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May 27 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Judge B. Hyman, Circuit Court Judge

Civil Action No.: 2025-CP-26-05366

Appellate Case No.: 2026-000666

R. Paul Benik, Jr., Anton F. B. R. Poster, Sr., Johann M. McCrackin, Timothy Wenzel, Lisa D. Abrams, Sherry S. Weatherly, Paula W. Benik, John D. Diehl, Lisa A Diehl, Paul H. Errickson, Linda M. Errickson, Sandra Pridgen, Jerry Steven Wilson, Dana Pridgen Wilson, Ronald K. Reynolds, Rasario Reynolds, Sarah F. Miles, V. Scott Miles, Vernon G. Miles, Sharon E. Miles, Deborah Floyd, Brooks M. Safrit, Woodrow S. Safrit, Sonia Heydt Living Trust, dated October 10, 2024, Giovanni Carapelli, Maxine Williams Trustee of the Maxine Williams Living Trust dated October 31, 2017, Van Raye Ritchie, Kim Ritchie, Timothy G. Martin, Rebecca A. Harrington and Brian J. Martin as Trustees of the Guy E. Marton and Ann M. Dozier Irrevocable Trust, dated January 25, 2017, Steven Alan Speares and Sylvia McCall Speares Trustees of the Speares Revocable Trust U/A/D September 24, 2019, Steven P. Lombardi, Lisa Lombardi, Michael J. Free, Pam C. Free, Julie A. Brooks, Charles B. Hall, Virginia G. Hall, Janice Lee Waine, Jennifer Rae Morris, Matthew G. Pivarnik, Wendy J. Pivarnik, William B. Burch, Sharon K. Burch, Henry Lawrence Sanderson, III Trustee of the Henry Lawrence Sanderson, II Revocable Trust dated January 9, 2020, Miriam R. Cromer, Robert Christopher Jones, Melissa Coghill Jones, Craig L. Lambert, Lisa M. Lambert, Darryl C. Williams, Mary Torrence Williams, David T. Taylor, Catherine T. Taylor Trustees of their Successors in Trust, to The Taylor Family Revocable Trust Agreement dated November 28, 2016, Natali Amaradasa, Shawn S. Kelley and Karen Albert as Trustees of the Shawn S. Kelley and Karen Albert Joint Revocable Trust dated April 25, 2024, Samuel D. Deep, Dianne Deep, Tumpie B. Bull, Joye S. Bull and Arcadian Shores Single-Family Residential Homeowners Association, Inc.,...Appellants,

v.

Arcadian Incorporated of Myrtle Beach, Respondent,

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

Appellants, R. Paul Benik, Jr., et al., pursuant to Rule 209, SCACR, designates the following material to be included in the Record on Appeal:

1. ORDERS & DECISIONS

- a. Order of Final Judgement and Permanent Injunction by The Honorable John L. Breeden, Jr. (*filed April 19, 1982*).

- b. Order Denying Temporary Restraining Order (*electronically signed January 21, 2026*).
 - c. Order Granting Appellants' Motions to Recall Remittitur & Extension of Time to File Initial Brief (*filed May 19, 2026*)
2. MOTIONS & OTHER FILINGS
 - a. Plaintiffs' Motion for an Expedited Emergency Temporary Restraining Order (*filed August 14, 2025*).
 - b. Motion to Recall Remittitur and Set Aside Dismissal of Appeal (*filed April 22, 2026*)
 - c. Appellants' Notice of Appeal with Corrected Case Caption (*filed April 24, 2026*)
 - d. Appellants' Notice of Motion for Extension of Time to File Initial Brief (*filed April 27, 2026*)
 - e. Proof of Service (*filed April 30, 2026*)
3. PLEADINGS
 - a. Plaintiffs' Amended Verified Complaint (*filed August 1, 2025*)
 - b. Answer of Defendant Arcadian Incorporated of Myrtle Beach to Plaintiff's Verified Amended Complaint (*filed September 4, 2025*)
4. AFFIDAVITS
 - a. Affidavit of William G. Bellamy dated July 2, 2025
 - b. Affidavit of Anton F. B. R. Poster, Sr. dated July 2, 2025
 - c. Affidavit of R. Paul Benik, Jr dated July 2, 2025
 - d. Affidavit of Otis Allen Jeffocat, III dated July 2, 2025
 - e. Affidavit of Daniel Curtis dated September 11, 2025
5. TRANSCRIPTS
 - a. Transcript of September 15, 2025 Hearing before The Honorable Alex B. Hyman
6. OTHER MATERIALS AND DOCUMENTS
 - a. Deeds & Plats
 - a. Plat recorded January 18, 1964, in the Office of R.M.C. for Horry County in Deed Book 322, at Page 30.
 - b. Plat recorded March 1, 1965, in the Office of R.M.C for Horry County in Deed Book 43, at Page 8.
 - c. Deed recorded May 8, 1965, in the Office of R.M.C. for Horry County in Deed Book 325, at Page 497.
 - d. Deed recorded September 5, 1968, in the Office of R.M.C. for Horry County in Deed Book 395, at Page 569.
 - e. Plat recorded November 17, 1972, in the Office of R.M.C for Horry County in Deed Book 54, at Page 135.

