

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE GEORGETOWN COUNTY  
Court of Common Pleas

RECEIVED

NOV 04 2013

Larry B. Hyman, Jr., Circuit Court Judge

CLERK OF COURT

Appellate Case No. 2012-212842

Litchfield Plantation Association, Inc., Joseph E. Johnson, Thomas Eckard, Carol E. Kirby,  
Robert F. McMahan, Jr., and Thomas Martin Phillips . . . . . Appellants,

v.

Litchfield Plantation Company, Inc. . . . . Respondent,

AND,

E. Scott Trotter . . . . . Intervenor.

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

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

**ORDERS**

1. Circuit Court Form 4 Order Granting Respondent's Motion for Summary Judgment filed December 9, 2011.
2. Circuit Court Order Granting Respondent's Motion for Summary Judgment filed May 25, 2012.
3. Circuit Court Form 4 Order Granting Temporary Injunction filed September 20, 2012.

4. Circuit Court Temporary Injunction Order filed October 22, 2012.

#### PLEADINGS

5. Summons and Complaint filed March 9, 2011.
6. Defendant-Respondent's Answer filed April 29, 2011.
7. Defendant-Respondent's Amended Answer and Counterclaims filed May 27, 2011.
8. E. Scott Trotter's Motion for Intervenor filed July 29, 2011.
9. Plaintiff-Appellants' Motion for Summary Judgment filed June 7, 2011.
10. Defendant-Respondents' Motion for Summary Judgment filed September 9, 2011.
11. Intervenor E. Scott Trotter's Complaint filed September 23, 2011.
12. Defendant's Answer to Intervenor Complaint filed October 21, 2011.
13. Defendant's Second Amended Answer and Counterclaims filed October 24, 2011.
14. Defendant's Motion for Temporary Injunction filed November 7, 2011.
15. Complaint filed on April 10, 2012 in Case No: 2012-CP-22-341.
16. Answer filed on June 1, 2012 in Case No: 2012-CP-22-341.
17. Plaintiff-Appellants' Rule 59 Motion to Alter or Amend filed June 6, 2012.
18. Defendant-Respondent's Motion for Temporary Injunction filed September 7, 2012.

#### TRANSCRIPTS

19. Transcript of Circuit Court Hearing on September 8, 2011.
20. Transcript of Circuit Court Hearing on December 8, 2011.
21. Transcript of Circuit Court Hearing on April 19, 2012.
22. Transcript of Circuit Court Hearing on September 20, 2012.
23. Transcript of Circuit Court Hearing on August 16, 2012.

#### EXHIBITS

24. 2005 Amendments to Covenants and Restrictions for Litchfield Plantation.

25. Amended Bylaws of Litchfield Plantation Association, Inc.
26. February 6, 2012 Accounting.
27. June 1, 2010 Mortgage
28. February 17, 2010 Mortgage Modification Agreement.
29. February 6, 2012 Letter to Attorney Neil.
30. May 22, 2009 Promissory Note.
31. June 10, 2009 Promissory Note.
32. July 21, 2009 Promissory Note.
33. June 1, 2010 Promissory Note.
34. April 29, 2011 Foreclosure Judgment.
35. December 12, 1986 circuit court order.
36. Assignment of Promissory Notes from Respondent to Litchfield Plantation Buyout Group, LLC.
37. Arrest Warrant J-520966 for Intervenor E. Scott Trotter filed July 11, 2011.
38. Affidavit of Service upon Intervenor E. Scott Trotter filed March 24, 2011.
39. Affidavit of E. Scott Trotter filed May 11, 2011.
40. Notice of Taking Deposition of E. Scott Trotter.
41. Affidavit of Intervenor E. Scott Trotter filed June 7, 2011.
42. Affidavit of E. Scott Trotter filed September 26, 2011.
43. Affidavit of John Miller filed September 26, 2011.
44. Affidavit of Carol E. Kirby filed June 7, 2011.
45. Affidavit of Carol E. Kirby filed November 21, 2011.
46. Affidavit of Joseph E. Johnston filed June 7, 2011.
47. Affidavit of Capers Johnston filed June 7, 2011.
48. Affidavit of Thomas Eckard Filed June 7, 2012.
49. Affidavit of Robert D. Klemme filed December 6, 2011.
50. Affidavit of Robert J. Charnley Jr. filed December 6, 2011.
51. Affidavit of Carol E. Kirby filed December 6, 2011.
52. Affidavit of Edward J. Meehan filed December 6, 2011.
53. Affidavit of James Davies filed December 6, 2011.
54. Affidavit of Angela Lawrimore filed June 7, 2011.

55. Affidavit of John J. Boselli filed September 26, 2011.
56. Affidavit of John Miller filed September 17, 2012.
57. Supplemental Affidavit of John J. Boselli filed December 6, 2011.
58. E. Scott Trotter Letter dated April 30, 2010.
59. E. Scott Trotter Letter dated November 19, 2010.
60. E. Scott Trotter Letter dated December 23, 2010.
61. E. Scott Trotter Memo dated February 25, 2010.
62. Notice of February 26, 2011, Special Meeting.
63. 2008 Litchfield Plantation Maintenance and Operation Fees.
64. Attorney Charles Owen Nations, II Memorandum dated February 25, 2011.
65. Litchfield Plantation Association, Inc. Profit & Loss Sheet (April through Dec. 2010).
66. E. Scott Trotter Memorandum filed February 23, 2011.
67. December 3, 2011 Affidavit of Extension of Class B Membership.
68. Litchfield Plantation Association, Inc. 2011 Projected Budget.
69. Litchfield Plantation Association Abstract Form.
70. February 2005 Declaration of Rights.
71. October 2005 Declaration of Rights.
72. December 2009 Declaration of rights.
73. October 2010 Declaration of Rights.
74. November 2010 Declaration of Rights.
75. December 29, 2010 Declaration of Rights.
76. December 30, 2010 Declaration of Rights.
77. Exhibits C of Plaintiffs' Memorandum in Opposition to Motion to Intervene
78. Affidavit of Robert W. Dibble, Jr.

#### OTHER MATERIALS

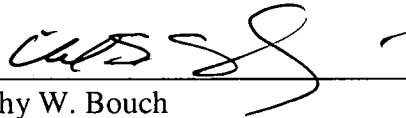
79. Plaintiff-Appellants' Memorandum in Support of Summary Judgment filed June 7, 2011.
80. Plaintiff-Appellants' Supplemental Memorandum in Support of Summary Judgment as to Class B Termination filed October 4, 2011.

81. Plaintiffs' Answers to Defendant's Supplemental Interrogatories dated October 10, 2011.
82. Plaintiff-Appellants' Memorandum in Opposition to Defendant-Respondent's Motion for Summary Judgment filed December 6, 2011. (Date correction for Appellants' Initial Designation).
83. Plaintiff's Memorandum in Opposition to Motion to Intervene.

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

Respectfully submitted,

LEATH BOUCH & SEEKINGS, LLP

By:   
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Michael S. Seekings  
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**PROOF OF SERVICE**

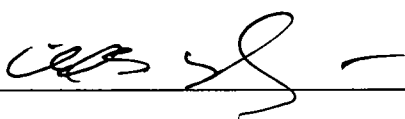
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I certify that I served the Appellants' Designation of Matter on November 1, 2013,  
by depositing a copy of it in the United State Mail, postage prepaid, addressed as follows:

Mark D. Neill, Esquire  
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*Attorney for Respondent*  
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Myrtle Beach, S.C. 29578  
*Attorney for Respondent/Intervenor*  
*E. Scott Trotter*

November 1, 2013



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