

THE STATE OF SOUTH CAROLINA

RECEIVED

In The Court of Appeals

Sep 16 2025

APPEAL FROM NEWBERRY COUNTY
In The Court of Common Pleas for the Eighth Circuit

SC Court of Appeals

J. Mark Hayes, II, Circuit Court Judge
Trial Court Case No. 2018CP3600089, 2019CP3600245

Appellate Case No. 2025-000497

Lisa Summer Rice and Joseph F. Rice.....Appellants,

v.

Newberry Lions Club and Betty S. Amick, as Personal
Representative of the Estate of C. Ray Amick.....Respondents,

AND

A. Murray Gray, Claude H. Schumpert, and Melissa B.
Schumpert.....Appellants,

v.

Betty S. Amick, as Personal Representative of the Estate
of C. Ray Amick, and Cheryl Littlejohn.....Respondents.

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

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Attorneys for Appellants Lisa Summer Rice
and Joseph F. Rice

Pursuant to Rule 209, SCACR, Appellants Lisa Summer Rice and Joseph F. Rice designate the following items for inclusion in the Record on Appeal:

ORDERS

1. Form 4 Order Granting Motion to Amend Complaint of Judge Bubba Griffith dated 7/19/19 (*Rice v. Newberry Lions Club*)
2. Order Granting Temporary Injunction of Judge Donald Hocker (signed 8/5/19) and dated 8/6/19 (*Gray and Schumpert v. Amick*)
3. Order for Complex Case Designation and Time for Trial of Judge Bubba Griffith dated 12/3/19 (*Rice v. Newberry Lions Club* and *Gray and Schumpert v. Amick*)
4. Order Granting Motion to Add Party dated 3/6/20 (*Gray and Schumpert v. Amick*)
5. Order Granting Motion to Add Party of Judge Mark Hayes dated 3/17/20 (*Rice v. Newberry Lions Club*)
6. Order Granting Defendant Ray Amick's Motion for Partial Summary Judgment dated 12/9/20 (*Rice v. Newberry Lions Club*)
7. Order Granting Motion for Survey dated 12/18/20 (*Rice v. Newberry Lions Club* and *Gray and Schumpert v. Amick*)
8. Order Granting Motion to Amend Complaints dated 8/30/21 (*Rice v. Newberry Lions Club* and *Gray and Schumpert v. Amick*)
9. Consent Order Substituting Parties dated 1/2/24 (*Rice v. Newberry Lions Club* and *Gray and Schumpert v. Amick*)
10. Form 4 Order of Judge Mark Hayes dated 1/3/24 (*Rice v. Newberry Lions Club* and *Gray and Schumpert v. Amick*)
11. Order on Cross Motions for Summary Judgment of Judge Mark Hayes dated 2/9/24 (*Rice v. Newberry Lions Club* and *Gray and Schumpert v. Amick*)
12. Form 4 Order of Judge Mark Hayes dated 12/16/24 (*Rice v. Newberry Lions Club* and *Gray and Schumpert v. Amick*)
13. Order on Cross-Motions to Alter or Amend of Judge Mark Hayes dated 2/19/25 (*Rice v. Newberry Lions Club* and *Gray and Schumpert v. Amick*)

PLEADINGS

1. Amended Complaint dated 3/8/18 (*Rice v. Newberry Lions Club*)
2. Answer of Newberry Lions Club and Counterclaim dated 4/11/18 (*Rice v. Newberry Lions Club*)
3. Reply to Counterclaim dated 4/30/18 (*Rice v. Newberry Lions Club*)
4. Second Amended Complaint dated 5/14/18 (*Rice v. Newberry Lions Club*)
5. Answer of Ray Amick dated 7/13/18 (*Rice v. Newberry Lions Club*)
6. Complaint dated 5/22/19 (*Gray and Schumpert v. Amick*)
7. Plaintiffs' Motion for a Temporary Restraining Order and Temporary and Permanent Injunctive Relief dated 5/22/19 (*Gray and Schumpert v. Amick*)
8. Plaintiffs' Memorandum in Support of Motion for Temporary Injunctive Relief dated 6/11/19 (*Rice v. Newberry Lions Club*)
9. Amended Complaint dated 6/14/19 (*Gray and Schumpert v. Amick*)
10. Plaintiffs' Reply Memorandum in Support of Motion for Temporary Injunction dated 7/9/19 (*Gray and Schumpert v. Amick*)
11. Third Amended Complaint dated 7/26/19 (*Rice v. Newberry Lions Club*)
12. Defendant Ray Amick's Answer and Crossclaim to Third Amended Complaint dated 8/15/19 (*Rice v. Newberry Lions Club*)
13. Answer of Newberry Lions Club to Third Amended Complaint and Cross-Claim dated 10/9/19 (*Rice v. Newberry Lions Club*)
14. Second Amended Complaint dated 3/6/20 (*Gray and Schumpert v. Amick*)
15. Fourth Amended Complaint dated 3/18/20 (*Rice v. Newberry Lions Club*)
16. Answer to Second Amended Complaint dated 3/23/20 (*Gray and Schumpert v. Amick*)
17. Defendant Ray Amick's Answer and Crossclaim to Fourth Amended Complaint dated 4/6/20 (*Rice v. Newberry Lions Club*)
18. Answer of Cheryl Littlejohn dated 5/11/20 (*Gray and Schumpert v. Amick*)
19. Answer of Cheryl Littlejohn dated 5/19/20 (*Rice v. Newberry Lions Club*)

