

IN THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM HORRY COUNTY  
William H. Seals, Jr., Circuit Court Judge

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Case No. 2009-CP-26-5743

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Hotel and Motel Holdings, LLC, .....Respondent

v.

BJC Enterprises, LLC, Wendy J. Bellamy, Americana, Inc.,  
a/k/a Americana Motel of Myrtle Beach, Inc., Mazingo &  
Wallace Architects, LLC, Kersi S. Shroff, and Shroff Management,  
Inc., .....Defendants

of whom

BJC Enterprises, LLC, Wendy J. Bellamy, Americana, Inc.,  
a/k/a Americana Motel of Myrtle Beach, Inc., .....Appellants

v.

First Palmetto Savings Bank, F.S.B., Jack Jones, Donald D. Goodwin,  
and Bhupendra Patel, .....Respondents

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

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Appellants' propose the following be included in the Record on Appeal:

A. Orders

1. 9/11/09 Order Granting Substitution
2. 10/15/10 Order Dismissing Third-Party Claims except for Civil Conspiracy
3. 12/10/09 Order Denying Motion to Appoint Patel as Receiver
4. 4/21/11 Order Granting Motions to Dismiss Civil Conspiracy as to Third-Party Defendants Bhupendra Patel, Jack Jones and Donald Godwin
5. 11/30/11 Order Denying Defendants/Third-Party Plaintiffs' Motion for Reconsideration of Order Dismissing Civil Conspiracy as to Jones, Godwin and Patel
6. 6/6/11 Order Denying Plaintiff's Motion for Summary Judgment on its Amended Complaint

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7. 6/6/11 Order Granting Motion for Summary Judgment on Counterclaims Asserted by Defendants Against Hotel & Motel Holdings, LLC

8. 7/27/11 Order Denying Defendants' Motion for Reconsideration of Order Granting Summary Judgment to Hotel & Motel Holdings, LLC on Defendants' Counterclaims

9. 6/6/11 Order Granting Motion for Summary Judgment on Claims Asserted by Third-Party Plaintiffs against First Palmetto Savings Bank, F.S.B.

10. 7/28/11 Order Denying Third-Party Plaintiffs' Motion for Reconsideration of Order Granting Summary Judgment to First Palmetto Savings Bank, F.S.B.

11. 9/29/11 Order Granting Plaintiff's Motion to Strike Defendants' Request for Jury Trial

B. Pleadings

12. Lis Pendens filed by First Palmetto /Complaint of First Palmetto Savings Bank, F.S.B.

13. Amended Complaint of Hotel & Motel Holdings, LLC

14. Defendant BJC Enterprises, LLC's Answer to Amended Complaint

15. Defendants Wendy Bellamy and Americana Inc. Answers to Amended Complaint

16. Amended Answer, Counterclaims and Third-Party Complaint of Defendants BJC Enterprises LLC, Wendy Bellamy and Americana, Inc.

17. Plaintiff's Reply to Amended Answer and Counterclaims

18. First Palmetto Savings Bank's Answer to Amended Answer, Counterclaims and Third-Party Complaint

19. Jack Jones and Donald Godwin Answer to Amended Answer, Counterclaims and Third-Party Complaint

20. Bhupendra Patel's Answer and Counterclaim to Third-Party Complaint

C. Motions

21. 7/9/09 First Palmetto Motion to Substitute H&M as Plaintiff

22. 9/23/09 H&M Motion to Appoint Patel as Receiver

23. 7/16/10 Jack Jones and Donald Godwin Motion to Strike Conspiracy Claims

24. 8/19/10 Bhupendra Patel Motion to Dismiss or Strike Conspiracy Claims

25. 9/15/10 Bhupendra Patel Memorandum in Support of Motion to Dismiss

26. 4/13/11 Jack Jones and Donald Godwin Memorandum in Support of Motion to Dismiss

27. BJC Memorandum in Opposition to Motion to Dismiss

28. 5/5/11 BJC Motion to Reconsider Order Dismissing Conspiracy Claims against Jones, Godwin and Patel
29. 4/8/11 Hotel & Motel Holdings, LLC Motion for Summary Judgment as to Defendants' Counterclaims
30. 5/3/11 First Palmetto Motion for Summary Judgment as to Defendants' Third-Party Claims
31. 5/3/11 Hotel & Motel Holdings, LLC Motion for Summary Judgment as to Amended Complaint
32. 5/3/11 Hotel & Motel Holdings, LLC Memorandum in Support of Motion for Summary Judgment
33. 5/6/11 First Palmetto Memorandum in Support of Motion for Summary Judgment
34. 5/11/11 Defendants Memorandum in Opposition to Hotel & Motel and First Palmetto Motions for Summary Judgment
35. 6/3/11 Defendants Motion to Reconsider Order Granting Hotel & Motel Summary Judgment as to Counterclaims
36. 6/3/11 Defendants Motion to Reconsider Order Granting Summary Judgment to First Palmetto on Third-Party Claims
37. 7/1/11 First Palmetto Memorandum in Opposition to BJC Motion to Reconsider Order Granting Summary Judgment
38. 7/5/11 Hotel & Motel Holding, LLC Memorandum in Opposition to BJC Motion to Reconsider Order Granting Summary Judgment
39. 6/6/11 Hotel & Motel Motion to Strike Defendants' Jury Trial Request

