

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.: 2024-000162

Related Appellate Case No.: 2023-001143

Lower Case No.: 2022-CP-36-00326

---

Lena Sue Yarborough .....Appellant,

v.

Joel F. Yarborough, III.....Respondent.

---

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

---

Appellant Lena Sue Yarborough designates the following matter to be included in the Record on Appeal:

1. Notice of Appeal, dated February 5, 2024;
  - a. Exhibit A to Notice of Appeal – Partition Order, dated January 9, 2024;
  - b. Exhibit B to Notice of Appeal – Order Denying Plaintiff’s Motion for Reconsideration, dated February 2, 2024;
2. Plaintiff’s Motion to Reconsider, Alter, or Amend, dated January 19, 2024;
  - a. Exhibit A to Plaintiff’s Motion to Reconsider – Email from B. Richardson, dated September 8, 2023;

- b. Exhibit B to Plaintiff's Motion to Reconsider – Email from C. Verner, dated August 9, 2023;
  - c. Exhibit C to Plaintiff's Motion to Reconsider – Email string between all counsel and Special Referee, dated September 12 through December 9, 2023;
3. Defendant's Witness List, dated August 31, 2023;
  4. Plaintiff's Witness and Exhibit List, dated August 28, 2023;
  5. Scheduling Order, dated August 24, 2023;
  6. Order Granting Defendant's Motion for Summary Judgment, dated May 25, 2023;
  7. Defendant's Motion for Summary Judgment, dated May 22, 2023;
  8. Plaintiff's Motion for Summary Judgment and Exhibits, dated May 22, 2023;
  9. Order Granting Motion to Set Aside Default, dated April 25, 2023;
  10. Order Granting Entry of Default, dated October 13, 2022;
  11. Defendant's Amended Answer, dated May 1, 2023;
  12. Plaintiff's Summons and Complaint, including Lis Pendens dated August 19, 2022;
  13. Trial Transcript, dated Sept. 7, 2023, at pp. 1–164; 195–229; 240–288;
  14. Closing Argument Trial Transcript, dated Sept. 11, 2023, at pp. 1–29;
  15. Closing Argument PowerPoint, dated Sept. 11, 2023;
  16. Plaintiff's Exhibit 17 – CV of Expert Benjamin Royer;
  17. Plaintiff's Exhibit 18 – Appraisal of Fairfield Tract, dated July 26, 2022;
  18. Plaintiff's Exhibit 19 – Subdivision Plan of Fairfield Tract, dated November 2022;
  19. Plaintiff's Exhibit 20 – Soil Ratings Fairfield Tract A, dated August 14, 2023;
  20. Plaintiff's Exhibit 21 – Soil Ratings Fairfield Tract B, dated August 14, 2023;

21. Plaintiff's Exhibit 22 – Timber Inventory Fairfield Tract, dated July 2023;
22. Plaintiff's Exhibit 23 – Fairfield Tract Streams, Drainages, and Topography Maps;  
and
23. Email String between Counsel and Special Referee with Attachment, dated October 26, 2023.

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,

*s/Beth B. Richardson*

Beth B. Richardson (SC Bar No. 69552)

[brichardson@robinsongray.com](mailto:brichardson@robinsongray.com)

Sarah C. Frierson (SC Bar No. 104643)

[sfrierson@robinsongray.com](mailto:sfrierson@robinsongray.com)

ROBINSON GRAY STEPP & LAFFITTE, LLC

Post Office Box 11449

Columbia, South Carolina 29211

(803) 929-1400 Telephone

(803) 929-0300 Fax

***Counsel for Appellant Lena Sue Yarborough***

Columbia, South Carolina  
March 5, 2024