20. Littlejohn's Responses to Request to Admit dated 6/24/20 (*Gray and Schumpert v. Amick*)
21. Plaintiffs' Request to Admit to Cheryl Littlejohn dated 5/28/20 with Exhibit A (dated 11/3/17) (*Gray and Schumpert v. Amick*)
22. Defendant Ray Amick's Motion for Partial Summary Judgment on the Easement Issue dated 8/13/20 (*Rice v. Newberry Lions Club*)
23. Defendant Cheryl Littlejohn's Motion and Memorandum in Support of Motion for Summary Judgment (without exhibits) dated 8/13/20 (*Rice v. Newberry Lions Club*)
24. Plaintiffs' Motion for Order Allowing Entry on Property for Surveyor dated 9/30/20 (*Rice v. Newberry Lions Club* and *Gray and Schumpert v. Amick*)
25. Plaintiffs' Motion to Amend Complaint for Fifth Amended dated 4/8/21 (*Rice v. Newberry Lions Club* and *Gray and Schumpert v. Amick*)
26. Third Amended Complaint dated 8/31/21 (*Gray and Schumpert v. Amick*)
27. Fifth Amended Complaint dated 8/31/21 (*Rice v. Newberry Lions Club*)
28. Answer of Ray Amick to Plaintiff's Fifth Amended Complaint dated 9/15/21 (*Rice v. Newberry Lions Club*)
29. Answer of Cheryl Littlejohn to Plaintiff's Third Amended Complaint dated 9/15/21 (*Gray and Schumpert v. Amick*)
30. Defendant Ray Amick's Amended Answer & Cross-Claim to Fifth Amended Complaint dated 10/14/21 (*Rice v. Newberry Lions Club*)
31. Amended Answer to Third Amended Complaint dated 10/14/21 (*Gray and Schumpert v. Amick*)
32. Defendant Ray Amick's Second Amended Answer and Cross-Claim to Fifth Amended Complaint dated 5/24/22 (*Rice v. Newberry Lions Club*)
33. Answer of Lions Club to Fourth & Fifth Complaints dated 5/26/22 (*Rice v. Newberry Lions Club*)
34. Third-Party Complaint dated 6/1/22 (*Gray and Schumpert v. Amick*)
35. Plaintiffs' Joint Motion for Summary Judgment as to Easement-Injunction dated 9/5/23 (*Rice v. Newberry Lions Club* and *Gray and Schumpert v. Amick*)

36. Defendant Ray Amick's Amended Motion for Partial Summary Judgment on the Easement Issue dated 11/29/23 (*Rice v. Newberry Lions Club*)
37. Plaintiffs' Memorandum in Support of Their Motion for Summary Judgment and in Opposition to the Defendants' Motions for Summary Judgment dated 11/30/23 (*Rice v. Newberry Lions Club* and *Gray and Schumpert v. Amick*)
38. Supplemental Memorandum In Support of Plaintiffs' Motion for Summary Judgment and In Opposition to Defendants Motions dated 12/5/23 (*Rice v. Newberry Lions Club* and *Gray and Schumpert v. Amick*)
39. Consent Order Substituting Parties dated 1/20/24 (*Rice v. Newberry Lions Club* and *Gray and Schumpert v. Amick*)
40. Defendant Cheryl Littlejohn's Motion to Alter or Amend Order dated 2/19/24 (*Rice v. Newberry Lions Club* and *Gray and Schumpert v. Amick*)
41. Plaintiffs' Motion for Reconsideration and Motion to Alter or Amend Order dated 2/20/24 (*Rice v. Newberry Lions Club* and *Gray and Schumpert v. Amick*)
42. Plaintiffs' Memo in Support for Reconsideration Under Rule 59 dated 9/11/24 (*Rice v. Newberry Lions Club* and *Gray and Schumpert v. Amick*)

