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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Mikell R. Scarborough, Master in Equity Charleston County

Case No. 2017-CP-10-5427
Appellate Case No. 2021-000793

Family Services, Inc., as Conservator for Muriel W. Clarkin.....Respondent,

v.

Patricia Clarkin Smith and Wells Fargo Bank, NA., Defendants,
Of whom Patricia Clarkin Smith is the Appellant.

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

Pursuant to Rule 209, SCACR, Respondent, Family Services, Inc. as Conservator for Muriel W. Clarkin hereby designates the following material for inclusion in the record on appeal. Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to the appeal.

ORDERS

1. Consent Order Relieving and Substituting Counsel for Appellant, filed May 23, 2019;
2. Order Disqualifying Counsel for Appellant, filed October 10, 2019;
3. Order Referring the Matter to the Master in Equity February 12, 2020;
4. Order Granting Respondent’s Motion for Summary Judgment, filed June 21, 2021;

MOTIONS

5. Respondent's Motion to Compel Discovery Including all Exhibits, filed May 1, 2018;
6. Appellant's Counsel's Motion to be Relieved as Counsel, filed April 4, 2019;
7. Respondent's Motion to Enforce Settlement including all Exhibits, filed July 10, 2019;
8. Appellant's Motion for Continuance, filed November 27, 2019;
9. Appellant's Motion for Continuance, filed January 27, 2020;
10. Respondent's Motion to Refer the Matter to the Master in Equity, filed February 11, 2020;
11. Appellant's Motion for Continuance, filed February 18, 2020;
12. Respondent's Motion for Summary Judgment including all Exhibits, filed October 6, 2020;
 - a) Exhibit A: Deposition Transcript of Appellant, July 24, 2018, 233 pages;
 - b) Exhibit B: Excerpts of Text Messages between Appellant and Kennedy, 17 pages;
 - c) Exhibit C: Email, 1 page
 - d) Exhibit D: Deed 7/30/13, 4 pages
 - e) Exhibit E: Copy of a Check of Appellant 8/2/13, 1 page
 - f) Exhibit F: Deed 11/17/14, 5 pages
 - g) Exhibit G: Appellant's Answer to Interrogatories 6/19/18, 9 pages
 - h) Exhibit H: Correspondence Excerpts, 7 pages
 - i) Exhibit I: Deed 3/31/16, 4 pages

PLEADINGS

13. Summons and Complaint, filed October 20, 2017;
14. Appellant's Answer, filed November 28, 2017;
15. Amended Complaint, filed December 4, 2017;

TRANSCRIPTS

16. Transcript for the Hearing on Respondent's Motion for Summary Judgment, May 11, 2021;

OTHER EVIDENCE

17. Appellant's Letter to Judge Young, filed November 1, 2019;
18. Affidavit of Kelley Evans in Support of Motion to Enforce Settlement, filed August 13, 2019;

19. Notice of Appearance of New Counsel for Appellant, June 30, 2019;
20. Notice of Hearing and Respondent's Certificate of Service, filed December 24, 2020;
21. Notice of Hearing and Respondent's Certificate of Service, filed April 16, 2021;
22. Certificate of Service for Proposed Order Granting Summary Judgment, filed June 10, 2021;
23. Affidavit of Kelly Evans, filed June 10, 2021;
24. Email 5/10/21 5:20 p.m. from Respondent's Counsel to the Master's Office and Appellant containing a pdf copy of certified official records of the Probate Matter (2014-GC-10-0209), 50 pages including the court exemplification dated 8/15/19;
25. Copy of the Probate Matter Records a hard copy of which was provided to the Master on May 11, 2021, during the hearing on May 11, 2021, and an electronic copy of which was emailed to the Master's Office and Appellant on May 10, 2021; 50 pages including the court exemplification dated 8/15/19;
26. Email 4/1/21 11:40 AM from the Master's Office to Respondent's Counsel and Appellant informing the parties a hearing on the Motion for Summary Judgment would be held Tuesday May 11, 2021, at 12pm.
27. Email 4/16/21 10:29 AM from Respondent's Counsel to the Master's Office and Appellant, attaching a courtesy copy of the Notice of Hearing 5/11/21 Respondent Mailed to Appellant on April 16, 2021.
28. Email 5/7/21 5:07 PM from Appellant to Master's Office and Respondent's Counsel requesting a continuance of the Motion Hearing Scheduled for 5/11/21.
29. Email 5/10/21 12:09 PM from the Master's Office to Appellant and Respondent's Counsel, informing the Appellant the hearing will proceed forward as scheduled and Appellant is welcome to appear by either Web-Ex or in person, but there is no requirement for her to appear.
30. Charleston County Circuit Court Case Details Public Index for Case Number 2017-CP-10-05427, available online at:
<https://jcmsweb.charlestoncounty.org/PublicIndex/CaseDetails.aspx?CourtAgency=10002&Casenum=2017CP1005427&CaseType=V&HKey=10978122121102748772501167054100748371721038155907711310812148471021115110673113115705274117738298113119&Org=AC>

March 6, 2024.

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