

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

---

Case No. 2005-CP-10-4101

**Appellate Case No.: 2012-212136**

---

The Milton P. Demetre Family Limited Partnership.....Appellant,

v.

Harry Beckmann, III, Patricia P. Beckmann, Annie Ruth Hilton Crowley,  
Raymond Moody Crowley, Donald William Crowley, Harris L. Crowley, Jr.,  
and Annie Ruth Crowley Atkinson.....Respondents.

---

**RETURN TO APPELLANT'S MOTION  
TO ACCEPT THE RECORD ON APPEAL AS FILED**

---

Jefferson D. Griffith, III  
Richard L. Whitt  
Austin & Rogers, P.A.  
508 Hampton Street, Suite 300  
Columbia, South Carolina 29211  
*Attorneys for Respondents*

**RECEIVED**  
JUL 25 2013  
**SC Court of Appeals**

ORIGINAL

**OTHER COUNSEL OF RECORD:**

John Hughes Cooper, Esquire  
John Hughes Cooper, P.C.  
1476 Ben Sawyer Blvd., Suite 7  
Mt. Pleasant, South Carolina 29464  
*Attorney for Appellant*

Cain Denny, Esquire  
Cain Denny, P.A.  
Post Office Box 1205  
Charleston, South Carolina 29402  
*Attorney for Appellant*

## INTRODUCTION

Appellant's counsel has recently filed four Motions with this Court, three of which are currently pending. Respondents currently have one Motion pending with this Court. Respondents' counsel is filing three Returns to Appellant's counsel's three pending Motions, on even date.

Counsel for Appellant filed and served "Appellant's Motion to Accept the Record on Appeal as Filed", with this Court dated, July 19, 2013. Procedurally, the filing of this Motion does not seem logical, giving the pendency of Appellant's counsel's three Motions and Respondents' counsel's one Motion. Respondents' Return to Appellant's Motion follows:

## RETURN

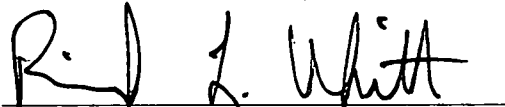
1. Respondents oppose the relief sought in, “Appellant’s Motion to Accept the Record on Appeal as Filed”.
2. If this Court granted Appellant’s Motion that would vitiate Respondents’ pending “Motion to Compel Inclusion of Material Omitted From Record on Appeal”, without that Motion being heard on its merits.
3. Appellant’s counsel makes a confusing reference to the mechanical composition of the Record on Appeal as a ground, for its Motion. Obviously, Appellant’s Motion was designed to reach the result described in paragraph “2” hereinabove.
4. However, from a practical standpoint, this Court’s granting of “Appellant’s Motion to Accept the Record on Appeal as Filed” would defeat Respondents’ pending Motion, referenced hereinabove. In that, if this Court accepted the Record on Appeal as previously filed by Appellant’s counsel as Appellant’s counsel requests, the “1786 Plat” that Respondents’ counsel designated to be included into the Record on Appeal would be omitted, because the “1786 Plat” was not part of the Record on Appeal as filed.

**CONCLUSION**

Based on the foregoing, "Appellant's Motion to Accept the Record on Appeal as Filed", is unnecessary and the relief sought therein, should be denied. After this Court rules on Respondents' pending Motion to include the "1786 Plat" into the Record on Appeal, this issue will be decided. In other words, if this Court does not allow the inclusion of the "1786 Plat", the Record on Appeal as filed will be accepted by this Court, without any action by Appellant's counsel.

Respectfully Submitted,  
**AUSTIN & ROGERS, P.A.**

By:



Richard L. Whitt,  
S.C. Bar No.: 62895  
Jefferson D. Griffith, III,  
S.C. Bar No.: 2299  
508 Hampton Street, Suite 300  
P.O. Box 15907  
Columbia, South Carolina 29211  
Phone: (803) 256-4000  
Fax: (803) 252-3679  
*Attorneys for Respondents*

July 25, 2013  
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2005-CP-10-4101

Appellate Case No.: 2012-212136

RECEIVED

JUL 25 2013

SC Court of Appeals

The Milton P. Demetre Family Limited Partnership.....Appellant,

v.

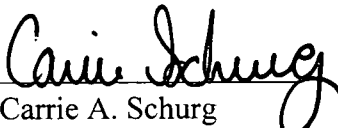
Harry Beckmann, III, Patricia P. Beckmann, Annie Ruth Hilton Crowley,  
Raymond Moody Crowley, Donald William Crowley, Harris L. Crowley, Jr.,  
and Annie Ruth Crowley Atkinson.....Respondents.

**PROOF OF SERVICE**

I, Carrie A. Schurg, an employee of Austin & Rogers, P.A., certify that I have caused copies of Respondents' (i) Return to Appellant's Motion to File and Serve Supplemental Return of Appellant to Respondents' Motion to Compel Inclusion of Material Omitted from Record on Appeal (ii) Return to Appellant's Motion to Accept the Record on Appeal as Filed (iii) Return to Appellant's Motion to Extend the Time to Comply with this Court's June 19, 2013 Order Pending Resolution of Appellant's Motion to Accept the Record on Appeal as Filed and (iv) Proof of Service to be served, via U.S. Mail on July 25, 2013, as addressed below.

John Hughes Cooper, Esquire  
John Hughes Cooper, P.C.  
1476 Ben Sawyer Blvd., Suite 7  
Mt. Pleasant, South Carolina 29482

Cain Denny, Esquire  
Cain Denny, P.A.  
Post Office Box 1205  
Charleston, South Carolina 29402

  
Carrie A. Schurg

July 25, 2013

ORIGINAL