

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Larry B. Hyman, Jr., Circuit Court Judge

Case No: 2011-CP-22-319

RECEIVED

DEC 16 2013

SC Court of Appeals

Litchfield Plantation Association, Inc., Joseph E. Johnson, Thomas Eckard,
Carol E. Kirby, Robert F. McMahan, Jr. and Thomas Martin Phillips.....Appellants.

v.

Litchfield Plantation Company, Inc.Respondent.

And E. Scott Trotter.....Intervenor.

APPENDIX TO RECORD ON APPEAL

Yancey A. McLeod, III
Timothy W. Bouch
Michael S. Seekings
Leath, Bouch & Seekings, LLP
P.O. Box 59
Charleston, SC 29402
(843) 937-8811
Attorneys for Appellants

Mark D. Neill
Mary Anna Neill
The Neill Law Firm
P.O. Box 2810
Murrells Inlet, South Carolina 29576
(843) 651-8580
Attorneys for Respondent

Robert S. Shelton
Bellamy Law Firm
P.O. Box 357
Myrtle Beach, SC 29578
(843) 448-2400
Attorney for Intervenor

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

IN THE COURT OF COMMON PLEAS

Litchfield Plantation Association, Inc., Joseph E.
Johnston, Thomas Eckard, Carol E. Kirby, Robert
F. McMahan, Jr. and Thomas Martin Phillips,

Plaintiff(s),

vs.

Litchfield Plantation Company, Inc.,

Defendant(s).

Civil Action No. 2011-CP-22-00319

AFFIDAVIT OF CAROL E. KIRBY

I, Carol E. Kirby, after being duly sworn, do hereby state and affirm the following:

1. I am and have been a property owner in Litchfield Plantation since 2005.
2. On February 2, 2011, I and four other members of an informal committee elected by property owners in Litchfield Plantation met with E. Scott Trotter, who was then a governor and President of Litchfield Plantation Association and a governor and President of Litchfield Plantation Company. At that meeting Mr. Trotter provided me with a list of property owners who had not paid their annual assessment. A true and accurate copy of said list is attached hereto as Exhibit A.
3. I personally sent by email or hand delivered the Notice of the Special Meeting and package of materials attached hereto as Exhibit B to the following persons who owned property in Litchfield Plantation on the stated dates: Walt and Susan Taylor: February 8, 2011; Louise Parsons, Debbie Cockrell, Cindy Muldrow, Phillip and Mary Culbertson: February 9, 2011; Allan Kidston: February 15, 2011.
4. At the Special Meeting of Property Owners held on February 26, 2011, Mr. Logan Trotter submitted a written ballot for the election of persons to the Litchfield Plantation Association Board of Governors. A true and accurate copy of said ballot is attached hereto as Exhibit C. I advised Mr. Logan Trotter that the eleven (11) votes he had cast on behalf of Legacy Place lots could not be counted because assessments due on those lots were more than sixty (60) days in arrears. I further told him that his father, Mr. Scott



Trotter, had provided me with the list showing that assessments had not been paid on the Legacy Place lots and were more than sixty (60) days in arrears. The list I referenced to Logan Trotter is the same list attached hereto as Exhibit A. The Amended and Restated ByLaws of Litchfield Plantation Association, Inc., Article IV Membership, Section 3, states: "Each Class "A" member shall be entitled to one (1) vote for each Lot owned. Provided, no Owner shall have a vote if the Owner is more than 60 days in arrears with respect to all money owed to the Association by that Owner."

FURTHER AFFIANT SAYETH NAUGHT

Sworn to before me this 7th day of Aug, 2011
Notary Public for South Carolina
My commission expires: 4-5-2020

By: Carol E. Kirby
Carol E. Kirby

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Larry B. Hyman, Jr., Circuit Court Judge

Case No: 2011-CP-22-319

Litchfield Plantation Association, Inc., Joseph E. Johnson, Thomas Eckard,
Carol E. Kirby, Robert F. McMahan, Jr. and Thomas Martin Phillips.....Appellants.

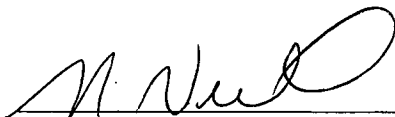
v.

Litchfield Plantation Company, Inc.Respondent.

And E.Scott Trotter.....Intervenor.

PROOF OF SERVICE

I certify that I have served a copy of Respondent Litchfield Plantation Company, Inc.'s Appendix to Record on Appeal, by depositing a copy of it in the United States Mail, postage prepaid, on December 11, 2013, addressed to counsel, Yancy A. McLeod, II, Timothy W. Bouch, and Michael S. Seekings, P.O. Box 59, Charleston, SC 29402 and a copy to Robert S. Shelton, P.O. Box 357, Myrtle Beach, SC 29578.



Mark D. Neill, Esquire
The Neill Law Firm
P.O. Box 2810
Murrells Inlet, South Carolina 29576
(843) 651-8580
Attorney for Respondent
Litchfield Plantation Company, Inc.

RECEIVED
DEC 16 2013
SC Court of Appeals