

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM NEWBERRY COUNTY  
Court of Common Pleas

Charles M. Watson Jr., Special Referee

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Appellate Case No.: 2023-001143

Case No.: 2022-CP-36-00326

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Lena Sue Yarborough .....Appellant,

v.

Joel F. Yarborough, III.....Respondent.

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

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Appellant Lena Sue Yarborough designates the following matter to be included in the Record on Appeal:

1. Notice of Appeal, dated July 13, 2023;
2. Special Referee’s Order on Denying Plaintiff’s Motion for Reconsideration, dated June 16, 2023;
3. Plaintiff’s Motion to Reconsider, Alter, or Amend, dated June 5, 2023;
4. Special Referee’s Order Granting Defendant’s Motion for Summary Judgment, dated May 25, 2023;
5. Defendant’s Motion for Summary Judgment, dated May 22, 2023;
6. Plaintiff’s Motion for Summary Judgment and Exhibits, dated May 22, 2023;

- a. Ex. A to Plaintiff's Motion for Summary Judgment: Deed 482-207 – Newberry Timber Tract, Grantor Bonnelle Yarborough, Joint Tenancy with Right of Survivorship, dated April 14, 1998;
- b. Ex. B to Plaintiff's Motion for Summary Judgment: Deed 826-249, *Smith v. Cutler*, 366 S.C. 546, 623 S.E.2d 644 (2005), Grantor Joanne Rucker, Jointly for Life with Remainder to Survivor, dated August 2000;
- c. Ex. C to Plaintiff's Motion for Summary Judgment: Deed 327-334 – Newberry Timber Tract, Grantor Ethel Graham, Jointly for Life with Remainder to Survivor, dated September 24, 1990;
- d. Ex. D to Plaintiff's Motion for Summary Judgment: Deed 2242-183 – Newberry Timber Tract, Grantor Bonnelle Yarborough, Life Estate with Remainder to Plaintiff, dated October 7, 2020;
- e. Ex. E to Plaintiff's Motion for Summary Judgment: Deed 2242-180 – 1807 Livingston, Grantor Bonnelle Yarborough, Life Estate with Remainder to Plaintiff, dated October 7, 2020;
- f. Ex. F to Plaintiff's Motion for Summary Judgment: Deed 576-221 – 1807 Livingston, Grantor Bonnelle Yarborough, Joint Tenants with Right of Survivorship and Not as Tenants in Common, dated December 17, 2001;
- g. Ex. G to Plaintiff's Motion for Summary Judgment: Deed 327-334 – 1807 Livingston, Grantor Ethel Graham, Jointly for Life with Remainder to Survivor, dated September 24, 1990;

- h. Ex. H to Plaintiff's Motion for Summary Judgment: Deed 1432-195 – Fairfield Timber Tract, Grantor Bonnelle Yarborough, Life Estate with Remainder to Plaintiff, dated October 7, 2020;
  - i. Ex. I to Plaintiff's Motion for Summary Judgment: Deed RJ-345 – Fairfield Timber Tract, Grantor Bonnelle Yarborough, Joint Tenants with Right of Survivorship and Not Tenants in Common, dated January 17, 2002;
  - j. Ex. J to Plaintiff's Motion for Summary Judgment: Fairfield Timber Tract, Court Orders and Deeds;
- 7. Special Referee's Order Granting Motion to Set Aside Default, dated April 25, 2023;
  - 8. Defendant's Amended Answer, dated May 1, 2023;
  - 9. Plaintiff's Summons and Complaint, including Lis Pendens dated August 19, 2022;
  - 10. Email from Respondent's Counsel, Charles Verner, regarding Proposed Ownership Interests, dated May 5, 2023.

Pursuant to Rule 209(c) of the South Carolina Appellate Court Rules, I certify that this designation does not contain any matter that is irrelevant to this appeal.

*[Signature on following page]*

Respectfully submitted,

s/ Beth B. Richardson

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Columbia, South Carolina  
September 11, 2023