:

Pursuant to this Court's Order dated December 20, 2022, enclosed please find the Appellant's Revised Initial Brief and Revised Designation of Matter to be Included in Record on Appeal.

With kindest regards, I am

Very truly yours,

MOSS & KUHN, P.A.



H. Fred Kuhn, Jr.

HFKjr:sr
Enclosure

cc: Alan Wilson, Attorney General
Robert D. Cook, Solicitor General
Mary D. Shahid, Esquire
Angelica M. Colwell, Esquire
Ralph V. Baldwin, Esquire
Scot F. Hersh
Wilma Clark
Lawrence Casler
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