- f. Deed recorded August 13, 1980, in the Office of R.M.C. for Horry County in Deed Book 684, at Page 479.
- g. Deed recorded February 27, 1981, in the Office of R.M.C. for Horry County in Deed Book 702, at Page 394.
- h. Ocean Lakes Investment Company, Inc., Deed to Arcadian Shores, Inc., recorded January 11, 1982, in the Office of R.M.C. for Horry County in Deed Book 734, at Page 193.
- i. Ocean Lakes Investment Company, Inc., Deed to Arcadian Shores, Inc., recorded June 14, 1982, in the Office of R.M.C. for Horry County in Deed Book 750, at Page 345.
- j. Deed recorded July 13, 1983, in the Office of R.M.C. for Horry County in Deed Book 924, at Page 891.
- k. Deed recorded November 22, 1983, in the Office of R.M.C. for Horry County in Deed Book 834, at Page 561.
- l. Deed recorded September 4, 1987, in the Office of R.M.C. for Horry County in Deed Book 1100, at Page 547.
- m. Deed recorded January 25, 1988, in the Office of R.M.C. for Horry County in Deed Book 1198, at Page 629.
- n. Deed recorded April 12, 1990, in the Office of R.M.C. for Horry County in Deed Book 1384, at Page 061.
- o. Deed recorded June 14, 1992, in the Office of R.M.C. for Horry County in Deed Book 750, at Page 345.
- p. Deed recorded September 9, 1992, in the Office of R.M.C. for Horry County in Deed Book 1576, at Page 326.
- q. Deed recorded on March 13, 1998, in the Office of R.M.C. for Horry County in Deed Book 2020, at Page 326.
- r. Deed recorded July 7, 2000, in the Office of R.M.C. for Horry County in Deed Book 2279, at Page 5.
- s. Deed recorded July 24, 2002, in the Office of R.M.C. for Horry County in Deed Book 2502, at Page 589.
- t. Deed recorded July 2, 2003, in the Office of R.M.C. for Horry County in Deed Book 2614, at Page 29.
- u. Deed recorded March 18, 2005, in the Office of R.M.C. for Horry County in Deed Book 2878, at Page 661.
- v. Deed recorded February 9, 2007, in the Office of R.M.C. for Horry County in Deed Book 3220, at Page 2765.
- w. Deed recorded August 27, 2010, in the Office of R.M.C. for Horry County in Deed Book 3478, at Page 080.
- x. Deed recorded August 19, 2011, in the Office of R.M.C. for Horry County in Deed Book 3536, at Page 1893.

- y. Deed recorded September 14, 2011, in the Office of R.M.C. for Horry County in Deed Book 3541, at Page 1303.
- z. Special Warranty Deed recorded December 12, 2012, in the Office of R.M.C. for Horry County in Deed Book 3626, at Page 1706.
- aa. Deed recorded September 11, 2013, in the Office of R.M.C. for Horry County in Deed Book 3683, at Page 2159.
- bb. Deed recorded October 30, 2013, in the Office of R.M.C. for Horry County in Deed Book 3695, at Page 185.
- cc. Deed recorded September 16, 2014, in the Office of R.M.C. for Horry County in Deed Book 3763, at Page 2035.
- dd. Deed recorded November 20, 2014, in the Office of R.M.C. for Horry County in Deed Book 3780, at Page 158.
- ee. Deed recorded December 1, 2014, in the Office of R.M.C. for Horry County in Deed Book 3782, at Page 704.
- ff. Deed recorded April 6, 2015, in the Office of R.M.C. for Horry County in Deed Book 3810, at Page 2438.
- gg. Death Certificate of Floyd Pridgen & Deed recorded April 29, 2015, in the Office of R.M.C. for Horry County in Deed Book 3816, at Page 2485.
- hh. Deed recorded June 6, 2017, in the Office of R.M.C. for Horry County in Deed Book 4015, at Page 2944.
- ii. Deed recorded November 2, 2017, in the Office of R.M.C. for Horry County in Deed Book 4055, at Page 2569.
- jj. Deed recorded July 25, 2018, in the Office of R.M.C. for Horry County in Deed Book 4128, at Page 2655.
- kk. Deed recorded February 7, 2019, in the Office of R.M.C. for Horry County in Deed Book 4182, at Page 840.
- ll. Deed recorded January 13, 2020, in the Office of R.M.C. for Horry County in Deed Book 4278, at Page 38.
- mm. Deed recorded April 1, 2021, in the Office of R.M.C. for Horry County in Deed Book 4405, at Page 768.
- nn. Deed recorded April 8, 2021, in the Office of R.M.C. for Horry County in Deed Book 4407, at Page 839.
- oo. Deed recorded June 8, 2021, in the Office of R.M.C. for Horry County in Deed Book 4428, at Page 1639.
- pp. Deed recorded September 2, 2021, in the Office of R.M.C. for Horry County in Deed Book 4459, at Page 1643.
- qq. Deed recorded September 3, 2021, in the Office of R.M.C. for Horry County in Deed Book 4460, at Page 1500.
- rr. Deed recorded March 13, 2023, in the Office of R.M.C. for Horry County in Deed Book 4653, at Page 3166.

