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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Courtney Clyburn Pope, Circuit Court Judge

Case No. 2018CP0202797
Appellate Case No. 2024-000079

Elroy D. Fischer, Jr., CD&F Interests, LLC, Howard Lumber Company, and the
Robert E. Pentecost Trust, Respondents,

vs.

South Carolina Department of Transportation, Appellant.

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

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

1. Summons and Complaint of Respondents;
2. Answer of Appellant;
3. First Amended Answer of Appellant;
4. Second Amended Answer of Appellant;
5. Circuit Court Order, dated November 6, 2023;
6. Circuit Court Order, dated December 13, 2023;
7. Appellant's Motion to Alter and / or Amend, dated November 17, 2023;
8. Notice of Appeal, dated January 12, 2024;
9. Topographical map of subject-area, dated 1946
10. Chadwick Development plat;
11. Appraisal and Photographs of Stuart Saunders;
12. Photographs of Stuart Saunders;
13. Video of water flow taken by Respondent(s);
14. Transcript of Trial Testimony of Robert Giddens;
15. Transcript of Trial Testimony of Robert Usry;
16. Transcript of Trial Testimony of David Simino;
17. Transcript of Trial Testimony of Donald Auld;

18. Transcript of Trial Testimony of Stuart Saunders;
19. Transcript of Trial Testimony of Elroy Fischer, Jr.;
20. Transcript of Trial Testimony of William Franke;
21. Summons and Complaint for prior condemnation action between the parties;
22. Settlement agreement between the parties for prior condemnation action between the parties;

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

Dated: July 10, 2024

NANCE & MCCANTS

s/ Clarke W. McCants, III

Clarke W. McCants, III

Clarke W. McCants, IV

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