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SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE
COURT OF APPEALS**

Appeal from the Court of Common Pleas
For Charleston County
Honorable Michael R. Scarborough, Master-In-Equity
Civil Action No.: 2023-CP-10-02281
Appellate Case No. 2025-001775

GRAND OAKS BOULEVARD ASSOCIATION, INC.,

Appellant,

v.

PROXIMITY NEIGHBORHOODS MASTER ASSOCIATION, INC.,

Respondent.

**Designation of Matter to be Included
in the Record on Appeal**

Stephen P. Groves, Sr., Esquire
S.C. Bar No. 7854
BUTLER SNOW LLP
25 Calhoun Street, Suite 250
Charleston, South Carolina 29401
Telephone: 843.277.3704
E-Mail: Stephen.Groves@butlersnow.com

John J. Dodds, III, Esquire
S.C. Bar No. 1707
JOHN J. DODDS, III, LLC
858 Lowcountry Boulevard, Suite 101
Mount Pleasant, South Carolina 29464
Telephone: 843.881.6530
E-Mail: john@cisadodds.com

*Attorneys for the Appellant,
Grand Oaks Boulevard Association, Inc.*

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

COMES NOW the Appellant, Grand Oaks Boulevard Association, Inc. (“Grand Oaks”), pursuant to Rule 209 of the South Carolina Appellate Court Rules, and hereby designates the parts of the transcripts, orders, pleadings, affidavits, exhibits, and/or other materials which Grand Oaks proposes to include in the Record on Appeal.

ORDERS

1. SCRCP Form 4 Order of the Honorable Mikell R. Scarborough, Master-In-Equity for Charleston County, dated 7 August 2025, and filed with the Clerk of Court for the Charleston County Court of Common Pleas on 7 August 2025, and received by Grand Oaks’ legal counsel on 7 August 2025;
2. Order Granting Defendant’s Motion for Summary Judgment and Denying Plaintiff’s Motion and Amended Motion for Summary Judgment of the Honorable Mikell R. Scarborough, Master-In-Equity for Charleston County, dated 21 July 2025, and filed with the Clerk of Court for the Charleston County Court of Common Pleas on 21 July 2025, and received by Grand Oaks’ legal counsel on 21 July 2025;
3. Consent Order of Reference issued by the Honorable Julie J. Armstrong, Clerk of Court for the Charleston County Court of Common Pleas, dated 19 August 2024, and filed with the Clerk of Court for the Charleston County Court of Common Pleas on 19 August 2024;

PLEADINGS

1. Complaint dated 8 May 2023, and filed with the Clerk of Court for the Charleston County Court of Common Pleas on 11 May 2023;
2. Answer to Complaint dated 26 June 2023, and filed with the Clerk of Court for the Charleston County Court of Common Pleas on 26 June 2023;
3. Motion for Summary Judgment by Grand Oaks filed with the Clerk of Court for the Charleston County Court of Common Pleas on 2 November 2023;

4. *Affidavit of Aicko Yves Schumann (In Support of Motion for Summary Judgment)* sworn to on 3 November 2023, and filed with the Clerk of Court for the Charleston County Court of Common Pleas on 27 November 2023 (including the following attached exhibit documents);
- a. *Exhibit A:* Paragraph 6, Section (e) of the *Grand Oaks Covenants*;
 - b. *Exhibit B:* *Subdivision Plat of Tract D Bees Landing* designated as "TRACT D-2 310.669 ACRES TOTAL 97.424 ACRES WETLANDS 213.245 ACRES HIGHLAND" on that certain Plat recorded in the ROD on October IS, 2004, in Plat Book EH, at Page 427;
 - c. *Exhibit C:* *Supplemental Declaration (Amending instrument previously recorded at Book M-345, Page 573, RMC Office for Charleston County, South Carolina)* dated 15 November 2004, and recorded in the ROD on 16 November 2004, in Book G-516, Page 265;
 - d. *Exhibit D:* Paragraph 6, Sections (a) and (b) of the *Amended and Restated Declaration of Covenants and Restrictions-Grande Oaks Plantation*;
 - e. *Exhibit E:* Section 7, Subsection 7.2, Paragraph B, Subparagraph 2 of the *Declaration of Covenants, Conditions, and Restrictions For The Proximity Neighborhoods Master Association, Inc.* dated November 6, 2014. and recorded in the ROD on November 10, 2014, in Book 0439, Page 959;

