

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appellate Case No. 2026-001100

In the Matter of the Estate of David Edward Murday, Deceased

Elsbeth Murday, Appellant,

v.

Alanna Murday, Respondent.

Appeal from Richland County

Court of Common Pleas

Circuit Court Case No. 2026-CP-40-00467

The Honorable William W. Wheeler III, Circuit Court Judge

The Honorable Daniel Coble, Circuit Court Judge

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SC Court of Appeals

APPELLANT'S DESIGNATION OF MATTER TO BE

INCLUDED IN THE RECORD ON APPEAL

Pursuant to Rule 209, SCACR, Appellant designates the following matters from the proceedings in Richland County Court of Common Pleas Case No. 2026-CP-40-00467 for inclusion in the Record on Appeal.

The identifiers used below (O-, P-, T-, and E-) are supplied for clarity of reference only. They do not replace original exhibit numbers and are not Record on Appeal page numbers. Orders and pleadings are designated in their entirety, including captions and signatures. Filing stamps and proofs of service are designated because filing, service, timeliness, and notice are disputed issues

on appeal. Exhibits are designated individually below rather than by blanket designation of every attachment to every filing.

Because the filings below do not carry continuous stamped pagination across their attachments, page references stated as “as-filed page” or “as-filed pages” count the pages of the identified filing as filed, beginning with its first page. Where a designated document also bears its own internal pagination, that pagination is preserved.

A. Orders

O-01. Probate Court Order Denying Application for Restraint, filed January 15, 2026, as attached to the Notice of Intent to Appeal filed in Circuit Court January 27, 2026.

O-02. Circuit Court Form 4 order granting Respondent’s motion to dismiss, filed March 20, 2026, Judge Wheeler.

O-03. Circuit Court order granting dismissal, filed March 27, 2026, Judge Wheeler, including its electronic filing cover/certificate. The filed instrument bears a “Proposed Order” heading; the order designated is the one entered and filed March 27, 2026.

O-04. Circuit Court Form 4 order denying Appellant’s Rule 59(e) motion filed March 25, 2026, entered April 8, 2026, Judge Wheeler.

O-05. Circuit Court Form 4 order granting the motion for an appeal bond, filed June 5, 2026, following the June 4 hearing, Judge Coble.

O-06. Circuit Court Order Granting Respondent’s Expedited Motion for Appeal Bond, filed June 9, 2026, Judge Coble.

O-07. Circuit Court Form 4 order denying Respondent’s motion to alter or amend the bond ruling, filed July 8, 2026, Judge Coble.

O-08. Circuit Court Form 4 order denying Appellant’s motion to alter or amend the bond ruling, filed July 9, 2026, Judge Coble.

O-09. Circuit Court Form 4 order denying Appellant’s motion for a ruling on her pending motion, filed August 12, 2026, Judge Coble.

B. Pleadings, motions, and affidavits

P-01. Appellant’s completed Form 356ES, Notice of Intent to Appeal to Circuit Court, dated January 16, 2026 and bearing the Circuit Court filing stamp of January 27, 2026. Its attached January 15 order is identified as O-01.

P-02. Respondent’s Motion to Dismiss Appeal, filed February 5, 2026.

P-03. Affidavit of Alanna Murday filed February 5, 2026 concerning the notice of appeal and service.

P-04. Appellant’s Response in Opposition to Dismissal and Motion for Continuance, filed February 27, 2026, including the file-stamped motion coversheet, as-filed pages 1–3. The motion body also bears the heading “Motion for Extension and Response to Motion to Dismiss.” Selected accompanying documents are identified below. The amended version supplied with the March 13 packet is separately identified as P-06.

P-05. Appellant’s Motion for Stay Pending Appeal, filed February 27, 2026, including the file-stamped motion coversheet.

P-06. Amended Appellant’s Response in Opposition to Dismissal and Motion for Continuance, dated February 27, 2026, supplied with the March 13 affidavit packet, as-filed pages 23–24. The copy designated bears the “AMENDED” marking and is distinct from the original February 27 filing. The accompanying March 6 cover letter is E-30.

