

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Circuit Court Judge

Case No. 2009-CP-07-6054
Appellate Case No. 2013-001407

Cynthia Griffis,

Plaintiff,

v.

Cherry Hill Estates, LLC, Eugene
O'Neil and and Ronald Faulkner,

Defendants,

Of whom Cherry Hill Estates, LLC
and Ronald Faulkner are

Appellants.

Cherry Hill Estates, LLC and
Ronald Faulkner,

Third Party Plaintiffs,

v.

Anthony E. Griffis,

Respondent.

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SC Court of Appeals

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DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL

The parties herein designate the following matter to be included in the Record on Appeal:

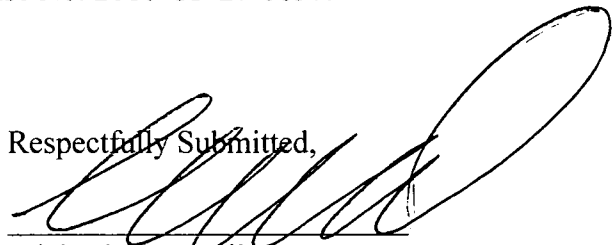
1. Order Denying Appellant's Motion for Reconsideration, entered May 16, 2013.
2. Order Granting Motion for Reconsideration and Summary Judgment entered March 5, 2013.
3. Order dated February 20, 2013.
4. Order Denying Motion for Summary Judgment, entered August 3, 2012.
5. Order on Motion to Dismiss, entered October 26, 2010.
6. Memorandum Asserting Additional Facts in Record in Support of Motion for Reconsideration of Order Granting Summary Judgment, with Exhibits, filed April 11, 2013.

7. Appellants' Motion to Reconsider, Alter or Amend filed March 18, 2013.
8. Respondent's Motion to Reconsider dated August 13, 2012.
9. Answer to Motion to Dismiss, dated May 20, 2011.
10. Third Party Plaintiffs' Memorandum in Opposition to Motion for Summary Judgment dated March 28, 2011 with Exhibits
11. Respondent's Motion to Dismiss Amended Third Party Complaint dated December 23, 2010.
12. Answer and Reply of Ronald Faulkner and Cherry Hill Estates to Answer and Counterclaim, filed November 15, 2010
13. Amended Third Party Complaint filed November 15, 2010 with Expert Affidavit dated November 11, 2010.
14. Respondent's Motion to Dismiss filed September 20, 2010.
15. Respondent's Answer and Counterclaim Filed September 10, 2010 with Affidavit of Service.
16. Third Party Complaint, filed July 30, 2010 with Affidavit of Service.
17. Defendants Memorandum in Opposition to Summary Judgment in first party action, Exhibits, filed November 1, 2010.
18. Deposition Transcript of Anthony Griffis at pp 17-23, 42-44.
19. Deposition Transcript of Eugene O'Neil at pp 14, 17, 23, 26-28, 33-35, 46-49.
20. Deposition Transcript of John P. Qualey, at pp 9,10,33-40, 44-46, 59-60, 70-72.
21. Deposition Transcript of Ronald T. Faulkner, Vol II, at pp 10, 23,37-39,40-41, 55-59, 66 and 124.
22. Affidavit of Thomas A. Pendarvis, J.D., filed November 15, 2010.
23. Affidavit of Ronald Faulkner, filed June 18, 2010.
24. Contract for Real Estate dated August 30, 2007.
25. Contract for Real Estate dated May 23, 2007.
26. Contract for Purchase and Sale of Real Property dated March 29, 2007.
27. Confidential Memorandum from Anthony Griffis dated February 22, 2007.
28. Agreement Regarding Cherry Hill Estates dated October 8, 2007.

29. Agreement Regarding Cherry Hill Estates dated September 13 2007.
30. Settlement Statement HUD 1 dated October 10, 2007.
31. Bill of Sale for Membership Interest Cherry Hill Estates dated October 10, 2007.
32. Promissory Note to Cynthia Griffis for \$ 200,000.00 dated October 10, 2007.
33. Guaranty Agreement dated October 10, 2007.
34. Recorded Power of Attorney from Ronald Faulkner to Jack Qualey dated October 10, 2007.
35. Email from Michael Mogil to Judge Marvin Dukes dated October 26, 2010 transmitting proposed Order.
36. Master's Report of Sale in Case No. 2010-CP-27-0637.