- f. Exhibit F: *Correspondence from John J. Dodds, III, Esquire to and from Representatives of Proximity Neighborhoods Master Association, Inc. (including the following attached exhibit documents);*
1. *Letter from John J. Dodds, III, Esquire to Ms. Laura Duc, Community Manager for Proximity Neighborhoods Master Association, Inc. dated 18 November 2022 (including the following attached documents);*
 - (a) Account History Report Grand Oaks Boulevard for Proximity Neighborhoods Master No. 00137-9578 concerning 2022 Annual Assessment;
 - (b) Excerpt of *Grand Oaks Covenants*, pp.1, 3 of 7;
 - (c) Excerpt of *Proximity Neighborhoods Covenants*, pp. 1, 18 of 45;
 - (d) Excerpt of *Amended and Restated Declaration of Covenants and Restrictions – Grande Oaks Covenants*, pp 1, 4-5;
 2. *E-Mail from Ms. Laura Duc to John J. Dodds, III, Esquire dated 18 November 2022;*
 3. *Letter from John J. Dodds, III, Esquire to Ms. Laura Duc, Community Manager for Proximity Neighborhoods Master Association, Inc. dated 17 January 2023;*

4. *E-Mail from John J. Dodds, III, Esquire to Ms. Laura Duc dated 17 January 2023;*
5. *E-Mail from John J. Dodds, III, Esquire to Douglas W. Mackelcan, Esquire dated 4 October 2023 (including the following attached exhibit document);*
 - (a) Proximity Neighborhoods' Past Due amounts vis-à-vis Annual Assessments.
- g. *Exhibit G:* Paragraph 6, Subsection (c) of the *Amended and Restated Declaration of Covenants and Restrictions-Grande Oaks.*
5. *Supplemental Affidavit of Aicko Yves Schumann (In Support of Motion for Summary Judgment)* sworn to on 22 April 2024, and filed with the Clerk of Court for the Charleston County Court of Common Pleas on 3 May 2024 (including the following attached exhibit documents);
 - a. *Exhibit A:* Paragraph 6, Section (e) of the *Grand Oaks Covenants;*
 - b. *Exhibit B:* Paragraph 6, Sections (a) and (b) of the *Amended and Restated Declaration of Covenants and Restrictions- Grande Oaks;*
 - c. *Exhibit C:* Paragraph 6, Section (g) of the *Amended and Restated Declaration of Covenants and Restrictions- Grande Oaks;*
 - d. *Exhibit D:* Paragraph 6, Section (i) of the *Amended and Restated Declaration of Covenants and Restrictions- Grande Oaks;*
 - e. *Exhibit E:* *2022 Budget for Grand Oaks Boulevard Association, Inc.;*
 - f. *Exhibit F:* *2023 Budget for Grand Oaks Boulevard Association, Inc.;*

- g. Exhibit G: 2024 Budget for Grand Oaks Boulevard Association, Inc.;
 - h. Exhibit H: Proximity's Annual Assessments Account History for 2022 through 2024;
 - i. Exhibit I: Paragraph 6, Section (c) of the Amended and Restated Declaration of Covenants and Restrictions- Grande Oaks;
6. Proximity Neighborhoods Master Association, Inc.'s Motion for Summary Judgment dated 13 February 2025, and filed with the Clerk of Court for the Charleston County Court of Common Pleas on 13 February 2025;
7. Affidavit of Attorney's Fees and Costs ([Grand Oaks]) sworn to on 14 February 2025, and filed with the Clerk of Court for the Charleston County Court of Common Pleas on 14 February 2025;
8. Second Supplemental Affidavit of Aicko Yves Schumann (In Support of Motion for Summary Judgment) sworn to on 14 February 2025, and filed with the Clerk of Court for the Charleston County Court of Common Pleas on 14 February 2025(including the following attached exhibit documents);
- a. Exhibit A: 2025 Budget for Grand Oaks Boulevard Association, Inc.;
 - b. Exhibit B: Statement of Assessments and Related Charges due from Proximity;
9. Proximity Neighborhoods Master Association, Inc.'s Memorandum in Support of its Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment dated 18 February 2025 and filed with the Clerk of Court for the Charleston County Court of Common Pleas on 18 February 2025 - **Page 1 through top of Page 6 (first three lines) ONLY** (including the following attached exhibit documents);
- a. Exhibit A: Declaration of Covenants and Restrictions Grand Oaks Plantation as recorded in the Register of Deeds Office for Charleston County on October 28, 1998, in Book P-313, Page 895, as amended;

