

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

The Honorable John C. Hayes, III, Circuit Court Judge

Consolidated Appellate Case No. 2012-213730
Civil Action No. 2010-CP-46-02326

Juontonio Pinckney, Trustee of the Pinckney Living Trust; Josephine Sciacca; Addie Smith; James and Deborah Barone; Gerry and Thomas Arcoria; Ismael and Valerie Gonzales; Vincent Longobardo; Joe and Sandra Moore; Barbara Musgrave; Allen and Edith Vesting; Thea-Eve Vicari; and Troy and Nancy Williams Appellants,

v.

Epcon Communities, Inc.; Epcon Communities Franchising, Inc.; Brock L. Fankhauser; Fankhauser Property Group, Inc.; Stonecrest Villas of Tega Cay, LLC; and Stonecrest Villas of Tega Cay Home Owners Association, Inc., Respondents.

RESPONDENT STONECREST VILLAS OF TEGA CAY CONDOMINIUM OWNERS ASSOCIATION, INC.'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Stonecrest Villas of Tega Cay Condominium Owners Associations, Inc. proposes that the following be included in the record on appeal:

1. Consent Order to Amend Consolidated Complaint Joining Plaintiff Parties and Adding Party Defendant (Epcon Communities), dated September 24, 2010.
2. Order Denying COA Judgment on Pleadings and Incorporating Pulliam v MUI Carolina Corp. Order of Case 2008-CP-46-2158, dated August 27, 2012.

RECEIVED

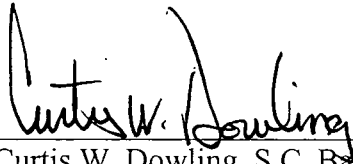
AUG 12 2013

SC Court of Appeals

3. Order Re: Denial of Plaintiff's Motion for Summary Judgment Against Stonecrest Villas of Tega Cay Home Owners Association, Inc., entered October 15, 2012.
4. Order Granting Stonecrest Villas of Tega Cay Owners' Association, Inc.'s Motion for Partial Summary Judgment and Approval for Settlement as to Exterior Damages or in the Alternative Motion for Dismissal Pursuant to Rule 41(a)(2) South Carolina Rules of Civil Procedure (Motion signed October 12, 2012), dated and entered January 23, 2013.
5. Order dated February 22, 2013 and entered February 27, 2013.
6. Order Re: Defendants Brock L. Fankhauser, Fankhauser Property Group, Inc., and Stonecrest Villas of Tega Cay, LLC's Motion for Summary Judgment, entered March 8, 2013.
7. Order Granting Defendant Stonecrest Villas of Tega Cay Condominium Owners Association, Inc.'s Motion for Summary Judgment as to Plaintiffs' Claims, dated April 5, 2013 and entered April 10, 2013.
8. Order of Substitution as to Pinckney and Musgrave Plaintiffs, entered April 10, 2013.
9. Complaint filed June 2, 2010.
10. Amended Consolidated Complaint dated October 13, 2010.
11. Defendants Brock L. Fankhauser and Fankhauser Property Group, Inc.'s Answer to Plaintiff's Second Amended Complaint, Defendant Brock L. Fankhauser's Cross-Claim Against Defendant Stonecrest Villas of Tega Cay COA and Defendant/Third Party Plaintiff Fankhauser Property Group Inc.'s Third Party Complaint, filed August 16, 2011.
12. Amended Complaint filed September 16, 2011.
13. Answer, Cross-Claim and Third Party Complaint of Defendant Stonecrest Villas of Tega Cay Homeowners Association, Inc. filed August 6, 2010.
14. Answer, Cross-Claim and Third Party Complaint of Defendant Stonecrest Villas of Tega Cay Home Owners Associations, Inc., filed October 29, 2010.

