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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM ANDERSON COUNTY

Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No. 2025-CP-04-00328

Hubert N. Smith, Jr. and Stanley Hix, ..... Appellants,

v.

Anderson County Planning Commission and Spano & Associates, Inc. .... Respondents,

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

Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Appellant designates the following items be included in the Record on Appeal:

**ORDERS**

1. Order entered August 30, 2024.
2. Form 4 Order entered November 13, 2024
3. Order of Remand entered November 20, 2024.
4. Form 4 Order entered February 7, 2025.
5. Order of Dismissal entered February 21, 2025.
6. Form 4 Order entered June 5, 2025.

7. Signed Order of Dismissal entered June 10, 2025
8. Formal, signed Order entered June 30, 2025.
9. Form 4 Order entered June 30, 2025.
10. Form 4 Order entered August 27, 2025.
11. Order Granting Motion to Correct the Record entered September 4, 2025

### **PLEADINGS**

12. Filed Summons and Complaint dated May 7, 2024.
13. Commission Answer filed June 7, 2024.
14. Spano and Associates Inc. Answer filed October 28, 2024
15. Summons and Complaint filed February 13, 2025.
16. Answer of Spano and Associates, Inc. filed March 13, 2025.
17. Commission Answer dated April 11, 2025.
18. Plaintiff's Reply to the Commission filed April 22, 2025.

### **MOTIONS AND MEMORANDA**

19. Commission's Motion to Alter or Amend filed September 9, 2024, with exhibit.
20. Spano and Associates, Inc. Motion to Intervene filed October 28, 2024.
21. Commission's Motion to Dismiss filed October 29, 2024.
22. Spano and Associates, Inc. Prehearing Brief dated June 1, 2025, with 7 exhibits.
23. Commission prehearing brief filed June 2, 2025.
24. Plaintiff's Memorandum of Law, with 5 exhibits, dated June 3, 2025.
25. Plaintiff's Motion to Alter or Amend dated June 16, 2025.

26. Spano and Associates, Inc. Motion for Expedited Hearing and Motion to Lift the Automatic Stay and Order Appellants to Post Sufficient Bond during the Pendency of Their Appeal, with 4 Exhibits dated August 6, 2025.
27. Spano and Associates Inc. Motion to Correct the Record under Rule 60(A) SCRCF, dated August 6, 2025.
28. Plaintiff's Memorandum in Opposition to the Motion to Correct the Record and Motion to Lift the Automatic Stay and Post a Bond, with 6 exhibits entered August 25, 2025.
29. Spano and Associates Inc. Reply in Support of Spano's Motion to Correct the Record and Motion to Lift the Automatic Stay Post a Sufficient Bond with 2 exhibits, filed August 26, 2025.
30. Plaintiffs' Reply Memorandum in Opposition to the Motion to Correct the Record and Motion to Lift the Automatic Stay Post a Bond, dated August 27, 2025.
31. Plaintiffs' Motion to Reconsider the Form 4 Order of the Bond and Objection to the Proposed Formal Order on the Bond, with Hix Affidavit, filed September 26, 2025.
32. Plaintiff's Notice of Posting Bond dated October 3, 2025

### **TRANSCRIPTS**

1. Transcript of record dated August 21, 2024.
2. Transcript of record dated February 26, 2025
3. Transcript of Record dated June 4, 2025.
4. Transcript of Record dated August 27, 2025.

### **OTHER SUPPORTING MATERIAL**

1. Affidavit of Kenneth Eugene Rhodes.
2. Affidavit of Stanley Hix

3. Commission's minutes dated April 12, 2024, giving preliminary approval of Anderson Reserve.
4. Title to Real Estate filed May 22, 2024.
5. Spano's Archaeological Survey and Report dated August 23, 2024.
6. Second Report from Spano and Associates, Inc., dated December 7, 2024.
7. Appellants' letter to the commission dated December 9, 2024, with exhibits.
8. Third report from Spano and Associates, Inc. dated December 23, 2024.
9. Commission minutes dated January 14, 2025, approving Anderson Reserve, and reaffirming the decision by the Commission from April 19, 2024.
10. Chapter 24 Rules from Anderson County.
11. Graveyard Hill flyer

The undersigned counsel hereby certifies, pursuant to Rule 209(c) of the South Carolina Appellate Court Rules that this Designation contains only matter relevant to the appeal.

Respectfully submitted,

/S/ James G. Carpenter  
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