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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM OCONEE COUNTY

Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Civil Action No.: 2009-CP-37-0652

Appellate Case No. 2022-001581

Paul W. Hund, III, Joan W. Davenport, Michael Furnari, Donna Furnari, Jessy B. Grasso, Nancy E. Grasso, Robert P. Hayes, Lucy H. Hayes, Ty Hix, Jennifer D. Hix, Ruth E. Isaac, Michael D. Plourde, Mary Lou Plourde, Carol C. Pope, Steven B. Taylor, Bette J. Taylor, Robert White, Stoneledge at Lake Keowee Owners' Association, Inc., Respondents

v.

IMK Development Co., LLC, Marick Home Builders, LLC, and Rick Thoennes, Defendants,

Of whom Marick Home Builders, LLC and Rick Thoennes are Appellants.

APPELLANTS' DESIGNATION OF MATTER

Appellants propose the following be included in the Record on Appeal:

1. Judgment Roll Number 2009-CP-37-0652, Form 4 Judgment, filed 11/8/2013.
2. Oconee County Tenth Judicial District Public Index regarding Civil Action No. 2009-CP-37-0652.
3. Motion for Entry of Judgment as to Bostic Brothers Construction, Inc., Marick Home Builders, LLC and Rick Thoennes, and exhibits, filed 4/27/2022.
 - a. Remittitur from SC Supreme Court dated 1/4/2022, Opinion No. 28070
 - b. Remittitur from SC Supreme Court dated 1/4/2022, Opinion No. 28071

4. Correspondence from Jason Imhoff, Esq., to the Honorable Lawton McIntosh including attachments, dated 5/2/2022
 - a. Settlement Agreement from 2016.
 - b. Release of Judgment Lien as to Rick Thoennes Only, filed 10/21/2016.
5. Oconee County Common Pleas Court Hearing Cover Sheet, filed 6/1/2022.
6. Order of Judgment as to Bostic Brothers Construction, Inc., Marick Home Builders, LLC; and Rick Thoennes, dated 6/2/2022.
7. Defendants Marick Home Builders, LLC and Rick Thoennes' Petition for Post Judgment Settlement, and exhibits, filed 6/10/2022.
 - a. Remittiturs from SC Supreme Court, Opinion Numbers 28070 and 28071.
 - b. Settlement Agreement from 2016.
 - c. Release of Judgment Lien as to Rick Thoennes Only, filed 10/21/2016.
 - d. Correspondence from The Honorable Lawton McIntosh to Jason Imhoff, Esq. and Robert Lyles, Esq., dated 1/10/2022.
8. Form 4 Order of Judgment as to Bostic Brothers Construction, Inc., Marick Home Builders, LLC and Rick Thoennes, filed 6/24/2022.
9. Plaintiff's Memorandum in Opposition to Defendants Marick Home Builders, LLC, and Rick Thoennes' Petition for Post-Judgment Settlement, filed 9/14/2022.
10. Form 4 Order regarding Defendants Marick Home Builders, LLC, and Rick Thoennes' Petition for Post-Judgment Settlement, filed 9/21/2022.
11. Defendants Marick Home Builders, LLC's and Rick Thoennes' Motion to Alter, Amend and/or Reconsider the Court's Order Denying their Petition for Post Judgment Settlement, filed 9/29/2022.
12. Form 4 Order regarding Defendants Marick Home Builders, LLC's and Rick Thoennes' Motion to Alter, Amend and/or Reconsider the Court's Order Denying their Petition for Post Judgment Settlement, filed 10/10/2022.
13. Transcript of Record of hearing upon Defendants Marick Home Builders, LLC, and Rick Thoennes' Petition for Post-Judgment Settlement, heard 9/16/2022.
14. Notice of Appeal, filed 11/8/2022.

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

Respectfully submitted,

By: s/ Stacey P. Canaday

Stacey P. Canaday (SC Bar No. 68805)

Erin D. Dean (SC Bar No. 65320)

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Attorneys for Appellants Marick Home Builders, LLC, and Rick Thoennes

April 6, 2023

Beaufort, South Carolina

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v.

IMK Development Co., LLC, Marick Home Builders, LLC, and Rick Thoennes, Defendants,

Of whom Marick Home Builders, LLC and Rick Thoennes are Appellants.

PROOF OF SERVICE

The undersigned, Stacey P. Canaday of Tupper Grimsley Dean & Canaday, PA, Attorney for Appellants **Marick Home Builders, LLC, and Rick Thoennes**, hereby avers that on the 6th day of April 2023, a true and accurate copy of this **Appellants' Designation of Matter** was served via electronic mail using the email addresses listed in the Attorney Information System as follows:

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By: s/ Stacey P. Canaday

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April 6, 2023

Beaufort, South Carolina