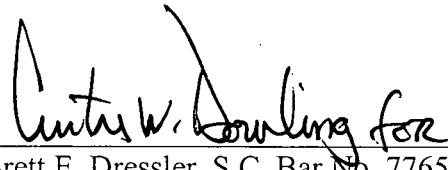
15. Stonecrest HOA's Answer to Amended Complaint, First Amended Cross-Claim, and Third-Party Complaint, filed October 26, 2011.
16. COA's Motion for Partial Summary Judgment and Approval for Settlement as to Exterior Damages or, in the alternative, Motion for Dismissal pursuant to 41(a)(2), filed October 12, 2012.
17. Defendant Stonecrest Villas of Tega Cay Condominium Owners Association, Inc.'s Motion for Summary Judgment as to Plaintiff's Claims, filed March 4, 2013.
18. Memorandum in Support of Defendant Stonecrest Villas of Tega Cay Condominium Owners Association, Inc.'s Motion for Summary Judgment as to Plaintiffs' Claims (including exhibits), filed March 19, 2013.
19. Plaintiff Memorandum in Opposition to Defendant Stonecrest COA Motion for Summary Judgment as to Plaintiffs' Claims, filed March 20, 2013.
20. Transcript of December 19, 2012 hearing.
21. Transcript of March 20, 2013 hearing.
22. Affidavit of Louis Moscovitz dated July 23, 2012.
23. Paulette Iadanza Affidavit dated October 12, 2012.
24. Deposition of Joe Marvin Moore (March 19, 2012), pages 1-5, 230-31, and 233-34.
25. Deposition of Josephine Anna Sciacca (March 15, 2012), pages 1-5 and 236-37
26. Deposition of Louis C. Moscovitz (March 12, 2013), pages 1-3 and 134-35.
27. Master Deed of Stonecrest Villas of Tega Cay Horizontal Property Regime, including bylaws attached as Exhibit F.
28. Deed to James J. Barone and Deborah Barone from Stonecrest Villas of Tega Cay, LLC, dated September 19, 2007.
29. Settlement Memorandum filed December 19, 2012 in support of COA's Motion for Partial Summary Judgment

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



Curtis W. Dowling, S.C. Bar No. 6493
Matthew G. Gerrald, S.C. Bar No. 76236
Barnes, Alford, Stork & Johnson, LLP
1613 Main Street (29201)
Post Office Box 8448
Columbia, SC 29202
(803) 799-1111

August 12, 2013



Brett E. Dressler, S.C. Bar No. 77650
Sellers, Hinshaw, Syers, Dortch &
Lyons, P.A.
301 South McDowell Street
Suite 410
Charlotte, NC 28204
(704) 377-5050

Attorneys for Stonecrest Villas of Tega Cay
Condominium Owners Association, Inc.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

The Honorable John C. Hayes, III, Circuit Court Judge

Consolidated Appellate Case No. 2012-213730
Civil Action No. 2010-CP-46-02326

Juontonio Pinckney, Trustee of the Pinckney Living Trust; Josephine Sciacca; Addie Smith; James and Deborah Barone; Gerry and Thomas Arcoria; Ismael and Valerie Gonzales; Vincent Longobardo; Joe and Sandra Moore; Barbara Musgrave; Allen and Edith Vesting; Thea-Eve Vicari; and Troy and Nancy Williams Appellants,

v.

Epcon Communities, Inc.; Epcon Communities Franchising, Inc.; Brock L. Fankhauser; Fankhauser Property Group, Inc.; Stonecrest Villas of Tega Cay, LLC; and Stonecrest Villas of Tega Cay Home Owners Association, Inc., Respondents.

PROOF OF SERVICE

I, the undersigned attorney with Barnes, Alford, Stork & Johnson, LLP, do hereby state that I have on August 12, 2013, served a copy of the enclosed **INITIAL BRIEF OF RESPONDENT STONECREST VILLAS OF TEGA CAY CONDOMINIUM OWNERS ASSOCIATION, INC.** and **RESPONDENT STONECREST VILLAS OF TEGA CAY CONDOMINIUM OWNERS ASSOCIATION, INC.'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** upon all other parties, through their attorney(s) of record, by depositing copies of the documents in the United States Mail, first class, sufficient postage prepaid, with the return address(es) clearly noted, addressed as follows:

RECEIVED

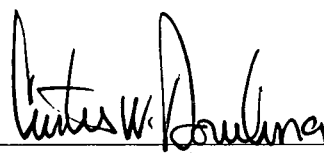
AUG 12 2013

SC Court of Appeals

J. Cameron Halford, Esquire
Halford, Niemiec & Freeman, LLP
238 Rockmont Drive
Fort Mill, SC 29708
Attorneys for the Appellants

Morgan S. Templeton, Esquire
Graham P. Powell, Esquire
Wall Templeton & Haldrup, P.A.
145 King Street, Suite 302
Post Office Box 1200
Charleston, SC 29402
Attorneys for Brock L. Fankhauser, Fankhauser Property
Group, Inc., and Stonecrest Villas of Tega Cay, LLC

Michael B.T. Wilkes, Esquire
J. Derham Cole, Jr., Esquire
Wilkes Law Firm, P.A.
127 Dunbar Street, Suite 200
Spartanburg, SC 29306
Attorneys for Epcon Communities, Inc. and Epcon
Communities Franchising, Inc.



Curtis W. Dowling, S.C. Bar No. 6493
Barnes, Alford, Stork & Johnson, LLP
1613 Main Street (29201)
Post Office Box 8448
Columbia, SC 29202
(803) 799-1111