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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY
Court of Common Pleas

R. Ferrell Cothran, Jr., Circuit Court Judge

Appellate Case No. 2023-001087
Case Nos. 2018-CP-45-00258 and 2019-CP-45-00193

Bank of Newington, Appellant,

v.

LHSC, Inc., Williamsburg County Development Corporation, Viking Fire Protection, Inc. of the Southeast, and HBC, Inc., Defendants, of which Williamsburg County Development Corporation and HBC, Inc. are the Respondents,

AND

HBC, Inc., Cross-Claimant, Respondent,

v.

LHSC, Inc., Cross-Claim Defendant,

AND

HBC, Inc., 3rd Party Plaintiff, Respondent,

v.

Louis Hornick, II, and Blake Fickling, 3rd Party Defendants,

AND

Williamsburg County Development Corporation, Cross-Claimant, Respondent,

v.

LHSC, Inc., Cross-Claim Defendant,

AND

Williamsburg County Development Corporation, 3rd Party Plaintiff, Respondent,

v.

Louis Hornick, II, and Blake Fickling, 3rd Party Defendants.

**RESPONDENTS' DESIGNATION OF MATTER FOR THE RECORD ON APPEAL
FOR CROSS APPEAL FILED BY HBC**

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Fickling

The Bank of Newington proposes to include the following in the Record on Appeal:

1. Summons and Complaint in Mechanic's Lien Action
2. Answer by WCDC to Amended Summons and Complaint
3. Answer by HBC to Amended Summons and Complaint
4. Answer and Cross-Claim by LHSC and the Bank of Newington to the Amended Summons and Complaint
5. Reply to counterclaims by Viking
6. Amended Summons and Complaint by Viking
7. Answer to Amended Complaint by LHSC and the Bank of Newington
8. Answer and Counterclaim by HBC
9. Answer to Amended Complaint by HBC
10. Viking Reply to counterclaim
11. LHSC response to crossclaim
12. Motion for Summary Judgment by Viking with exhibits
13. Order granting Summary Judgment to Viking dated August 16, 2022
14. Judgment to Viking dated August 22, 2023
15. Transcript of Judgment dated August 22, 2023
16. Assignment of Judgment to the Bank of Newington dated December 21, 2022
17. Lis Pendens, Summons and Complaint in the Foreclosure Action
18. Answer by Viking
19. Answer by WCDC
20. Answer, Counterclaims, Crossclaims and Third Party Claims by HBC
21. Reply to HBC Answer by the Bank of Newington
22. Answer to Third-Party Complaint by Blake Fickling
23. WCDC answer to Crossclaim
24. HBC Motion to Compel dated January 18, 2020
25. The Bank of Newington and Fickling's Memorandum opposing motion to compel

26. Bank of Newington Motion to Compel dated June 5, 2020
27. Blake Fickling's Motion to Compel dated June 5, 2020
28. HBC Memo in Support of Motion to Compel
29. The Bank of Newington and Fickling's Memorandum supporting motion to compel with supplement
30. The Bank of Newington and Fickling's Memorandum opposing motion to compel
31. Order on motions to compel dated November 19, 2020
32. The Bank of Newington's and Fickling's Motion for Summary Judgment
33. The Bank of Newington's Motion for Various Relief
34. Foreclosure Decree with exhibits
35. HBC's Second Motion to Compel
36. HBC's Motion to Dismiss
37. Notice of Sale
38. The Bank of Newington's and Fickling's memorandum supporting their motions and opposing HBC motions
39. Report on Sale
40. Motion to Enforce Decree
41. Order denying HBC's Motion to Compel dated June 29, 2022
42. Order Enforcing Decree dated June 29, 2022
43. HBC's Motion to Reconsider order
44. Order on the Bank of Newington's Motion for Various Relief and Summary Judgment and on HBC's Motion to Dismiss dated August 18, 2023
45. Order on HBC's Motion to Reconsider dated September 22, 2022
46. WCDC's Motion to Amend its Answer
47. Viking's Motion to Amend its Answer
48. Order granting motions to amend
49. WCDC's Amended Answer, Counterclaims and Third Party Claims
50. The Bank of Newington's Reply
51. Fickling's Answer

52. The Bank of Newington's Pretrial Brief, Supplemental and Second Supplemental
53. Order dated March 13, 2023
54. The Bank of Newington's Motion to Stay
55. Order on Motion to Stay
56. The Bank of Newington's Motion to Amend
57. WCDC and HBC Response to Motion
58. Amended Order dated June 2, 2023
59. WCDC's Motion to Amend pursuant to Rules 59 and 60
60. The Bank of Newington's Response in Opposition
61. The Bank of Newington's Notice of Appeal
62. Order on Motion to Amend and Motion to Stay dated July 25, 2023
63. HBC's Notice of Appeal
64. WCDC's Notice of Appeal
65. The Bank of Newington's Motion to Enforce Order
66. HBC motion to alter or amend
67. Email from Judge Cothran outlining decision on motion dated August 16, 2023
68. Trial Transcript Volumes I-III
69. Transcript of May 12, 2023, Hearing
70. Transcript of June 29, 2023, Hearing
71. Plaintiff's Notice of Deposition Excerpts for Viking30(b)(6) Deposition
72. Plaintiff's Notice of Deposition Excerpts for Jim Moore
73. Plaintiff's Trial Exhibits
 6. USDA commitment and guarantee
 7. Loan Package
 8. Control Account Statements
 9. Assignment of construction contract and timeline
 10. SA Bid

11. HBC Agreement
12. 4262017 email regarding utc county grant
13. Viking Proposal 12262016
15. Pay App 3 42017
17. Pay App September
18. WC Inspection Report 1192017
19. HBC rep re co to partner 111517
 - a. Certificate of Conditional Occupancy Insufficient
20. December Partner Report
22. Email December 2017 no lien release
26. Viking Invoices (bates 128-141)
27. Transcript of Judgement against HBC with assignment
29. Fully Executed Settlement Agm
30. Permit Documents from Williamsburg
32. Viking mech lien filed
34. HBC amended mech lien 722018
35. HBC - 00141 to 00156
36. DSI Invoice
37. Email chain with Burgess confirming receipt of 103k
38. DSI LHSC agreement
43. 426017 email regarding utc county grant
47. Jeff Hudson proof of payment and releases to grant folks 72017
 - a. Email from Moore saying must have lien releases to pay grant money
51. Email from Tripp asking about grant money 22017
52. WCDC 2nd mtg loan docs
53. Second mtg recorded with title policy
54. Tomlinson and Moore Emails lien threatened
55. 1312018 email from Moore 2nd lien behind bank

56. DISTRIBUTION OF LOAN FUNDS
57. Document Production Disbursements
58. Patent Application
59. ALBANI PURCHASE ORDER – ALBANI
60. SWATCH BOOKS PURCHASE ORDER – SWATCH BOOKS
74. Affidavit of Attorneys' Fees for the Bank of Newington
75. Signed Escrow Instructions
76. Emails sent to Judge Cothran at his request regarding Escrow disbursement

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

s/ Walker H. Willcox
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