

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

The Honorable R. Lawton McIntosh, Circuit Court Judge
The Honorable Alexander S. Macaulay, Circuit Court Judge

Case No.: 2005-CP-37-00788
Appellate Case No.: 2011-202946

RECEIVED

OCT 28 2013

SC Court of Appeals

Tri-County Development, et. al.
Jeff Gray and Melinda Holbrooks Respondents,

v.

Christopher A. Pierce Appellant.

RESPONDENTS' RETURN TO APPELLANT'S MOTION
TO SUPPLEMENT THE INITIAL DESIGNATION OF MATTER

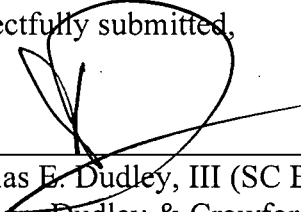
Pursuant to Rule 240(e) and Rule 210(c), SCACR, Respondents, Tri-County Development, Inc., Melinda Holbrooks, and Jeff Gray (collectively "Respondents"), hereby object to Appellant's Motion to Supplement its Initial Designation of Matter, which Respondents received on October 23, 2013.

Rule 210(c) states in part that "The record shall not, however, include matter which was not presented to the lower court or tribunal."

As the documents Appellant proposes to include in the Record from the S.C. Residential Builders Commission were not presented at the trial and occurred after the trial of this matter (in fact, one such document is dated July 5, 2012; trial was conducted in November

of 2011), they should not be included in the Record. Further grounds to exclude those documents are that they are first line governmental administrative actions, non-lawyers, and have no bearing on this appeal. Further, as only administrative actions, they hold no legal weight and could have no precedential value. It is the trial court's province to determine the law. Additionally, Respondents could not argue the lack of action by the S.C. Residential Builders Commission as validations of its position. The trial court was the sole finder of the law, not an administrative action by the S.C. Residential Builders Commission that came after the trial.

Respectfully submitted,



Thomas E. Dudley, III (SC Bar # 66154)
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704 East McBee Avenue
Greenville, SC 29601
(864) 242-4988

Attorney for Respondents

October 24, 2013
Greenville, SC

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM OCONEE COUNTY
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The Honorable R. Lawton McIntosh, Circuit Court Judge
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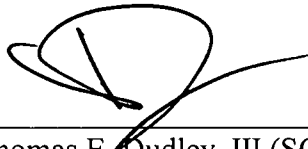
v.

Christopher A. Pierce Appellant.

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the Respondents' Return to Appellant's Motion to Supplement the Initial Designation of Matter in the above-referenced case has been served on all parties of record via facsimile and by mailing a copy of same in the United States mail, postage prepaid this 24 day of October, 2013, addressed as follows:

T. Jeff Goodwyn, Jr.
Goodwyn Law Firm, LLC
2519 Devine Street, Suite A
Columbia, SC 29205
803-251-4527 - facsimile
Attorney for Appellant



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October 24, 2013

Via Facsimile 803-734-1839
and First Class Mail

Hon. Jenny Abbott Kitchings
Clerk of Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Tri-County Development, et al. v. Christopher A. Pierce
Appeal from Oconee County
Case No.: 2005-CP-37-00788
Appellate Case No.: 2011-202946

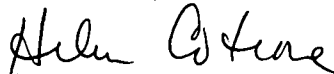
To Whom It May Concern:

Please find enclosed the original and six (6) copies of Respondents' Return to Appellant's Motion to Supplement its Initial Designation of Matter with Proof of Service in the above referenced matter. By copy of this letter, we are serving same upon counsel for Appellant.

Thank you for your assistance in this matter. Please do not hesitate to contact our office if you have any questions.

Very truly yours,

KENISON, DUDLEY & CRAWFORD, LLC



Helen Cotrone
Legal Assistant

Enclosures

cc: T. Jeff Goodwyn, Jr.
(Via Facsimile 803-251-4527 & 1st Class Mail)
Jeff Gray
(Via 1st Class Mail only)

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OCT 28 2013

SC Court of Appeals

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