P-07. Affidavit of Elspeth S. Murday in Support of Motion for Stay, filed March 13, 2026, including its signature, verification, and filing material, as-filed pages 1–4. The accompanying Statement of Facts and Legal Argument Summary are identified as P-08; selected exhibits are identified below.

P-08. Statement of Facts and Legal Argument Summary accompanying the March 13 affidavit in support of a stay, as-filed pages 5–6, both pages in full.

P-09. Appellant’s Affidavit of Service, dated March 6, 2026 and filed March 13, 2026, identifying the documents mailed to Respondent’s counsel on March 6, 2026.

P-10. Appellant’s first Rule 59(e) motion to alter or amend, filed March 25, 2026, directed to the March 20 Form 4 dismissal order, including its file-stamped coversheet.

P-11. Appellant’s second Rule 59(e) motion to alter or amend, filed April 6, 2026, directed to the March 27 dismissal order, including its file-stamped coversheet and accommodation request, as-filed pages 1–10. Its Exhibit A, “Drafted Statement of Issues on Appeal,” is designated as E-22.

P-12. Appellant’s Notice of Request for Reasonable Accommodation, dated April 3, 2026 and filed April 6, 2026, together with the accompanying signed statement dated April 3 concerning delivery of a printed notice to the Probate Court.

P-13. Respondent's Expedited Motion for Appeal Bond, filed May 21, 2026, complete five-page motion. Its Exhibits A and B are designated as E-20 and E-21 below.

P-14. Appellant's Motion to Alter or Amend Judgment; or in the Alternative to Modify or Stay Appeal Bond, and for Extension of Time to Post Bond and Renewed Request for Disability Accommodations, filed June 22, 2026: complete nine-page motion and file-stamped coversheet, at as-filed pages 1–10. The complete original Exhibit 3(a)–3(v) series is designated as E-35, with other exhibits identified below.

P-15. Respondent's motion to alter or amend the bond order, filed June 29, 2026.

P-16. Respondent's return to Appellant's motion to alter or amend the bond order, filed July 2, 2026.

P-17. Appellant's Motion for Ruling on Pending Rule 59(e) Motion to Alter or Amend (Filed April 6, 2026), or, in the Alternative, Confirmation of This Court's Jurisdiction to Rule, filed August 11, 2026, including its filed coversheet and complete six-page motion. Selected original numbered exhibits are identified below.

P-18. Appellant's Reply in Support of Motion to Alter or Amend Judgment and Renewed Request for Disability Accommodations, submitted to the Circuit Court July 3, 2026 and file-stamped July 24, 2026: complete twelve-page reply, including its exhibits and Appellant's July 3, 2026 correspondence transmitting it to the Circuit Court. Designated because Parts IV.B and V of the reply address the circumstances under which the probate appeal stalled and Appellant's accommodation history, both of which bear on the orders appealed from, and because it was submitted before the July 9, 2026 ruling on the motion to which it replies.

C. Transcript

T-01. Complete certified transcript of the March 19, 2026 Circuit Court hearing on Respondent's motion to dismiss, including the title and reporter's certification.

D. Exhibits and other documentary matter

E-01. February 26, 2026 email from Adam Ruffin to Appellant, subject "Order Denying Application for Restraint," attached to Appellant's February 27 continuance filing. This is the complete email-printout page appearing as as-filed page 4.

E-02. February 19, 2026 email from Harold C. Morgan to Appellant, subject "Medical files for probate appeal," attached to Appellant's February 27 continuance filing. This is the complete email-printout page appearing as as-filed page 5.

E-03. Original Exhibit 1 to the August 11 motion: the email thread transmitting the January 15 order and Appellant's January 16 notice-of-intent reply.

E-04. Original Exhibit 2 to the August 11 motion: the "Estate of David Murday 2025-281" email thread concerning court-requested submissions and a same-day deadline.

E-05. Original Exhibit 3 to the August 11 motion: the "Additional documentation" email thread, including the clerk's instruction to copy all parties.

E-06. Original Exhibit 4 to the August 11 motion: the "FW: Estate of Murday 2025-281" email thread concerning submissions in the restraint proceedings.

