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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

Charles M. Watson Jr., Special Referee

Appellate Case No.: 2023-001143

Case No.: 2022-CP-36-00326

Lena Sue Yarborough Appellant,

v.

Joel F. Yarborough, III Respondent.

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

Respondent Joel F. Yarborough, III, 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;

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.

Respectfully submitted,

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October 11, 2023

Newberry, South Carolina