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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
In The Court of Common Pleas for the Eighth Circuit

J. Mark Hayes, II, Circuit Court Judge

Appellate Case No. 2023-001162

Lisa Summer Rice and Joseph F. Rice.....Appellants

v.

Newberry Lions Club and C. Ray Amick.....Respondents

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

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Attorneys for Appellants Lisa Summer Rice
and Joseph F. Rice

Pursuant to Rule 209, SCACR, Appellants Lisa Summer Rice and Joseph F. Rice designate the following items for inclusion in the Record on Appeal:

ORDERS

1. Form 4 Order filed 9/2/22
2. Order Finding in Favor of Defendants Newberry Lions Club and C. Ray Amick on Multiple Claims (not ending action) dated 10/25/22
3. Form 4 Order dated 5/16/23
4. Order Denying Plaintiffs’ Motion for Reconsideration and to Alter or Amend dated 6/22/23

PLEADINGS

1. Fifth Amended Complaint dated 8/31/21
2. Second Amended Answer of Defendant C. Ray Amick to Fifth Amended Complaint dated 5/24/22
3. Answer of Defendant Newberry Lions Club to Fourth & Fifth Amended Complaint dated 5/26/22
4. Plaintiffs’ Motion for Reconsideration and to Alter or Amend dated 11/4/22

TRIAL TRANSCRIPT (May 31, 2022 – June 1, 2022)
(AND PORTIONS OF DEPOSITIONS PUBLISHED BUT NOT TRANSCRIBED INTO RECORD)

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Plaintiffs:

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(notating deposition transcript of Ladson Heath “Pete” Simpson)**

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(notating deposition transcript of Ladson Heath “Pete” Simpson)**

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(notating deposition transcript of Clyde Eugene Crocker)**

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Testimony of Claude H. Schumpert

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Excerpts Published from Deposition Transcript of C. Ray Amick taken on 6/17/20 in *Schumpert v. Newberry Lions Club, et. al* (Case No. 2019-CP-36-00496) – FOLLOWING NOTATIONS ARE TO DEPOSITION TRANSCRIPT:

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Testimony of Ladson Heath (“Pete”) Simpson

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Cross-Examination by Dixon:

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EXHIBITS

Plaintiffs’ Exhibits:

- 1 Newberry Lions Club Charter dated 12/15/1928
- 2 Newberry Lions Club Constitution and By-Laws (Amended February 2002)
- 3 Meeting Minutes of Newberry Lions Club Board of Directors (Year 2015)
- 4 Meeting Minutes of Newberry Lions Club Board of Directors (Year 2016)

- 5 Meeting Minutes of Newberry Lions Club Board of Directors (Year 2017)
- 5a Meeting Minutes of Newberry Lions Club Board of Directors (dated 5/23/2017)
- 5b Meeting Minutes of Newberry Lions Club Board of Directors (dated 11/28/17)
- 6 Letter from Lions Club Secretary Pete Simpson to Joe & Lisa Rice (undated) with attached plat
- 7 Letter from Lions Club Secretary Pete Simpson to Ray Amick
- 8 Plat
- 9 List of Adjacent Property Owners
- 10 Email from Gene Crocker to Pete Simpson dated 2/13/2017
- 12 Letter from Thad McCrackin to Gene Crocker dated 2/14/2017
- 13 Letter from Sid Boone to Pete Simpson dated 2/14/2017
- 14 Email from Claude Schumpert to Joe Rice dated 4/8/2017
- 15 Letter from Sid Boone to Pete Simpson and Gene Crocker dated 5/15/2017
- 16 Letter from James Verner to Sid Boone dated 6/5/2017
- 17 Letter from James Verner to Ray Amick dated 6/6/2017
- 18 Email from Claude Schumpert to Joe Rice dated 11/16/2017
- 19 Letter from Michael Scardato to Pete Simpson, Gene Crocker, and James Verner dated 11/21/2017
- 20 Title to Real Estate to McCracken (encroachment) dated 12/20/2017 (15 acres)
- 21 Newberry Lions Club Board Meeting Minutes for 1/23/2018
- 22 Letter from Gene Crocker to Ray Amick dated 1/23/2018
- 23 Contract of Sale
- 26 Summons and Complaint
- 27 Lis Pendens
- 28 Affidavit of Service
- 29 Title to Real Estate

- 30 Disclosure
- 32 Contract of Sale
- 34 Aerial Photo
- 35 GIS Aerial Photo of Ray Amick's Property
- 36 Plat (Book D99 at Page 6)
- 37 Email of Joe Rice to Claude Schumpert dated 4/8/2017
- 38 Email of Claude Schumpert to Joe Rice dated 6/2/2017
- 39 Email of Claude Schumpert to Joe Rice dated 6/9/2017
- 40 Email of Claude Schumpert to Joe Rice dated 11/16/2017
- 41 Letter of Pete Simpson to Claude Schumpert
- 43 Commonwealth Land Title Insurance Company Owner's Affidavit and Indemnity
- 44 Not Admitted, but marked for identification – Affidavit of Stephen Spitz dated 2/21/2019 (*by proffer*)
- 45 Not Admitted, but marked for identification – Supplemental Affidavit of Stephen Spitz dated 3/22/2019 (*by proffer*)
- 46 Power of Attorney from Joe Rice to Sidney Boone dated 8/17/2004

Defendant Amick's Exhibits:

- 1 Resolution dated 2/7/1933 (Lexington County Register of Deeds)
- 2 Email from Claude Schumpert to Joe Rice dated 2/15/18
- 3 Email from Lisa Lee Smith to Newberry Lions Club dated 2/20/18
- 5 HUD/Settlement Statement dated 2/21/28
- 6 Check payable to Newberry Lions Club by Smith & Sullivan, LLC dated 2/21/18
- 7 Seller Information/Certification Sheet of Smith & Sullivan dated 2/21/18

Court Exhibits:

- 1 Defendant's Timeline
- 2 Plaintiffs' Pretrial Brief

- 3 Plaintiffs' Timeline
- 4 Memo (of Plaintiffs)
- 5 Letter of Newberry Lions Club to Joe & Lisa Rice
- 6 Letter of Sid Boone to Pete Simpson dated 2/14/17

Pursuant to Rule 209, SCACR, I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully Submitted,

POPE PARKER JENKINS, P.A.

October 4, 2023

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