E-07. Original Exhibit 5 to the August 11 motion: the “Estate of David Edward Murday; Case No. 2025-ES-40-00281” email thread transmitting documents from Respondent’s counsel in response to the court’s request.

E-08. Original Exhibit 6 to the August 11 motion: the December 30, 2025 email thread transmitting the restraint order/hearing notice and discussing witnesses and redaction.

E-09. Original Exhibit 7 to the August 11 motion: the “Motion for Continuance” email thread concerning the request to continue the Probate Court hearing.

E-10. Original Exhibit 8 to the August 11 motion: the proposed-order and redaction email thread, including confirmation of receipt of proposed orders and the January 15 redaction exchange.

E-11. Original Exhibit 9 to the August 11 motion: the overlapping proposed-order email thread including Respondent’s counsel’s submission and the clerk’s confirmation of receipt.

E-12. Original Exhibit 11 to the August 11 motion: the email notice of the March 19 dismissal hearing.

E-13. Original Exhibit 12 to the August 11 motion: the call-log material concerning March 13 and April 20 communications about pending motions and accommodations.

E-14. Two-page Interim Accounting attached to the February 27 continuance filing, as-filed pages 18–19, and submitted again as original Exhibit 1(a) to the June 22 bond motion, as-filed pages 11–12, and within original Exhibit 3(v), as-filed pages 53–54. The same two pages were submitted in each of those filings.

E-15. Original Exhibit 2(a) to the June 22 bond motion: the 2025 Form 1040 page submitted as the tax-return exhibit, as-filed page 13. Only the page submitted with that exhibit is designated.

E-16. Original Exhibit 2(b) to the June 22 bond motion: the two-page schedule headed “Litigation Expenses Shouldered Solely by Appellant,” as-filed pages 14–15.

E-17. Two-page April 27, 2021 Nelnet/Department of Education letter concerning total-and-permanent-disability discharge and completion of post-discharge monitoring, attached to the March 13 affidavit at as-filed pages 7–8 and submitted again as original Exhibit 2(d) to the June 22 bond motion at as-filed pages 17–18. The submitted redactions are part of the designated pages.

E-18. Original Exhibit 4(a) to the June 22 bond motion: the previously filed Notice of Request for Reasonable Accommodation reproduced at as-filed page 55. This is the copy submitted with the June 22 motion; P-12 is the April 6 filing of the same notice.

E-19. Original Exhibit 4(b) to the June 22 bond motion: the three submitted medical-record excerpt pages, as-filed pages 56–58, in their submitted redacted form. Only those filed excerpts are designated.

E-20. Exhibit A to Respondent’s Expedited Motion for Appeal Bond, filed May 21, 2026: Affidavit of Edward C. Boggs, Esq., sworn May 21, 2026, complete two-page affidavit and its Exhibit A identification sheet.

E-21. Exhibit B to Respondent’s Expedited Motion for Appeal Bond, filed May 21, 2026: Affidavit of Donald A. Murday, sworn March 16, 2026 and originally filed March 17, 2026, refiled with the bond motion, including its attached Exhibits A–D (appraisal, contract of sale, bills, and contract addendum), and the bond motion’s Exhibit B identification sheet. The May 21 packet is sixty-four pages.

E-22. Exhibit A to Appellant’s April 6 second Rule 59(e) motion, headed “EXHIBIT A: DRAFTED STATEMENT OF ISSUES ON APPEAL,” complete four-page exhibit, as-filed pages 11–14, including its signature and incomplete March date line as submitted.

E-23. Original Exhibit 10 to the August 11 motion: complete three-page “David E Murday estate questions” email thread of August 25, 2025, including the clerk’s instruction to copy Respondent’s counsel on all email correspondence to the court, as-filed pages 41–43.

E-24. September 23–24, 2025 “[EXTERNAL] David E. Murday estate questions” email thread, including replies from Respondent’s counsel’s firm, attached to the February 27 continuance filing at as-filed pages 10–12. The related later printout is original Exhibit 3(h) to the June 22 bond motion, as-filed pages 28–30; the two printouts are separately designated because their content and annotations differ.

