

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

**RECEIVED**

DEC 18 2013

**S.C. Supreme Court**

Appeal from Richland County  
George C. James Jr., Circuit Court Judge  
James F. Barber Jr., Supervising Circuit Court Judge  
Case No. 2009-CP-40-05911  
Case No. 2010-CP-40-02889

Appellate Tracking Number 2013-001634

Howard Hammer, Appellant

v.

Shirley Hammer, aka Shirley Grace Hightower,  
Respondent

And

1634 Main LP, Appellant

v

Shirley Hammer, aka Shirley Grace Hightower,  
Respondent

v.

Howard Hammer, Appellant

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**DESIGNATION OF MATTER BY RESPONDENT  
IN CONSOLIDATED APPEALS**

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In addition to the designations made by Appellants, Respondent Shirley Hammer makes the following initial designations of matter to be included in the record on appeal in consolidated appeals filed by Howard Hammer and 1634 Main, LP.

**PLEADINGS**

Hammer v. Hammer

Lis Pendens filed July 31, 2009

Summons and Complaint filed August 18, 2009

First Amended Answer to Complaint, Motion to Dismiss, Counterclaims (Oct. 30, 2009)

Answer to Amended Complaint, Motion to Dismiss, Counterclaims (Nov. 23, 2009)

Motion to Dismiss and Memorandum in Support, by Shirley Hammer (Feb. 24, 2010)

Opinion of the Court of Appeals filed June 6, 2012 (Appellate Case 2010-164067)

Motion to Compel, filed by Shirley Hammer (Oct. 29, 2012)



Motion for Sanctions filed January 15, 2013  
Amended Affidavit of Attorney's fees filed April 2, 2013  
Opinion of the Court of Appeals filed June 6, 2012

1634 Main, LP vs. Hammer.

Summons and Complaint (April 30, 2010)  
Answer to Complaint, Motion to Dismiss, Motion for Injunction, and Third-Party  
Complaint (June 21, 2010, amended June 24, 2010)  
Plaintiff's Reply to Counterclaim (Nov. 21, 2011)  
Second Amendment to Amended Answer to Complaint, etc. (March 19, 2012)  
Reply (April 3, 2012)  
Howard Hammer Answer to Third-party complaint, (April 4, 2012, amended May 1,  
2012)  
Motion for Sanctions (Jan. 15, 2013)  
Amended Affidavit of Attorney's fees (April 2, 2013)

**TRANSCRIPTS**

Transcript of Record for the consolidated trials of case numbers 2009-CP-40-5911 and  
2010-CP-40-2889, dated October 29 through November 1, 2012.  
Transcript of hearing on January 15, 2013  
Transcript of hearing on May 1, 2013  
Transcript of hearing on May 17, 2013  
Transcript of deposition of Bernard Ackerman, pages: 22, 23, 26, 35, 39-40, 51-53, 60-  
63, 70, 74, 118, 153-156  
Exhibits 3, 4, 6 from Ackerman Deposition

**EXHIBITS**

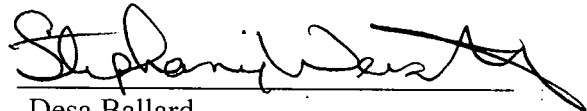
Trial Exhibits

1. Exhibit 1 - Deed (320 St. James Street Howard to Shirley dated August 18, 2008)
2. Exhibit 2 - Contract (dated June 29, 2009)
3. Exhibit 3 - Lis Pendens (dated July 31, 2009)
4. Exhibit 4 - Letter Paul Degenhart July 10, 2009
5. Exhibit 5 - Final Report (dated August 21, 2009)
6. Exhibit 6 - Deed (dated August 21, 2009)
7. Exhibit 7 - Mortgage (dated August 20, 2009)
8. Exhibit 8 - Guarantee (dated August 20, 2009)
9. Exhibit 9 - HUD (320 St James Street (VOID) dated August 17, 2009)  
Exhibit 9-A HUD (320 St James Street dated August 20, 2009)
10. Exhibit 10 - Note (balloon payment loan and promissory note dated August 20,  
2009)
11. Exhibit 11 - Limited Partnership (1634 Main LP dated December 12, 2000)
12. Exhibit 12 - Certificate No 3 (Howard Hammer sole member of SH5, LLC)
13. Exhibit 13 - Certificate No 4 (Howard Hammer sole member of SH5, LLC)
14. Exhibit 14 - Deed (1634 Main LP to Shirley Hammer dated February 15, 2002)
15. Exhibit 15 - Court Orders:



- Court Order building transfer dated September 29, 2010  
Court Order decree of divorce dated May 12, 2008
16. Exhibit 16 - Letter (Madden to Lipscomb dated November 10, 2010)
  17. Exhibit 17 - Letter (Lipscomb to Madden dated December 1, 2010)
  18. Exhibit 18 - Court decisions:
    - Court of Appeals decision filed on June 6, 2012
    - Order Dismissing Complaint filed on April 14, 2010
    - Remittitur dated September 26, 2012
  19. Exhibit 19 - 2005 tax return (1634 Main LP)
  20. Exhibit 20 - 2006 tax return (1634 Main LP)
  21. Exhibit 21 - 2007 tax return (1634 Main LP)
  22. Exhibit 22 - 2008 tax return (1634 Main LP)
  23. Exhibit 23 - 1634 Main LP letters regarding repairs
  24. Exhibit 24 - 2010 tax return (1634 Main LP)
  25. Exhibit 25 - 2011 tax return (1934 Main LP)
  26. Exhibit 26 - Check registers
  27. Exhibit 27 - Checks (1634 Main LP Howard Hammer)
  28. Exhibit 28 - Notes (1634 Main LP Howard Hammer dated June 23, 2008 and October 29, 2009)
  29. Exhibit 29 - Letter (Turbeville to Moring dated November 29, 2011)
  30. Exhibit 31 - Operating Statement
  31. Supreme Court Order dated September 10, 2012, Appellate Case No. 2012-212288
  32. Supreme Court Order filed February 13, 2013, Appellate Case No. 2011-203087

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



Desa Ballard

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ATTORNEYS FOR SHIRLEY HAMMER

December 16, 2013

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**CERTIFICATE OF SERVICE**

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I, Beth Cogan, an employee with the Law Offices of Ballard Watson Weissenstein, do hereby certify that on December 16, 2013, I served a copy of the **Respondent's Initial Briefs and Respondent's Designation of Matter** in the above-captioned case on the following individuals by standard US Mail:

**Arthur K. Aiken Esquire  
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Columbia South Carolina 29205**

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**Howard Hammer  
1609 Catawba Street  
Columbia South Carolina 29205**

  
Beth Cogan, Paralegal

December 16, 2013  
West Columbia, South Carolina