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**Jan 23 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY  
Court of Common Pleas, 3<sup>RD</sup> Circuit

R. Ferrell Cothran, Jr., Circuit Court Judge

COMMON PLEAS CASE NOS.: 2018-CP-45-00258 and 2019-CP-45-00193

Appellate Case No. 2023-001087

Bank of Newington, Appellant-Respondent,

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-Appellants,

AND

HBC, Inc., Cross-Claimant, Respondent-Appellant,

v.

LHSC, Inc., Cross-Claim Defendant,

AND

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

v.

Louis Hornick, II, Bank of Newington, and Blake Fickling,  
3rd Party Defendants,

AND

Williamsburg County Development Corporation, Cross- Claimant, Respondent-

Appellant,

v.

LHSC, Inc., Cross-Claim Defendant,

AND

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

v.

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

Wesley D. Few (S.C. Bar # 15565)  
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**Attorney for Respondent-Appellant HBC, Inc.**

January 23, 2024

Greenville, South Carolina

**RESPONDENT-APPELLANT HBC INC.'S DESIGNATION OF  
MATTER TO BE INCLUDED ON THE RECORD OF APPEAL**

Respondent-Appellant HBC Inc. designate the following documents to be included in the  
Record on Appeal:

- 1) 2022-08-17 FILED Order Granting Viking SJ v HBC;
- 2) 2022-08-22 FILED Transcript of Judgment Viking v HBC - 257,538;
- 3) 2022-11-21 FILED WCDC proposed Amended Ans and CC v BON;

- 4) 2022-12-02 FILED Viking Motion to Amend add CC v BON;
- 5) 2022-03-10 FILED Foreclosure Decree;
- 6) 2022-07-07 FILED HBC Rule 59 Motion re Discovery from BON;
- 7) 2022-12-21 FILED Notice of Assignment of Judgment - WMSBG CTY;
- 8) 2022-12-02 FILED Viking proposed Amended Answer and CC v BON;
- 9) 2023-02-07 Judge Cothran Email Instructions - Bank of Newington v. LHSC, Inc. et al, 2019CP4500193;
- 10) 2023-01-30 HBC Post-Trial Memo to Judge Cothran re Damages;
- 11) 2023-03-13 FILED Order - Prioritize Liens, Disb of Funds 2019-Cp-45-00193;
- 12) 2023-01-17 FILED HBC Offer of Settlement 262,496.50;
- 13) 2023-03-22 FILED BON Motion for New Trial and to Reconsider;
- 14) 2023-06-12 FILED WCDC Rule 59;
- 15) 2023-06-02 FILED Amended Order;
- 16) 2023-06-29 FILED BON Notice of Appeal 3-13 and 6-2-23 orders;
- 17) 2023-07-25 FILED Order Denying WCDC Rule 59 and Bank Stay;
- 18) 2023-08-02 FILED HBC Rule 59 re July 25 2023 order;
- 19) 2023-07-26 FILED HBC Notice of Cross Appeal;
- 20) BON Trial Exhibit 9, Assignment of Construction Contract (LHSC\_0351 to 0353) ;
- 21) HBC Trial Ex. 1 – USDA Conditional Commitment, BON\_467b to 479;
- 22) HBC Trial Ex. 2 – AIA Contract w LHSC, Feb. 2, 2017;
- 23) HBC Trial Ex. 3 – BON Loan Disbursement Records, 11 pages;
- 24) HBC Trial Ex. 4, 2017-03-08, BON\_0007 to 0131 - Coastal Settlement Statements;
- 25) HBC Trial Ex. 5, 2017-03-08, Coastal Securities Confirm Wire, BON\_005673;