D. Hearing Transcripts

40. 9/23/2010 Transcript of Hearing Before Judge John  
Pages 1-2  
Pages 23-24  
Pages 54-58
41. 4/11 & 4/14/2011 Transcript of Hearing Before Judge Seals  
Pages 1-2  
Pages 7-10  
Pages 13-28
42. 5/12/2011 Transcript of Hearing Before Judge Seals  
Pages 1-3  
Pages 5-60  
Pages 71-72  
Receipt For Exhibits
43. 8/24/11 Transcript of Hearing Before Judge Seals  
Pages 1-2  
Pages 4-13

E. Deposition Transcripts

44. 10/21/10 Deposition of Jack Jones  
Pages 1-4, 53-54, 60-64, 67, 81-88, 92-96, 98-100, 108-118, 127-128, 134-135, 139, 150-152, 179-182, 211-215, 218-223, 235-238.
45. 3/25/11 Deposition of Jack Jones  
Pages 1, 20-21, 24-32
46. 8/25/10 Deposition of Sammy Small, Sr.  
Pages 1-2, 11, 26, 61, 76-77, 117, 124-126, 136, 146-148, 150, 182-183, 196-198, 213, 217-218, 230
47. 11/23/10 Deposition of Wendy Bellamy  
Pages 1-2, 17, 19, 27, 38, 44-50, 59-65, 71-79, 92-97, 101-106, 112, 129-130, 181, 194, 264-266
48. 11/23/10 Deposition of Harvey Jones  
Pages 1-2, 8, 21, 30, 65, 70-73, 86, 89-90, 134, 137, 166, 196, 197, 205, 209
49. 11/17/10 Deposition of Bupendra Patel  
Pages 1-2, 10, 16, 18, 25, 27-28, 49-57, 62, 65, 67-69, 79-81, 90, 92-95, 101-105, 110-111, 114, 120-121
50. 10/22/10 Deposition of Sammy Small, Jr.  
Pages 1-2, 9-10, 14, 30, 32, 50, 56-59, 61, 63-66, 70, 95, 101-107, 116-118, 120-136, 138-156, 159-161, 164-166, 173-174, 185
51. 6/8/10 Deposition of Brent Hutto  
Pages 1-2, 17, 67, 116-119, 127, 137-138, 158

F. Exhibits

Hand Drawn Map

Tax Map

8/30/04 Emerald Shores Sales Agreement

2005 Note

BJC Mortgage

Americana Mortgage

Wendy Bellamy Mortgage

Security Agreement

2007 Note

2007 Mortgage Modifications (BJC, Americana, Wendy)

2008 Note

2008 Mortgage Modifications (BJC, Americana, Wendy)

2008 Commercial Security Agreement

Wendy Bellamy Medical Records

11/24/08 Brent Hutto Letter

11/26/08 BJC Payment to First Palmetto

12/9/08 Durable Power of Attorney (unrecorded)

12/12/08 Recorded Durable Power of Attorney

1/22/09 Coan \$500,000 CD applied to Loan

2/3/09 \$95,000 Check to First Palmetto

2/3/09 Payment of 2008 Real Estate Taxes & Receipts

2/3/09 Brent Hutto Email to Myrtle Beach First Palmetto Employees

2/4/09 Payment Application records of First Palmetto

2/7/09 Wendy Letter to Small, Sr.

Patel Management Contracts

Jack Jones Authorization of Patel Management Contracts

3/24/09 First Palmetto Deposit Account Applications for Emerald Shores & Rainbow Court by Patel

BJC Loan History Report

Sammy Small, Sr. Cell Phone Log and Chronological Summary

Checks to Wilbur

Group of Photos of Jack Jones and Donald Godwin at the properties

6/1/09 Rainbow Court Appraisal

6/5/09 Emerald Shores Appraisal

6/17/09 Americana Appraisal

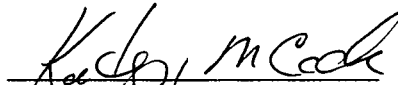
6/12/09 H&M Articles of Organization / Secretary of State

Drafts of Loan Sales Agreement

6/24/09 Loan Sales Agreement

6/30/09 Addendum to Loan Sales Agreement  
6/30/09 H&M Note for \$4,750,000  
6/30/09 Bill of Sale  
6/30/09 Assignments of BJC, Americana, Bellamy Mortgages from First Palmetto to H&M  
6/30/09 Collateral Assignments of BJC , American & Wendy Bellamy Note, Mortgage and other Loan Documents to First Palmetto  
6/30/09 Assignment of Rent & Profits from H&M to First Palmetto  
\$250,000 Check to First Palmetto from Jack Jones  
H&M Grant of Ownership Interest Certificate to Donald Godwin  
H&M Financial Records for 2009 & 2010  
12/10/09 Agreement by Patel allowing tenants to stay in properties free in 2010  
12/18/09 H&M Letter to BJC to enforce Management Agreement with Patel

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

  
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October 11, 2013

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William H. Seals, Jr., Circuit Court Judge

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Respondent

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Myrtle Beach, Inc., Mozingo & Wallace Architects, LLC,  
Kersi S. Shroff, and Shroff Management, Inc.,  
Defendants,

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Respondents

PROOF OF SERVICE

I hereby certify that on October 11, 2013 I have served upon Respondents and the Clerk of the South Carolina Court of Appeals Appellants' Designation of Matter to be Included in the Record on Appeal via U.S. mail, addressed as follows:

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North Myrtle Beach, South Carolina  
October 11, 2013