AFFIDAVITS

Affidavit of Murray Gray dated 6/7/19 with Exhibits

Affidavit of Lucia Schumpert Renwick dated 6/7/19 with Exhibits

Affidavit of Young Schumpert dated 6/7/19

Affidavit of John Summer dated 6/7/19

Affidavit of Chris Jay dated 6/7/19

Affidavit of Ferd Summer dated 6/7/19

Affidavit of Julia B. McSwain dated 6/7/19

Affidavit of Julia Rebecca McSwain dated 6/7/19

Affidavit of Neel McSwain dated 6/7/19

Affidavit of Chuck Meadows dated 6/7/19

Affidavit of Claude Schumpert dated 6/14/19 with Exhibits

Affidavit of Joe Rice dated 6/17/19

Affidavit of Barry Koon dated 6/18/19 with Exhibits

Affidavit of Missy Schumpert dated 7/18/19 with Exhibit

Affidavit of Joe Rice dated 7/17/19

Affidavit of Thomas H. Pope III dated 7/18/19 with Exhibits

DEPOSITIONS

Deposition of Clyde Eugene “Gene” Crocker dated 10/2/19:

| | | | | |
|---------|-----------|---------|---------|-------|
| Page 3 | l. 1 | through | Page 4 | l. 2 |
| Page 9 | ll. 1-13 | | | |
| Page 12 | ll. 2-8 | | | |
| Page 12 | ll. 17-25 | | | |
| Page 14 | l. 18 | through | Page 15 | l. 15 |
| Page 17 | ll. 2-5 | | | |
| Page 18 | ll. 5-11 | | | |
| Page 23 | ll. 12-16 | | | |
| Page 23 | l. 20 | through | Page 24 | l. 7 |
| Page 24 | l. 24 | through | Page 25 | l. 12 |
| Page 27 | ll. 3-7 | | | |
| Page 29 | l. 16 | through | Page 30 | l. 4 |
| Page 30 | ll. 8-20 | | | |
| Page 30 | l. 25 | through | Page 31 | l. 4 |
| Page 32 | l. 14 | through | Page 33 | l. 6 |
| Page 33 | ll. 21-25 | | | |
| Page 34 | ll. 16-18 | | | |
| Page 41 | ll. 2-6 | | | |

Deposition of Ladson Heath “Pete” Simpson dated 10/2/19:

| | | | | |
|---------|-----------|---------|---------|-------|
| Page 3 | ll. 5-8 | | | |
| Page 4 | l. 17 | through | Page 5 | l. 12 |
| Page 9 | ll. 5-12 | | | |
| Page 10 | ll. 4-11 | | | |
| Page 12 | l. 9 | through | Page 13 | l. 4 |
| Page 14 | ll. 13-16 | | | |

Deposition of Doggett Whitaker dated 10/2/19:

| | | | | |
|---------|----------|---------|---------|------|
| Page 3 | ll. 1-13 | | | |
| Page 7 | ll. 7-17 | | | |
| Page 8 | ll. 5-13 | | | |
| Page 13 | l. 8 | through | Page 14 | l. 4 |
| Page 14 | l. 25 | through | Page 15 | l. 8 |

Deposition of Thomas D. "Tad" Abraham dated 1/28/20:

| | | | | |
|--------|-----------|---------|--------|-------|
| Page 3 | ll. 5-9 | | | |
| Page 4 | ll. 12-25 | | | |
| Page 5 | l. 19 | through | Page 6 | l. 22 |
| Page 7 | ll. 16-19 | | | |

Exhibit 1 to Deposition of Thomas D. "Tad" Abraham dated 1/28/20.

Deposition of Nan Spicer dated 1/28/20:

| | | | | |
|---------|-----------|---------|---------|------|
| Page 3 | ll. 1-8 | | | |
| Page 6 | ll. 16-23 | | | |
| Page 8 | ll. 6-18 | | | |
| Page 9 | ll. 7-16 | | | |
| Page 10 | ll. 15-22 | | | |
| Page 12 | ll. 21-24 | | | |
| Page 13 | ll. 3-5 | | | |
| Page 16 | ll. 2-18 | | | |
| Page 17 | ll. 1-4 | | | |
| Page 17 | ll. 8-14 | | | |
| Page 19 | ll. 11-21 | | | |
| Page 22 | l. 23 | through | Page 23 | l. 6 |
| Page 24 | ll. 3-6 | | | |