- 26) HBC Trial Ex. 6, 2017-03-06, BON contract w USDA Facilitator, 1 page;
- 27) HBC Trial Ex. 7 - BON 480 to 482 BON Loan Disbursements;
- 28) HBC Trial Ex. 8, 2017-03-12, LHSC 91786 Control Acc't Statements (80 pages);
- 29) HBC Trial Ex. 9, March 2017 LHSC 91786 Control Acc't Statement (3 pages);
- 30) HBC Trial Ex. 10 - Ex\_33\_Disbursements for 30(b)(6), rec'd 12-1-2022;
- 31) HBC Trial Ex. 10A, BON disbursements after 2017-12-07 to Capital & Contingencies, and Inventory, totaling \$401,841.12;
- 32) HBC Trial Ex. 11, BON revenue / profits \$509,485.22 from USDA Loan;
- 33) HBC Trial Ex. 12, 2017-03-02, email to Fickling, wire / Check fr closing (3 pages);
- 34) HBC Trial Ex. 14, 2017-12-22, Partner Report, BON\_937 to 972;
- 35) HBC Trial Ex. 15, 2017-12-08, Fickling Hornick, Viking Discount, BON\_929 to 933;
- 36) HBC Trial Ex. 16, 2017-12-14, Fickling to Hornick, Final Payment, BON\_934 to 936;
- 37) HBC Trial Ex. 17, LHSC and BON Privilege Logs, 6 pages;
- 38) HBC Trial Ex. 18, 2018-03-27, Blake Fickling - proposed LTR for Jeff to fwd to Viking, LHSC-0088 to 0089;
- 39) HBC Trial Ex. 19, 2018-03-27, HBC email resp. to Fickling, LHSC-0086 to 87;
- 40) HBC Trial Ex. 20, 2017-03-02, equipment invoice emails, \$603,787 wire to LHSC;
- 41) HBC Trial Ex. 21, 2017-11-15, partial C.O., need equipment, 1 page;
- 42) HBC Trial Ex. 22, 2017-12-01, Fickling to USDA (equipment) BON\_3379 to 3380;
- 43) HBC Trial Ex. 23, HBC counsel, Aff. Attorneys Fees, Costs, Jan. 22, 2023, 6 pages;
- 44) HBC Trial Ex. 24, 2018-04-30, BON to USDA, LHSC Sales, BON\_5592 to 5594;
- 45) HBC Trial Ex. 25, 2017-01-27, BON email, \$300,000 profit, BON\_1213 to 1214;

- 46) HBC Trial Ex. 26, Feb. 20, 2017, BON to USDA
- 47) HBC Trial Ex. 27, Mar. 1, 2017, USDA to BON, 200k Contingencies and Reserves;
- 48) HBC Trial Ex. 28, Mar. 1, 2017, BON to USDA re Capital & Contingencies;
- 49) HBC Trial Ex. 29, June 8, 2017, change order for sprinklers, signed by Hornick;
- 50) HBC Trial Ex. 30, July 17, 2017, Hornick signs to authorize payment to HBC;
- 51) HBC Trial Ex. 31, July 27, 2017 WCDC to BON, \$350,000.00 grant funds, 1 page;
- 52) HBC Trial Ex. 32, Nov. 21, 2017, Hornick alleges HBC breach, 4 pages (redacted);
- 53) HBC Trial Ex. 33, Nov. 27, 2017, Hornick email re: sue Viking;
- 54) HBC Trial Ex. 34, HBC Pay App No. 8, Nov. 28, 2017;
- 55) HBC Trial Ex. 35, HBC Kingstree Payments Report, \$1,347,300.00, 1 page;
- 56) HBC Trial Ex. 36, Banknet, net worth / assets of BON, 3 pages;
- 57) HBC Trial Ex. 37, 2020-02-17, equipment mfr. emails to BON, 2 pages;
- 58) HBC Trial Ex. 38, April 9, 2018, dumpster removal email, 1 page;
- 59) HBC Trial Ex. 39, May 4, 2018, HBC Mechanics Lien Notice, filed June 6, 2018;
- 60) HBC Trial Ex. 40, HBC Amended Mechanics Lien Notice, filed July 2, 2018;
- 61) HBC Trial Ex. 41, June 8, 2018, service letter to LHSC;
- 62) HBC Trial Ex. 42, 2017-12-13, Viking discount negotiations, 3 pages (redacted);
- 63) HBC Trial Ex. 43, 2017-12-04 USDA Category Track Spreadsheet, LHSC-0452;
- 64) Aug. 8-9, 2023, Escrow Acct. Disbursement Instructions, 6 pages;
- 65) SCRCPF04C – Form 4 Judgment in a Civil Case

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

**[signature on next page]**

Respectfully submitted,

/s/ Wesley D. Few

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