

**RECEIVED**

**Jun 19 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM YORK COUNTY  
In The Circuit Court

The Honorable Carolyn E. Woodruff, Judge of Probate  
The Honorable Daniel D. Hall, Circuit Judge

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Appellate Case No. 2024-00259

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BERNICE CALDWELL,

Appellant,

v

PATRICIA MITCHELL, in her own right and as Personal Representative,  
DENNIS MITCHELL, SHARON M. CULP, THOMAS LAMONT DAVIS,  
SUMTER O'NEAL CALDWELL and LATRINDA ROBINSON,

Of whom PATRICIA MITCHELL,  
in her own right and as Personal Representative, is the

Respondent

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DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

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John Martin Foster  
Post Office Box 106  
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(803) 324-8100  
Attorney for Appellant

Charles Baxter Burnette, IV  
Burnette & Payne, P A  
Attorneys for Patricia Mitchell  
414 East Main Street  
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Attorney for Respondent Patricia Mitchell

The Appellant proposes the following be included in the Record on Appeal:

1. Order of August 15, 2022
2. Order denying Motion to Amend or Reconsider of October 12, 2022
3. Order of the Circuit Court affirming of November 20, 2023
4. Order denying Motion to Amend or Reconsider of January 26, 2024
  
5. Summons and Petition filed June 3, 2021, with exhibits
6. *Lis Pendens* filed May 31, 2022
7. Answer of June 22, 2021
8. Respondent's Memorandum of July 20 2022
9. Appellant's Motion to Alter of Amend filed August 26, 2022
10. Appellant's Exhibits:
  11. Will of Sumter Caldwell
  12. Funeral Notice
  13. Deed of Distribution
  14. Lease dated 12-30-11
  15. Tax Notice
  16. Receipts on Repairs by Petitioner
  17. Bank Statement of Deceased 11/14/20 to 12/16/20
  
18. Brief of Appellant in Circuit Court: 06/02/2023
19. Record on Appeal in Circuit Court: 06/02/2023
20. Brief of Respondent in Circuit Court: 06/12/2023
  
21. Transcript of Trial: 07/18/2022
22. Transcript of Motion Hearing: 09/28/2022
23. Notice of Appeal – Circuit Court: filed October 22, 2022
24. Transcript of Appeal Hearing: 11/15/2023
25. Transcript of Motion Hearing: 01/25/2024
26. Notice of Appeal: 02/22/2024
27. Amended Notice of Appeal: 02/26/2024

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June 19, 2024

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v.

PATRICIA MITCHELL, in her own right and as Personal Representative,  
DENNIS MITCHELL, SHARON M CULP, THOMAS LAMONT DAVIS,  
SUMTER O'NEAL CALDWELL and LATRINDA ROBINSON,  
Of whom PATRICIA MITCHELL,  
in her own right and as Personal Representative, is the Respondent.

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CERTIFICATE OF SERVICE

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The undersigned, as counsel for Appellant herein, hereby certifies that on June 19, 2024, he served copies of the following pleadings or documents in the above-captioned and numbered civil action:

Initial Brief of Appellant and Designation of Matter to be included in Record on Appeal,  
and this Certificate of Service

by service to the opposing lawyer's primary e-mail address listed in the Attorney Information System (AIS), as authorized by Section (b)(2) of the Order of the Supreme Court dealing with Electronic Filing and Service issued May 6, 2022.

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Rock Hill, South Carolina

June 19, 2024