- b. Exhibit B: *Declaration of Covenants, Conditions, and Restrictions for The Proximity Neighborhoods Master Association, Inc.*, as recorded in the Register of Deeds Office for Charleston County on November 10, 2014 in Book 0439, Page 959, as amended;
- c. Exhibit C: "TRACT D-2 310.669 ACRES TOTAL 97.424 ACRES WETLANDS 213.245 ACRES HIGHLAND" on certain Plat recorded in the Register of Deeds Office for Charleston County on October 15, 2004, in Plat Book EH, at Page 427;
- d. Exhibit D: *Limited Warranty Deed* dated 15 November 2004, and filed in the Register of Deeds Office for Charleston County on November 16, 2004;
- e. Exhibit E: *Corrective Limited Warranty Deed* dated 16 July 2012, and filed in the Register of Deeds Office for Charleston County on July 25, 2012;
- f. Exhibit F: *Third Amendment to Declarations of Covenants, Conditions[,] and Restrictions for Proximity Neighborhoods Master Association, Inc.* dated 10 August 2020, and filed in the Register of Deeds Office for Charleston County on 15 August 2020;
- g. Exhibit G: *Supplemental Declaration to Declarations of Covenants, Conditions[,] and Restrictions for Proximity Neighborhoods Master Association, Inc. Relinquishing Declarant's Rights* dated 11 October 2023, and filed in the Register of Deeds Office for Charleston County on 3 January 2024;

- h. Exhibit H: *Final Plat Showing the Abandonment of the Property Line Between H.O.A. #4, TMS NO. 301-00-00-686 (0.478 AC) and Tract 5 & 6, TMS NO. 301-00-00-695 (19.939 AC) to Create Grand Oaks Phase 5 & 6 Containing 30 Lots (6.331 AC), Right of Ways (1.671 AC), and HOA Areas (12.415 AC) dated 24 April 2017*
 - i. Exhibit I: *Subdivision Plat of Lots 1-4, A New Private Road, A New Pump Station Lot, and A New CPW Utility Easement Located on Bees Ferry Road dated 28 August 1998, and filed in the Register of Deeds Office for Charleston County on 23 September 1998 in Plat Book EC, Page 758;*
 - j. Exhibit J: *Subdivision Plat New Lots 5, 6, 7 & 8 Bees Ferry Tract dated 24 March 2000 and filed in the Register of Deeds Office for Charleston County on 28 March 2000 in Plat Book ED, Page 887.*
10. *Affidavit of Laura Duc in Support of Defendant's Motion for Summary Judgment* sworn to on 18 February 2025, and filed with the Clerk of Court for the Charleston County Court of Common Pleas on 18 February 2025;
 11. *Proximity Neighborhoods Master Association, Inc.'s Response to Plaintiff's First Set of Requests for Admissions* dated 7 August 2023, and filed with the Clerk of Court for the Charleston County Court of Common Pleas on 24 February 2025;
 12. *Amended Motion for Summary Judgment (SCRCP 56)* filed with the Clerk of Court for the Charleston County Court of Common Pleas on 9 May 2025;
 13. *Plaintiff's Motion to Alter or Amend Judgment (SCRCP 59(e))* filed with the Clerk of Court for the Charleston County Court of Common Pleas on 25 July 2025;

HEARING TRANSCRIPTS

1. Transcript of Motions Hearing held on 17 June 2025:
pp.1-37.

I, Stephen P. Groves, Sr., Esquire, hereby certify, this 2nd day of February 2026, pursuant to Rule 209(c), SCACR, that the **Designation of Matter to be Included in the Record on Appeal** submitted by the Appellant, Grand Oaks Boulevard Association, Inc., does not contain any matter and/or items which are not relevant to this appeal.

Respectfully submitted:

BUTLER SNOW LLP

By: *Stephen P. Groves, Sr.*

Stephen P. Groves, Sr., Esquire
S.C. Bar No.: 007854
25 Calhoun Street, Suite 250
Charleston, South Carolina 29401
Telephone: 843.277.3704
Telecopier: 843.277.3701
E-Mail:

Stephen.Groves@butlersnow.com

John J. Dodds, III, Esquire
S.C. Bar No. 1707
JOHN J. DODDS, III, LLC
858 Lowcountry Boulevard, Suite 101
Mount Pleasant, South Carolina 29464
Telephone: 843.881.6530
E-Mail: john@cisadodds.com

*Attorneys for the Appellant,
Grand Oaks Boulevard Association, Inc.*

Charleston, South Carolina

2 February 2026
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