Deposition of Julia Rebecca "Becki" McSwain dated 1/30/20:

| | | | | |
|---------|-----------|---------|---------|-------|
| Page 3 | ll.1-13 | | | |
| Page 3 | ll. 19-24 | | | |
| Page 4 | ll. 2-4 | | | |
| Page 4 | l. 24 | through | Page 5 | l. 4 |
| Page 5 | ll. 10-22 | | | |
| Page 9 | l. 7 | through | Page 10 | l. 3 |
| Page 10 | ll. 13-20 | | | |
| Page 11 | ll. 1-5 | | | |
| Page 11 | l. 10 | through | Page 12 | l. 14 |

Page 14 ll. 17-22
Page 72 ll. 18-23

Deposition of Neel McSwain dated 2/3/20:

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|---------|-----------|---------|---------|-------|
| Page 5 | ll. 8-22 | | | |
| Page 9 | l. 3 | through | Page 10 | l. 24 |
| Page 11 | l. 25 | through | Page 12 | l. 6 |
| Page 12 | l. 22 | through | Page 13 | l. 5 |
| Page 13 | l. 21 | through | Page 15 | l. 4 |
| Page 15 | ll. 15-24 | | | |
| Page 17 | ll. 3-22 | | | |
| Page 18 | l. 6 | through | Page 19 | l. 19 |
| Page 22 | l. 22 | through | Page 24 | l. 13 |
| Page 25 | ll. 4-16 | | | |
| Page 32 | l. 14 | through | Page 33 | l. 1 |
| Page 84 | ll. 7-14 | | | |

Deposition of Thadd McCrackin dated 2/6/20:

| | | | | |
|---------|-----------|---------|---------|-------|
| Page 3 | ll. 1-11 | | | |
| Page 7 | ll. 5-21 | | | |
| Page 9 | ll. 4-10 | | | |
| Page 11 | ll. 15-25 | | | |
| Page 12 | ll. 8-20 | | | |
| Page 13 | ll. 19-22 | | | |
| Page 14 | ll. 9-13 | | | |
| Page 19 | l. 5 | through | Page 20 | l. 18 |
| Page 21 | ll. 9-12 | | | |
| Page 21 | l. 18 | through | Page 22 | l. 18 |
| Page 27 | l. 14 | through | Page 28 | l. 20 |
| Page 29 | ll. 1-6 | | | |
| Page 53 | ll. 12-16 | | | |

Deposition of Murray Gray dated 2/27/20:

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|---------|-----------|---------|---------|-------|
| Page 15 | l. 16 | through | Page 16 | l. 13 |
| Page 20 | l. 24 | through | Page 21 | l. 8 |
| Page 32 | ll. 16-23 | | | |

Deposition of Claude Schumpert dated 2/27/20:

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|---------|-----------|---------|---------|-------|
| Page 3 | ll. 1-24 | | | |
| Page 4 | l. 15 | through | Page 5 | l. 12 |
| Page 6 | l. 19 | through | Page 7 | l. 10 |
| Page 19 | ll. 7-11 | | | |
| Page 19 | ll. 20-25 | | | |
| Page 20 | ll. 1-8 | | | |
| Page 20 | l. 20 | through | Page 21 | l. 24 |
| Page 22 | ll. 6-13 | | | |
| Page 25 | l. 15 | through | Page 27 | l. 8 |
| Page 28 | ll. 1-24 | | | |
| Page 30 | l. 15 | through | Page 31 | l. 21 |
| Page 32 | l. 8 | through | Page 33 | l. 8 |
| Page 35 | ll. 2-16 | | | |
| Page 43 | l. 10 | through | Page 44 | l. 14 |
| Page 51 | ll. 2-14 | | | |
| Page 52 | ll. 7-14 | | | |
| Page 52 | l. 19 | through | Page 55 | l. 5 |
| Page 56 | ll. 6-21 | | | |
| Page 57 | ll. 11 | through | Page 58 | l. 1 |

Deposition of Melissa “Missy” Schumpert dated 2/27/20:

| | | | | |
|---------|-----------|---------|---------|-------|
| Page 3 | ll. 1-21 | | | |
| Page 4 | l. 25 | through | Page 5 | l. 12 |
| Page 6 | ll. 11-21 | | | |
| Page 13 | ll. 4-15 | | | |
| Page 17 | ll. 7-17 | | | |
| Page 21 | l. 13 | through | Page 22 | l. 3 |
| Page 23 | ll. 8-22 | | | |
| Page 24 | ll. 15-25 | | | |
| Page 25 | ll. 12-20 | | | |

