

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

MAR 14 2023
SC Court of Appeals

Debra R. McCaslin, Circuit Judge

Case No. 2022-001655

IN THE MATTER OF James Marshall Shoemaker, Jr.....Decedent,
James Marshall Shoemaker, III.....Appellant,
v.
Lesley R. Moore, Esq. as Personal Representative and Trustee, and Edward
Sloan Shoemaker and Jonathan Evans Shoemaker as Beneficiaries and as
Individuals.....Respondents.

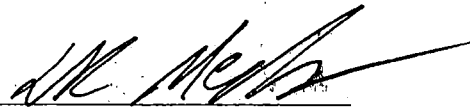
**APPELLANT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD
ON APPEAL**

COMES NOW APPELLANT, by and through his undersigned counsel, and submits his
Designation of Matter to Be Included in the Record on Appeal, pursuant to Rules 208 and 209,
SCACR, setting forth the documents to be included in the Record on Appeal as follows, all of
which are filed in the lower court under Case No. 2022-CP-23-00933

1. Appellant's Civil Summons and Petition For Formal Hearing in the Estate of James M. Shoemaker, Jr. filed June 27, 2019.
2. Respondents' Motion for Summary Judgment filed November 4, 2020.
3. Respondents' Memorandum in Support of Respondent's Motion for Summary Judgment and accompanying exhibits filed April 1, 2021.
4. Appellant's Response to Respondents' Motion for Summary Judgment filed April 12, 2021 with attached exhibit of Dr. Thomas Hughes, M.D.

5. Transcript of Hearing from the Probate Court, filed May 19, 2021, Judge Clayton Jennings presiding, on Respondent's Motion for Summary Judgment.
6. Order Granting Respondents' Motion for Summary Judgment dated June 15, 2021.
7. Amended Order Granting Summary Judgment to Respondents, dated December 15, 2021.
8. Appellant's Motion to Vacate Orders of Summary Judgment and Motion for recusal of Judge Jennings, filed October 1, 2021 accompanied by email dated September 16, 2021 also filed as Exhibit on October 1, 2021.
9. Order of Judge Jennings dated December 15, 2021.
10. Order of The Supreme Court of South Carolina, ordering that no Greenville Probate Judge would hear any further proceeding involving the present case and appointing Probate Judge Queen from Cherokee County appointed to hear all further matters proceeding to any matters associated with the disputed estate, dated February 1, 2022.
11. Appellant's Notice of Appeal to Circuit Court and Statement of Issues on Appeal dated January 7, 2022.
12. Transcript of Circuit Court appeal hearing from hearing dated September 8, 2022;
13. Order Affirming Summary Judgment in Favor of Respondents and dismissing Petitioner's Appeal of Circuit Judge Debra McCaslin dated October 27, 2022.

March 11, 2023



William R. McKibbin III
SC Bar No. 68454
601 E. McBee Ave, Ste. 204
Greenville, SC 29601
864.235.0071, 864.235.0072 (f)
will@legalcarolina.com
Attorney for Appellants

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

MAR 14 2023

SC Court of Appeals

Hon. Debra R. McCaslin, Circuit Judge

Case No. 2022-001655

IN THE MATTER OF James Marshall Shoemaker, Jr.....Decedent,

James Marshall Shoemaker, III.....Appellant,

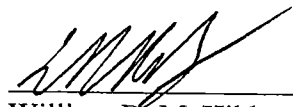
v.

Lesley R. Moore, Esq. as Personal Representative and Trustee, and Edward
Sloan Shoemaker and Jonathan Evans Shoemaker as Beneficiaries and as
Individuals.....Respondents.

CERTIFICATION

I hereby certify, pursuant to Rule 209(c), that the Designation of Matter to be Included in
the Record on Appeal contains no matter which is irrelevant to the appeal.

March 11, 2023



William R. McKibbon III
SC Bar No. 68454
601 E. McBee Ave, Ste. 204
Greenville, SC 29601
864.235.0071, 864.235.0072 (f)
will@legalcarolina.com
Attorney for Appellant

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

MAR 14 2023

SC Court of Appeals

Hon. Debra R. McCaslin, Circuit Judge

Case No. 2022-001655

IN THE MATTER OF James Marshall Shoemaker, Jr.....Decedent,

James Marshall Shoemaker, III.....Appellant,


v.

Lesley R. Moore, Esq. as Personal Representative and Trustee; and Edward
Sloan Shoemaker and Jonathan Evans Shoemaker as Beneficiaries and as
Individuals.....Respondents.

PROOF OF SERVICE

I hereby certify and offer proof of service that the Respondents were served Appellant's
**Certification, Designation of Matter to be Included in the Record on Appeal, and Initial
Brief** by USPO, FedEx, as well as email, pursuant to Rule 262, Rules of Appellate Practice, this
11th day of March, 2023 to the following attorney of record:

Knox Haynsworth
Brown Massey Evans McLeod and Haynsworth
106 Williams Street
Greenville, SC 29601
(864) 271-2474
knoxhaynsworth@bmcmlaw.com
Attorney for Respondents


William R. McKibbon III (Bar No. 68454)
601 E. McBee Ave, Ste. 204
Greenville, SC 29601
864.235.0071, 864.235.0072 (f)
will@legalcarolina.com
Attorney for Appellant

FedEx

Reusable

103
12:00
104
E

TO REUSE: Mark through all previous shipping labels and barcodes.

Align top of FedEx Express® shipping label here.

ORIGIN ID#L0KA (864) 787-2187
WILLIAM ROSSON RICKISSON III
322 HAPPTON AVE
GREENVILLE, SC 29601
UNITED STATES US

SHIP DATE: 13MAR23
ACTWT: 0.65 LB
CNO: 898266/SSFD02401
BILL CREDIT CARD

TO SOUTH CAROLINA COURT OF AOOEAK
ATTN: TYLER CLARK
1220 SENATE STREET

COLUMBIA SC 29207

0000 000-0000



FedEx
Express

E e

TRK (201) 3956 3060 1011 TUE - 14 MAR 12:00P
PRIORITY OVERNIGHT

XG USCA

29207
SC-US CAE



Align bottom of peel-and-stick airbill or pouch here.