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**Feb 02 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas

Appellate Case No. 2022-001041

Elizabeth A. Farmer..... Respondent,

v.

James Timothy Short..... Appellant.

**MOTION TO INCLUDE EXHIBITS IN RECORD ON APPEAL**

Pursuant to Rule 240, SCACR, Respondent moves to add and include the entire Transcript of Record dated August 25, 2021, including nineteen (19) Plaintiff's Exhibits and seven (7) Defendant's Exhibits. This Motion is made on the grounds that the Appellant's Designation of Matter to be included on the Record on Appeal filed and served on August 22, 2022, includes the "Transcript of Record dated August 25, 2021" as Paragraph 12 thereof, and the Respondent's Designation of Matter to be included in the Record on Appeal filed and served in September 14, 2022, includes the "Transcript of Record dated August 25, 2021" as Paragraph 12 thereof. The August 25, 2021 Transcript of Record prepared by Travis McLeod, Court Reporter, on September 20, 2021, includes the nineteen (19) Plaintiff's Exhibits and seven (7) Defendant's Exhibits as is manifest by the fact that the index of the August 25, 2021, Transcript of Record, attached to this Motion as Exhibit A, includes the said Exhibits together with the 302 pages of testimony. The Exhibits are as

much a part of the Transcript of Record dated August 25, 2021, as the record of testimony. The Respondent thought that by including the August 25, 2021, Transcript of Record in her Designation of Matter that the entire document would be included in the Record of Appeal, but the Record on Appeal as filed contains only a portion of the document.

As further grounds in support of this Motion, the case on appeal involves respective rights of the parties to a tract of land jointly owned by the Appellant and Respondent, and the deeds, plats and pictures contained in the Exhibits will aid the Court in understanding the lay of the land involved in this controversy. A picture is worth a thousand words, and the twenty-six (26) Exhibits contained in the Transcript of Record are not so numerous as to over burden the Court in its consideration of this appeal.

Respectfully submitted,



John W. Wells, SC Bar No.: 6019  
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# EXHIBIT A

## APPEARANCES

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Attorney for the Plaintiff

**Michael D. Wright, Esquire**  
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Camden, South Carolina 29020  
Attorney for the Defendant

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# EXHIBIT A

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**CREEL COURT REPORTING, INC.**

1230 Richland Street / Columbia, SC 29201

(803) 252-3445 / (800) 822-0896

# EXHIBIT A

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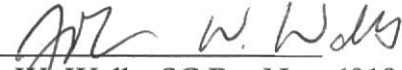
**PROOF OF SERVICE**

The undersigned certifies that, on February 2, 2023, a copy of the Motion to Include Exhibits in Record on Appeal, Proof of Service and Correspondence to Court of Appeals has been served upon counsel of record for the Appellant via electronic mail using the email addressed listed in the Attorney Information System as set forth below:

Michael D. Wright  
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Camden, SC 29021  
(803) 432-4391  
[mwright@thesavagefirm.com](mailto:mwright@thesavagefirm.com)

[Signature Page to Follow]

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John W. Wells", is written over a horizontal line.

John W. Wells, SC Bar No.: 6019

Attorney for Respondent

Baxley, Wells & Benson, P.A.

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**Jessica F. Clyburn**

---

**From:** Jessica F. Clyburn  
**Sent:** Thursday, February 02, 2023 2:26 PM  
**To:** Michael Wright  
**Cc:** John W. Wells  
**Subject:** Farmer v. Short Appellate Case No.: 2022-001041  
**Attachments:** 2023 Proof of Service.pdf; Kitchings Letter.pdf; Motion to Include Exhibits.pdf

Good Afternoon, Mr. Wright:

Attached, please find the Respondent's Motion to Include Exhibits in Record on Appeal, Letter to The Honorable Jenny Kitchings and Proof of Service for the above referenced case. Thanks.

Thanks,  
**Jessica Clyburn**  
Legal Secretary for John W. Wells  
**Baxley, Wells & Benson, P.A.**  
PO Box 10 | 3 The Common at Lugoff | Lugoff, SC 29078  
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**\*\*Please be advised that our office has a \$100 Consultation Fee Policy\*\***

**\*\*\*Our office hours on Fridays are 8:30 a. m. to 1:00 p. m.\*\*\***

**\*\*We cannot accept walk-in appointments at this time. Please call our office at 803.438.4200 to schedule an appointment if one is needed. \*\***

**\*\* PLEASE NOTE: If loan packages for real estate closings *are not* received within 24 hours prior to the scheduled closing date and time, the closing will be rescheduled, no exceptions!**

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CHARLES B. BAXLEY,  
OF COUNSEL  
REX K. PRATT  
(1929 – 1999)

February 2, 2023

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**SC Court of Appeals**

**VIA E-Filing to: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)**

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


Re: Elizabeth A. Farmer v. James Timothy Short  
Appellate Case No.: 2022-001041

Dear Mrs. Kitchings:

Attached is Respondent's Motion to Include Exhibits in Record on Appeal. The filing fee of Fifty and 00/100 (\$50.00) dollars is being sent to you today with a hard copy of this letter. Please file the Respondent's Motion and Proof of Service.

Very Truly Yours,

**BAXLEY, WELLS & BENSON, P.A.**



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S.C. Bar No.: 6019  
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Lugoff, SC 29078  
(803) 438-4200  
Attorney for Respondent

JWW/jc  
Enclosures as stated

cc: Michael D. Wright, Esquire (via Electronic Mail)