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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

Appellate Case No. 2024-000144
Case No. 2021-CP-26-07489

City of North Myrtle Beach,

Appellant,

v.

Sun TRS Ocean Club, LLC,
Sun TRS Carolina Pines,
LLC, and Sun Carolina Pines
RV, LLC,

Respondents.

**RESPONDENTS' DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Respondents propose the following be included in the Record on Appeal:

Orders

1. Final Order, dated November 20, 2023
2. Form 4 Order Denying Defendants' Renewed Motion for Partial Summary Judgment, dated August 11, 2023
3. Consent Order Regarding Motion to Bifurcate Trial, dated June 7, 2023
4. Order Denying Defendants' Motion for Partial Summary Judgment, dated November 28, 2022
5. Form 4 Order Denying Defendants' Motion for Partial Summary Judgment, dated November 18, 2022
6. Consent Order Regarding Use of the Subject Property, dated January 11, 2022

Pleadings

7. Stipulation of Dismissal as to Defendants' Equal Protection Clause Counterclaim Only, dated July 10, 2023
8. Amended Answer, Affirmative Defenses, and Counterclaims, dated March 14, 2022
9. Summons and Complaint, dated November 11, 2022

Motions and Memoranda

10. Defendant's Memorandum in Opposition to City's Motion to Reconsider, December 12, 2023
11. Plaintiff's Amended Motion and Incorporated Memorandum to Reconsider Final Order, dated November 30, 2023
12. Plaintiff's Memorandum in Opposition to Defendant's Renewed Motion for Partial Summary Judgment dated August 2, 2023
13. Plaintiff's Memorandum in Opposition to Defendant's Motion for Partial Summary Judgment dated November 7, 2022

Transcripts

14. Trial Transcript, Volume I, dated October 31 and November 1, 2023
15. Trial Transcript, Volume II, dated November 2 and November 3, 2023
16. Hearing Transcript, Defendants' Renewed Motion for Partial Summary Judgment, dated August 9, 2023

Trial Exhibits

17. Court Exhibit 3, Deposition of Paul Blust
18. Court Exhibit 5, Depositions of Tidewater, Barefoot and Links
19. Defendants' Trial Exhibit 2, Zoning letter to Sun Acq LLC
20. Defendants' Trial Exhibit 3, Sun Request to City re: Zoning Letter
21. Defendants' Trial Exhibit 4, Blust Letter to Powell re: Approval of Special Exception Application
22. Defendants' Trial Exhibit 5, Carolina Pines RV Park Reservations and Guest List and Summary of Same - CONFIDENTIAL
23. Defendants' Trial Exhibit 6, Pan, LLC deed to NMB OceanClub LLC
24. Defendants' Trial Exhibit 9, Real Estate Purchase and Sale Agreement
25. Defendants' Trial Exhibit 16, Beach Club Property's Restrictive Covenants
26. Defendants' Trial Exhibit 17, NMB Oceanclub, LLC deed to NMBOC Holding Co., LLC
27. Defendants' Trial Exhibit 18, NMBOC Holding Co., LLC deed to NMBOC Holding Co. II, LLC
28. Defendants' Trial Exhibit 19, NMBOC Holding Co., II, LLC deed to Sapphire, LLC
29. Defendants' Trial Exhibit 20, Sapphire, LLC deed to NMB Ocean Club Partners, LLC
30. Defendants' Trial Exhibit 21, NMB Ocean Club Partners, LLC deed to Sun TRS Ocean Club, LLC
31. Defendants' Trial Exhibit 29, Cease-and-Desist Letter
32. Defendants' Trial Exhibit 32, Technical Review Committee Minutes
33. Defendants' Trial Exhibit 33, City's Responses to Sun Defendants' First of Interrogatories

34. Defendants' Trial Exhibit 35, Zoning Ordinance 23-2
35. Defendants' Trial Exhibit 36, Zoning Ordinance 23-22
36. Defendants' Trial Exhibit 37, Zoning Ordinance 23-7
37. Defendants' Trial Exhibit 43, Facebook Photos of Carolina Pines Beach Club
38. Defendants' Trial Exhibit 50, Resort Map of Carolina Pines RV Resort
39. Defendants' Trial Exhibit 53, Sun Communities, Inc. Form 10-K for Fiscal Year 2022
40. Plaintiff's Trial Exhibit 11, Seabrook Plantation Special Exception Application
41. Plaintiff's Trial Exhibit 34, Marketing Photographs of RV Resort

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

/s/ John G. Tamasitis

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July 19, 2024
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