September 3, 2013

Respectfully Submitted,



Michael W. Mogil
Mogil Law Firm
2 Corpus Christie Place, Ste. 303
Hilton Head Island, SC 29928
(843) 785-8110

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Case No. 2009-CP-07-6054
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Cynthia Griffis,		Plaintiff,
	v.	
Cherry Hill Estates, LLC, Eugene O'Neil and and Ronald Faulkner,		Defendants,
Of whom Cherry Hill Estates, LLC and Ronald Faulkner are		Appellants.
Cherry Hill Estates, LLC and Ronald Faulkner,		Third Party Plaintiffs,
	v.	
Anthony E. Griffis,		Respondent.

RULE 209(C) CERTIFICATION

I, Michael W. Mogil, do hereby certify that the Appellant's Designation of Matter to be Included in the Record on Appeal contains all material proposed to be included by any of the parties and not any other material. The Record on Appeal includes the following matter, to which Respondent either objects in his Motion to Strike, and/or does not propose in his Designation of Matter dated August 23, 2013:

Third Party Plaintiffs' Memorandum in Opposition to Motion for Summary Judgment dated March 28, 2011 with Exhibits;

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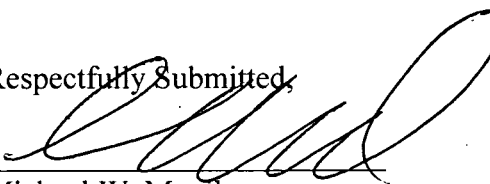
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Answer to Motion to Dismiss, dated May 20, 2011;
Excerpts from Deposition Transcript of Anthony Griffis;
Excerpts from Deposition Transcript of Eugene O'Neil;
Excerpts from Deposition Transcript of John P. Qualey;
Excerpts from Deposition Transcript of Ronald Faulkner;
Third Party Plaintiff's Motion to Alter or Amend Judgment, filed March 18, 2013;
Memorandum Asserting Additional Facts in Record in Support of Motion for
Reconsideration of Order Granting Summary Judgment, Exhibits, filed April 11,
2013;
Defendants Memorandum in Opposition to Summary Judgment in first party action,
Exhibits, filed November 1, 2010;
Affidavit of Thomas A. Pendarvis, J.D., filed November 15, 2010;
Affidavit of Ronald Faulkner, filed June 18, 2010;
Contract for Real Estate (August 30, 2007);
Agreement Regarding Cherry Hill Estates (September 2007);
Master's Report of Sale in Case No. 2010-CP-27-0637.

Appellants aver that this matter is relevant to the appeal, was properly preserved, and is properly included in its Designation of Matter to be Included in the Record on Appeal, with the single exception of the Master's Report of Sale in Case No. 2010-CP-27-0637, of which Appellants request this Honorable Court take judicial notice.

September 3, 2013

Respectfully Submitted,



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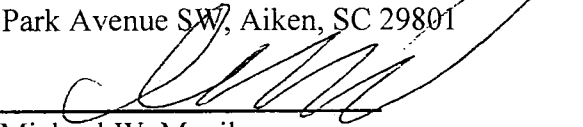
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Anthony E. Griffis,		Respondent.

PROOF OF SERVICE

I certify that I have served the Reply Brief of the Appellant, Designation of Matter to be Included in the Record on Appeal, Rule 209 Certification, Return to Motion, and Motion to Amend on Respondent Anthony E. Griffis, Esquire, Respondent *pro se*, by depositing a copy of it in the United States Mail, postage prepaid, on September 3, 2013, addressed to Mr. Griffis at 355 Park Avenue SW, Aiken, SC 29801

September 3, 2013


Michael W. Mogil
Mogil Law Firm
2 Corpus Christie Place, Ste. 303
Hilton Head Island, SC 29928
(843)785-8110
Attorney for Appellants

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