

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

The Honorable J. Martin Harvey, Special Referee

Case No. 09-CP-02-958

Elite Construction, Inc., Respondent

v.

Doris E. Tummillo and Georgia Bank and Trust Company of Augusta,
Defendants,

Of Whom Doris E. Tummillo is the Appellant,

And

Georgia Bank and Trust Company of Augusta is the Respondent

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL BY
RESPONDENT ELITE CONSTRUCTION, INC.

The Respondent, Elite Construction, Inc. requests the following be included in the Record on Appeal:

1. Transcript of Record, Pages 13, 14, 20, 21, 23 - 38, 63 - 65, 77, 78, 90, 92, 98 - 102, 113 - 118, 143, 144, 150 - 162, 168, 169, 181 - 183, 234 - 236, 240.
2. Complaint and Notice and Certificate of Mechanic's Lien
3. Answer and Counterclaim
4. Reply to Counterclaim

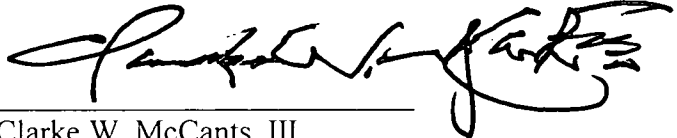
RECEIVED

JAN 16 2014

SC Court of Appeals

5. Order of Reference
6. Order of Judgment
7. Motion to Amend Judgment
8. Affidavit of Attorney's Fees, Costs and Expenses
9. Order on Motion to Amend
10. Amended Order of Judgment
11. Purchase Contract
12. Construction Plans
13. Photographs of Barn
14. Plaintiff's Exhibit 15
15. Defendant Tummillo's Exhibit 16

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



Clarke W. McCants, III
Nance, McCants & Massey
PO Box 2881
Aiken, SC 29802
(803) 649-6200 Ext. 21
Attorney for the Respondent
Elite Construction, Inc.

January 13, 2014

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

The Honorable J. Martin Harvey, Special Referee

Case No. 09-CP-02-958

Elite Construction, Inc., Respondent

v.

Doris E. Tummillo and Georgia Bank and Trust Company of Augusta,
Defendants,

Of Whom Doris E. Tummillo is the Appellant,

And

Georgia Bank and Trust Company of Augusta is the Respondent

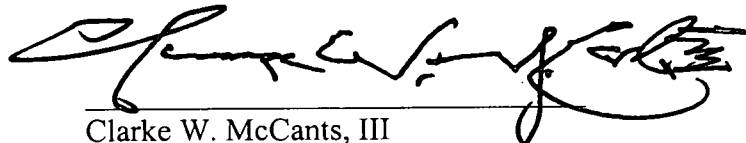
RECEIVED

JAN 16 2014

PROOF OF SERVICE

SC Court of Appeals

I certify that I have served a copy of the Initial Brief of the Respondent and Designation of Matter to be Included in the Record on Appeal on counsel for the Appellant, Neal W. Dickert and Paul K. Simons, Jr., by depositing a copy of it in the United States Mail, postage prepaid on January 13, 2014 addressed to Neal W. Dickert, Esquire, Hull Barrett P.C., P. O. Box 1564, Augusta, GA 30903-1564 and Paul K. Simons, Jr., Esquire, Hull Barrett P.C., 111 Park Avenue, S.W., Aiken, S.C. 29801 and upon Counsel for Georgia Bank and Trust Company of Augusta addressed to James S. Murray, Esquire, Warlick, Tritt Stebbins & Murray, LLP, P.O. Box 1495, Augusta, GA 30903-1495.



Clarke W. McCants, III
Nance, McCants & Massey
P.O. Box 2881
Aiken, SC 29802
(803) 649-6200 Ext. 21
Attorney for the Respondent
Elite Construction, Inc.

January 13, 2014

NANCE, McCANTS & MASSEY

ATTORNEYS & COUNSELORS AT LAW

218 NEWBERRY STREET, S.W.

AIKEN, SOUTH CAROLINA 29801

JAMES D. NANCE, LLC*
CLARKE W. McCANTS, III, PC
A. SHANE MASSEY, LLC
AMY PATTERSON SHUMPERT
BLAIR BALLARD MASSEY *
*CIVIL MEDIATOR
*Licensed in SC, NC & GA

POST OFFICE BOX 2881
AIKEN, SC 29802-2881
TELEPHONE: (803) 649-6200
FAX: (803) 649-5566
E-MAIL: MCCANTS3RD@aol.com

January 13, 2014

The Honorable Jenny Abbott Kitchings
Clerk of Court-Court of Appeals
P. O. Box 11629
Columbia, SC 29211

IN RE: Elite Construction, Inc. v. Doris E. Tummillo and Georgia Bank and Trust Co.
of Augusta
Civil Action No: 09-CP-02-958
Our File No: M09-577

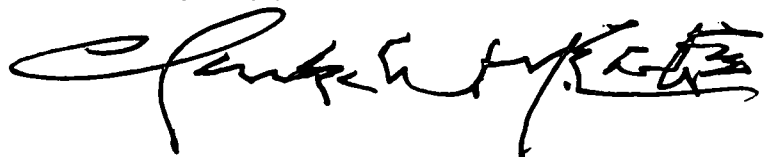
Dear Ms. Kitchings:

Please file in the above-referenced matter the Initial Brief of the Respondent, Elite Construction, Inc., Designation of Matter to be included in the Record on Appeal and Proof of Service thereof upon all Counsel of Record. By copy of this letter, I am serving all Counsel with a copy of the Initial Brief and Designation.

Thank you for your assistance in these regards.

With best regards, I remain

Very truly yours,



Clarke W. McCants, III

CWM,III/aps

Enclosures

cc: Neal W. Dickert, Esquire
James S. Murray, Esquire
Paul K. Simons, Jr., Esquire

RECEIVED

JAN 16 2014

SC Court of Appeals