

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
John M. Milling, Special Referee

Case No. 2009-CP-26-10053

Appellate Case No. 2013-001291

RECEIVED

SEP 18 2013

SC Court of Appeals

Harleysville Group Insurance, a Pennsylvania corporation, Appellant/Respondent,

v.

Heritage Communities, Inc., a South Carolina corporation;
Heritage Riverwalk, a South Carolina corporation; Buildstar
Corp., a South Carolina corporation; Riverwalk at Arrowhead
Country Club Horizontal Property Regime; Riverwalk at
Arrowhead Country Club Property Owners Assoc., Inc., a
South Carolina Corporation; National Surety Corp.; and Tony
L. Pope and Lynn Pope, individually and representing as a
class all unit owners at Riverwalk at Arrowhead Country Club
Horizontal Property Regime,

Defendants,

Of whom Heritage Communities, Inc., a South Carolina
corporation; Heritage Riverwalk, a South Carolina corporation;
Buildstar Corp., a South Carolina corporation; National Surety
Corp.; and Tony L. Pope and Lynn Pope, individually and
representing as a class all unit owners at Riverwalk at
Arrowhead Country Club Horizontal Property Regime are

Respondents,

And Riverwalk at Arrowhead Country Club Horizontal
Property Regime and Riverwalk at Arrowhead Country Club
Property Owners Assoc., Inc., are

Respondents/Appellants.

APPELLANT/RESPONDENT'S DESIGNATION OF
MATTER FOR THE RECORD ON APPEAL

Pursuant to Rule 209, SCACR, Appellant/Respondent Harleysville Group Insurance ("Harleysville") submits its designations of matter for inclusion in the record on appeal. These designations are in addition to the matters designated by opposing counsel in the Respondents'/Appellants' Designation of Matter. Undersigned counsel

certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to the appeal:

ORDERS

1. Order of Reference appointing the Honorable John M. Milling as Special Referee, October 21, 2010.
2. Special Referee's Order denying Harleysville's Motion for Directed Verdict or Declaratory Judgment, February 21, 2013.
3. Special Referee's Order disposing of case, February 28, 2013.
4. Special Referee's Order denying Motions to Alter or Amend, April 22, 2013.

PLEADINGS

5. Harleysville's Declaratory Judgment Complaint, October 14, 2009.
6. Answer and Counterclaim of Riverwalk at Arrowhead, et al., October 21, 2009.
7. Harleysville's Reply to Counterclaim, January 4, 2010.

TRANSCRIPTS

8. Trial Transcript of December 13-14, 2010.
9. Hearing Transcript of December 9, 2011.
10. Hearing Transcript of April 9, 2013.

EXHIBITS

11. Ex. 1: Trial Transcript of Underlying Liability Action, January 5-15, 2009, pages 700, 771-89, 842-89, 923-39, 956-57, 1734-43, 1762-70, 1809-1821.
12. Ex. 4: Fourth Amended Complaint in Underlying Liability Action, August 3, 2006.
13. Ex. 11: Transcript of Deposition of Mr. Lee Wright, August 3, 2010.
14. Ex. 12: Commercial General Insurance Policies issued by Harleysville to insureds relevant to this action.

15. Ex. 15: Harleysville's Reservation of Rights Letter to Insureds relevant to this action.
16. Ex. 17: Harleysville's chart regarding policies, limits, and aggregate remaining.
17. Ex. 20: Baiden Construction Report.
18. Ex. 22: Transcript of motion hearing in River Oaks matter.
19. Ex. 23: Affidavit of Roger Van Wie.
20. Ex. 24: Deposition Transcript of James Graham, December 2, 2008.
21. Ex. 25: Underlying verdict form (property regime and property owners' association), January 15, 2009.
22. Ex. 26: Underlying verdict form (individual homeowners), January 15, 2009.
23. Harleysville's chart "Magnolia North Data," submitted to the Special Referee as an attachment to its Proposed Order, February 16, 2012.

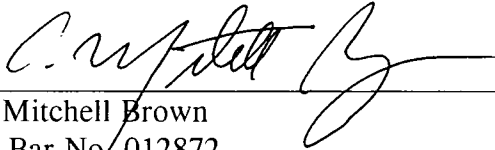
MISCELLANEOUS AND MOTIONS

24. Pre-Trial Brief of Magnolia North Horizontal Property Regime, et al., December 1, 2010.
25. Harleysville's Pre-Trial Brief, December 3, 2010.
26. Harleysville's Motion to Conform Evidence and Correct Mistake in Record, February 17, 2012.
27. Harleysville's Motion for Judgment as a Matter of Law and Directed Verdict, September 12, 2012.
28. Harleysville's Proposed Order, submitted as a memorandum of law in support of its Motion for Judgment as a Matter of Law and Directed Verdict, September 12, 2012.
29. Motion of Riverwalk at Arrowhead, et al. to Alter or Amend, March 20, 2013.

30. Harleysville's Motion to Alter or Amend, March 21, 2013.

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sep. 18, 2013

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Riverwalk at Arrowhead Country Club Property
Owners Association, Inc., a South Carolina
corporation; National Surety Corp., and Tony L.
Pope and Lynn Pope, individually and representing
as a class all unit owners at Riverwalk at
Arrowhead Country Club Horizontal Property
Regime, Defendants.

Of whom Heritage Communities, Inc., a South
Carolina corporation; Heritage Riverwalk, a South
Carolina corporation; Buildstar Corporation, a
South Carolina corporation; National Surety Corp.,
and Tony L. Pope and Lynn Pope, individually and
representing as a class all unit owners at Riverwalk
at Arrowhead Country Club Horizontal Property
Regime, Respondents,

And Riverwalk at Arrowhead Country Club
Horizontal Property Regime; Riverwalk at
Arrowhead Country Club Property Owners
Association, Inc. are, Respondents/Appellants.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellant/Respondent, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

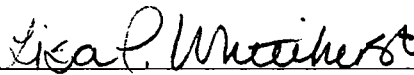
Appellant/Respondent's Designation of Matter to be Included in the Record on Appeal

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September 18, 2013