- ss. Deed recorded June 13, 2023, in the Office of R.M.C. for Horry County in Deed Book 4690, at Page 2668.
- tt. Deed recorded on October 31, 2023, in the Office of R.M.C. for Horry County in Deed Book 4740, at Page 1954.
- uu. Deed recorded May 15, 2024, in the Office of R.M.C. for Horry County in Deed Book 4809, at Page 2914.
- vv. Deed recorded May 29, 2024, in the Office of R.M.C. for Horry County in Deed Book 4815, at Page 784.
- ww. Deed recorded June 27, 2024, in the Office of R.M.C. for Horry County in Deed Book 4826, at Page 1228.
- xx. Deed recorded August 20, 2024, in the Office of R.M.C. for Horry County in Deed Book 4845, at Page 1415.
- yy. Deed recorded December 19, 2024, in the Office of R.M.C. for Horry County in Deed Book 4892, at Page 209.
- zz. Deed recorded May 16, 2025, in the Office of R.M.C. for Horry County in Deed Book 4945, at Page 1057.

b. Verifications

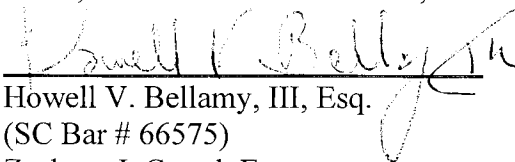
- a. Verification of Linda D. Errickson dated June 23, 2025.
- b. Verification of R. Paul Benik, Jr. dated June 23, 2025.
- c. Verification of Paula W. Benik dated June 23, 2025.
- d. Verification of Lisa Abrams dated June 23, 2025.
- e. Verification of Johann M. McCrackin dated June 23, 2025.
- f. Verification of Anton Poster dated June 24, 2025.
- g. Verification of Anton F. B. R. Poster, Sr. dated June 24, 2025.
- h. Verification of Timothy J. Wentzel dated June 24, 2025.
- i. Verification of Teresa Poster dated June 25, 2025.
- j. Verification of John D. Diehl dated June 25, 2025.
- k. Verification of Lisa R. Diehl dated June 25, 2025.
- l. Verification of Rudolph Paul Benik, III dated June 25, 2025.
- m. Verification of Ann M. Dozier dated June 27, 2025.
- n. Verification of Joy S. Bull dated June 29, 2025.

- o. Verification of Tumpie B. Bull dated June 29, 2025.
- p. Verification of Darryl C. Williams dated June 30, 2025.
- q. Verification of Mary Williams dated June 30, 2025.
- r. Verification of Catherine T. Taylor dated June 30, 2025.
- s. Verification of David T. Taylor dated June 30, 2025.
- t. Verification of Sandra Pridgen dated June 30, 2025.
- u. Verification of Jerry Steven Wilsin dated June 30, 2025.
- v. Verification of Woodrow S. Safrit dated June 30, 2025.
- w. Verification of Karen Albert dated June 30, 2025.
- x. Verification of Shawn S. Kelley dated June 30, 2025.
- y. Verification of Kim Ritchie dated June 30, 2025.
- z. Verification of Van Raye Ritchie dated June 30, 2025.
- aa. Verification of Sharon miles dated June 30, 2025.
- bb. Verification of Vernon G. Miles dated June 30, 2025.
- cc. Verification of Dana Wilson dated June 30, 2025.
- dd. Verification of Norwood Nicholson Cox dated June 30, 2025.
- ee. Verification of Janet Harrington Cox dated June 30, 2025.
- ff. Verification of Giovanni Carapelli dated June 30, 2025.
- gg. Verification of Wendy J. Pivarnik dated June 30, 2025.
- hh. Verification of William B. Burch dated June 30, 3025.
- ii. Verification of Sharon Burch dated June 30, 2025.
- jj. Verification of Julie A. Brooks dated June 30, 2025.
- kk. Verification of Virginia G. Hall dated June 30, 2025.

- ll. Verification of Charles B. Hall dated June 30, 2025.
 - mm. Verification of Deborah Floyd dated June 30, 2025.
 - nn. Verification of Henry Lawrence Sanderson, III dated July 1, 2025.
 - oo. Verification of V. Scott Miles dated July 2, 2025.
- c. Collection of photographs to include, but not limited to: posted signage

Pursuant to Rule 209, I certify that this Designation of Matter to be Included in the Record on Appeal contains no matter that is irrelevant to this appeal.

BELLAMY, RUTENBERG, COPELAND,
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May 27, 2026