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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Master-in-Equity

The Honorable Mikell R. Scarborough

Common Pleas Case No.: 2023-CP-10-00192
Appellate Case No.: 2025-001402

Katie Lynn Mallace and Micah James Mallace, Respondents,

v.

Southeastern Capital Corporation; Krista Brown-Penney, Co-Trustee, EM Family Trust; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as a portion of Third Street shown on a plat recorded in the Office of the RMC for Charleston County in Plat Book D at Page 180, Charleston County, South Carolina, TMS# 999-00-00-366 formerly known as TMS# 514-09-00-047, their heirs and assigns, and all other persons, firms, or corporations entitled to the claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as a portion of Third Street shown on a plat recorded in the Office of the RMC for Charleston County in Plat Book D at Page 180, Charleston County, South Carolina, TMS# 999-00-00-366 formerly known as TMS# 514-09-00-047, Defendants, of which EM Family Trust, David M. Bolach, and Terri Davis are the Appellants.

**APPELLANT'S DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

/s/ Paul B. Ferrara, III

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Attorney for Appellants

December 10, 2025

Pursuant to Rule 209(a) SCACR, the Appellant designates the following to be included in the Record of Appeal:

Orders

1. April 23, 2025 Final Order Granting Plaintiffs Quit Tax Title or Adverse Possession;
2. June 18, 2025 Order Denying Defendant's Motion to Reconsider;

Pleadings

1. January 1, 2023 Plaintiff's Filed Lis Pendens, Summons, and Complaint;
2. March 13, 2023 Affidavit of Service to Defendant Southeastern Capital Corporation;
3. March 30, 2023 Defendant EM Family Trust's Answer to Complaint;
4. 8. May 5, 2025 Defendant's Motion to Reconsider April 23, 2025 Judgment;
5. July 14, 2025 Defendant's Notice of Appeal;

Transcript

1. March 25, 2025 Transcript of Hearing on the Matter, Volume I;
2. March 27, 2025 Transcript of Hearing on the Matter Continued, Volume II;

Exhibits

1. Land Survey Map/Survey Plat from February 14, 1870, Plat D at Page 180;
2. Deed from Dorothy Ayers to Southeastern Capital Corporation;
3. Tax Deed from the Charleston County Delinquent Tax Collector transferring property to Jerome N. Grant;
4. Deed Affidavit by James M. Farris;
5. Deed of Distribution from the Probate Court for the Estate of Jerome N. Grant;
6. General Warranty Deed Conveying TMS 514-05-00-079 from Annette E. Grant to Edward S. Lee;

7. Limited Warranty Deed from Edward S. Lee to Rex Guignard LLC for TMS 514-09-00-047;
8. Quit Claim Deed Conveying TMS 514-09-00-047 from Rex Guignard LLC to Katie Lynn Mallace and Micah James Mallace;
9. Limited Warranty Deed Transferring TMS 514-09-00-045 and 514-09-00-046 from William Nathaniel Horton to Krista Brown-Penney, Co-Trustee of the EM Family Trust;
10. Quit Claim Deed Conveying TMS 514-09-00-047 to Leslie L. Adams Ayers, Personal Representative of the Estate of Charles Rausch Ayers, to Krista Brown-Penney, Co-Trustee of the EM Family Trust;
11. Quit Claim Deed from Christa M. Yantis, CPA, Personal Representative of the Estate of Dorothy R. Ayers, to Krista Brown-Penney, Co-Trustee of the EM Family Trust, conveying TMS 514-09-00-047;
12. Tax Map record TMS 514-09-00-047; and
13. Defendant's Trial Exhibits 1-11.

I, the undersigned counsel, do hereby certify pursuant to Rule 209(c) SCRPC that Appellant's Designation of Matter to be included in the Record on Appeal contains no matter that is irrelevant to this appeal.

Respectfully submitted this 10th day of December 2025.

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