E-25. Appellant’s October 13, 2025 “Friday visit” email to Respondent’s counsel and staff, attached to the February 27 continuance filing at as-filed page 15 and submitted again as original Exhibit 3(m) to the June 22 bond motion at as-filed page 36. The complete submitted page is designated in each filing.

E-26. Three submitted pages of the November 25, 2025 medical-visit record attached to the March 13 affidavit, as-filed pages 9–11, including the original exhibit marking, annotations, and redactions.

E-27. January 6–7, 2026 “Motion for Continuance” email thread, including Appellant’s request and the Probate Court response, attached to the March 13 affidavit at as-filed pages 12–15. This earlier submission is distinct from the later printout designated as E-09.

E-28. January 5, 2026 “Murday estate - hearing delay” email exchange with Respondent’s counsel and accompanying text, as submitted with the March 13 affidavit at as-filed page 19.

The entire submitted page is designated.

E-29. Two submitted pages of the March 27, 2023 medical-visit record attached to the March 13 affidavit, as-filed pages 21–22, including the submitted annotations and redactions. Only the submitted pages are designated.

E-30. Appellant’s signed March 6, 2026 cover letter to the Clerk of Court, supplied in the March 13 affidavit packet at as-filed page 25, identifying the service affidavit, stay affidavit and supporting documents, and amended response/motion for continuance.

E-31. Original Exhibit 3(s) to the June 22 bond motion: the submitted page of Madison B. Kelly’s November 13, 2025, 4:57 p.m. email concerning personal property and a signed Private Agreement, as-filed page 46. This is the single page included in that exhibit, bearing email-printout pagination “1/3.”

E-32. Original Exhibit 3(t) to the June 22 bond motion: complete four-page proposed Private Agreement Among Successors concerning the truck, as-filed pages 47–50, including paragraph 5 and the blank execution pages. The one-page excerpt submitted as original Exhibit 2(c), as-filed page 16, is also designated.

E-33. Email component of original Exhibit 3(v) to the June 22 bond motion: Madison B. Kelly’s January 11, 2026 transmission of the Interim Accounting, as-filed page 52. The accompanying accounting at as-filed pages 53–54 is designated as E-14.

E-34. Complete two-page “Statement of Facts: Purchase Negotiations” accompanying the February 27 continuance filing, as-filed pages 6–7, as the statement expressly referenced by that motion.

E-35. Complete original Exhibit 3(a)–3(v) series to Appellant’s June 22 motion concerning the bond: the two-page chronological exhibit index and the supporting correspondence, messages, proposed agreement, and accounting, as-filed pages 19–54 of that fifty-eight-page filing. The series is designated in its original sequence and with its original labels, submitted page excerpts, and annotations. The June 22 copies separately identified as E-14, E-24, E-25, E-31, E-32, and E-33 are part of this series and need not be reproduced twice.

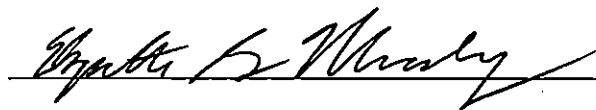
The original exhibit labels are retained. Each designated email thread includes its email headers and the full pages designated, rather than isolated quotations. A submitted excerpt is designated as an excerpt and is not expanded to include pages whose presentation below has not been established. The January 15, 2026 Probate Court order is designated once, as O-01, and its attachment relationship to P-01 appears in this designation.

E-21 is the May 21, 2026 bond motion’s Exhibit B, which itself contains the earlier affidavit’s Exhibits A through D. That nesting is part of the designated matter. Where a document was submitted in more than one filing, each filing event is identified above; identical substantive pages need not be reproduced more than once, and distinct filing stamps, handwritten annotations, and additional messages are part of the designated matter.

The June 22, 2026 exhibit series designated as E-35 is designated as a series, in its original order.

The undersigned certifies that this designation contains no matter that is not relevant to the questions presented on appeal. Rule 209(b), SCACR.

Respectfully submitted,

 Elspeth Murday

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Dated: September 18, 2026