Deposition of Thomas D. “Tad” Abraham dated 8/20/21:

| | | | | |
|---------|-----------|---------|---------|-------|
| Page 3 | ll. 1-23 | | | |
| Page 9 | ll. 6-21 | | | |
| Page 10 | ll. 6-25 | | | |
| Page 11 | l. 19 | through | Page 12 | l. 7 |
| Page 13 | ll. 1-23 | | | |
| Page 14 | l. 14 | through | Page 15 | l. 6 |
| Page 16 | l. 12 | through | Page 17 | l. 10 |
| Page 18 | ll. 15-20 | | | |
| Page 19 | ll. 11-13 | | | |

| | | | | |
|---------|-----------|---------|---------|-------|
| Page 23 | l. 1 | through | Page 24 | l. 4 |
| Page 24 | ll. 19-23 | | | |
| Page 28 | l. 22 | through | Page 29 | l. 5 |
| Page 31 | ll. 8-18 | | | |
| Page 32 | l. 2 | through | Page 38 | l. 11 |

Exhibits 1-7 to Deposition of Thomas D. "Tad" Abraham dated 8/20/21

Deposition of C. Ray Amick dated 9/2/21:

| | | | | |
|---------|-----------|---------|---------|-------|
| Page 3 | ll. 1-11 | | | |
| Page 4 | ll. 5-7 | | | |
| Page 4 | l. 20 | through | Page 7 | l. 22 |
| Page 8 | l. 21 | through | Page 10 | l. 22 |
| Page 17 | l. 6 | through | Page 19 | l. 9 |
| Page 21 | l. 18 | through | Page 22 | l. 8 |
| Page 23 | ll. 10-16 | | | |
| Page 25 | l. 4 | through | Page 27 | l. 24 |
| Page 28 | ll. 15-21 | | | |
| Page 30 | l. 22 | through | Page 31 | l. 5 |
| Page 32 | l. 6 | through | Page 34 | l. 11 |
| Page 34 | ll. 18-21 | | | |
| Page 36 | ll. 1-13 | | | |
| Page 37 | l. 18 | through | Page 39 | l. 15 |
| Page 40 | ll. 12-18 | | | |
| Page 41 | l. 11 | through | Page 43 | l. 2 |
| Page 44 | ll. 3-20 | | | |
| Page 47 | ll. 1-7 | | | |

Deposition of Cheryl Littlejohn dated 9/2/21:

| | | | | |
|---------|-----------|---------|---------|-------|
| Page 3 | ll. 1-3 | | | |
| Page 4 | ll. 8-10 | | | |
| Page 6 | l. 4 | through | Page 7 | l. 6 |
| Page 8 | ll. 20-22 | | | |
| Page 10 | ll. 16-20 | | | |
| Page 11 | l. 18 | through | Page 13 | l. 5 |
| Page 13 | l. 24 | through | Page 14 | l. 16 |
| Page 14 | l. 24 | through | Page 15 | l. 7 |
| Page 15 | l. 15 | through | Page 17 | l. 16 |
| Page 18 | ll. 12-19 | | | |
| Page 20 | l. 5 | through | Page 22 | l. 14 |
| Page 22 | ll. 22-24 | | | |
| Page 23 | l. 15 | through | Page 39 | l. 9 |

| | | | | |
|---------|-----------|---------|---------|-------|
| Page 41 | ll. 19-22 | | | |
| Page 42 | l. 23 | through | Page 43 | l. 5 |
| Page 45 | ll. 10-23 | | | |
| Page 48 | l. 20 | through | Page 49 | l. 14 |
| Page 50 | ll. 7-12 | | | |

Exhibits 1-13 to Deposition of Cheryl Littlejohn dated 9/2/21.

OTHER MATERIALS

Exhibit 2 to Affidavit of Murray Gray – Aerial Photo of Lions Club Point

Exhibit 7 to Deposition of Tad Abraham taken 1/28/20 – Plat of Surveyor Tad Abraham dated 11/3/17

Exhibit 1 to Deposition of Tad Abraham taken 8/20/21 – Plat of Surveyor Tad Abraham dated 2/23/21

Exhibit 8 to Deposition of Cheryl Littlejohn – Plat with handwritten notation

Exhibit 1 to Affidavit of Missy Schumpert – Portion of Plat with highlights

Exceptions of coverage in Amick’s title policy for “rights of others to use and/or maintain private road without a recorded road maintenance agreement.” – Exhibit B to Second Amended Complaint

Road Paving Documents by Landowners (Year 2010) – Exhibit 2 to Affidavit of Claude Schumpert

Pursuant to Rule 209, SCACR, I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully Submitted,

POPE PARKER JENKINS, P.A.

September 16, 2025

s/Thomas H. Pope III
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