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SC Court of Appeals

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.: 2023-000162

Related Appellate Case No.: 2023-001143

Case No.: 2022-CP-36-00326

Lena Sue Yarborough Appellant,

v.

Joel F. Yarborough, III Respondent.

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

Respondent Joel F. Yarborough, III, 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;
3. Defendant’s Witness List, dated August 31, 2023;
4. Plaintiff’s Witness and Exhibit List, dated August 28, 2023;
5. Order Granting Defendant’s Motion for Summary Judgment, dated May 25, 2023;

6. Defendant's Motion for Summary Judgment, dated May 22, 2023;
7. Plaintiff's Motion for Summary Judgment and Exhibits, dated May 22, 2023;
8. Defendant's Amended Answer, dated May 1, 2023;
9. Plaintiff's Summons and Complaint, including Lis Pendens dated August 19, 2022;
10. Trial Transcript, dated Sept. 7, 2023, at pp. 1-164; 195-229; 240-288;
11. Closing Argument Trial Transcript, dated Sept. 11, 2023, at pp. 1-29;
12. Closing Argument PowerPoint, dated Sept. 11, 2023;
13. Plaintiff's Exhibit 17 – CV of Expert Benjamin Royer;
14. Plaintiff's Exhibit 18 – Appraisal of Fairfield Tract, dated July 26, 2022;
15. Plaintiff's Exhibit 19 – Subdivision Plan of Fairfield Tract, dated November 2022;
16. Plaintiff's Exhibit 20 – Soil Ratings Fairfield Tract A, dated August 14, 2023;
17. Plaintiff's Exhibit 21 – Soil Ratings Fairfield Tract B, dated August 14, 2023;
18. Plaintiff's Exhibit 22 – Timber Inventory Fairfield Tract, dated July 2023;
19. Plaintiff's Exhibit 23 – Fairfield Tract Streams, Drainages, and Topography Maps;

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/Charles Verner
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Newberry, South Carolina
April 24, 2024