

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

John M. Milling, Special Referee

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Case No: 2013-001281

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Harleysville Group Insurance, a Pennsylvania  
Corporation, Appellant/Respondent

v.

Heritage Communities, Inc., A South Carolina Corporation;  
Heritage Magnolia North, Inc., A South Carolina Corporation;  
Buildstar Corporation, A South Carolina Corporation,  
Magnolia North Horizontal Property Regime, Magnolia North  
Property Owners Association, Inc., A South Carolina  
Corporation, and National Surety Corp., Defendants,

Of whom Heritage Communities, Inc., a South Carolina  
Corporation; Heritage Magnolia North, Inc., a South  
Carolina Corporation, Buildstar Corporation, a South Carolina  
Corporation and National Surety Corp. are Respondents,

And Magnolia North Horizontal Property Regime,  
Magnolia North Property Owners Association, Inc.,  
a South Carolina Corporation are Respondents/Appellants.

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RESPONDENT'S DESIGNATION OF MATTER  
FOR THE RECORD ON APPEAL FOR RESPONDENTS/APPELLANTS

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Pursuant to Rule 209, SCACR, Respondents/Appellants Magnolia North Horizontal Property  
Regime, Magnolia North Property Owners Association, Inc., a South Carolina Corporation  
("Respondents/Appellants") designate the following material for inclusion in the record on appeal.

Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to the appeal:

**ORDERS**

1. Order of Reference appointing the Honorable John M. Milling as Special Referee, October 21, 2010.
2. Special Referee's Order denying Harleysville's Motion for Directed Verdict or Declaratory Judgment, February 21, 2013.
3. Special Referee's Order disposing of case, February 28, 2013.
4. Special Referee's Order denying Motions to Alter or Amend, April 22, 2013.

**PLEADINGS**

5. Harleysville's Declaratory Judgment Complaint, December 10, 2009.
6. Answer and Counterclaim of Magnolia North Property Owners Association, Inc., et al., December 17, 2009.
7. Harleysville's Reply to Counterclaim, January 4, 2010.

**TRANSCRIPTS**

8. Trial Transcript of December 13-14, 2010.
9. Hearing Transcript of December 9, 2011.
10. Hearing Transcript of April 9, 2013.
11. Riverwalk Transcript, January 5-15, 2009, pages 854-857.

**EXHIBITS**

12. Ex. 6: Trial Transcript of Underlying Liability Action, May 11-20, 2009, pages 206-210, 229, 237-238, 764, 842, 894, 1295, 1298.
13. Ex. 6: Trial Transcript of Underlying Liability Action, May 19, 2009, pages 6-14, 27, 156-157.

14. Ex. 6: Transcript of Deposition of Mr. Gwyn Hardister, April 15, 2009 (played in underlying trial).
15. Eighth Amended Complaint in Underlying Liability Action, February 24, 2009.
16. Ex. 11: Transcript of Deposition of Mr. Lee Wright, August 3, 2010.
17. Ex. 12: Commercial General Insurance Policies issued by Harleysville to insureds relevant to this action.
18. Ex. 14: Fourth Amended 30(b)(6) Notice of Deposition of Harleysville Ins. Group, August 6, 2010.
19. Harleysville's Answers to Defendant's Supplemental Interrogatories and Requests to produce, September 28, 2010.
20. Harleysville's Second Amended Answers to Defendants Requests for Admission, October 7, 2010.
21. Harleysville's Amended Answers to Interrogatories, October 15, 2010.
22. Harleysville's Responses to Defendant's First Requests to Admit and Supplemental Interrogatories, February 17, 2010.
23. Ex. 15: Harleysville's Reservation of Rights Letter to insureds.
24. Ex. 17: Harleysville's chart regarding policies, limits, and aggregate remaining.
25. Ex. 19: Four Policy Forms.
26. Ex. 25: Underlying verdict form (property regime and property owners' association), May 20, 2009.

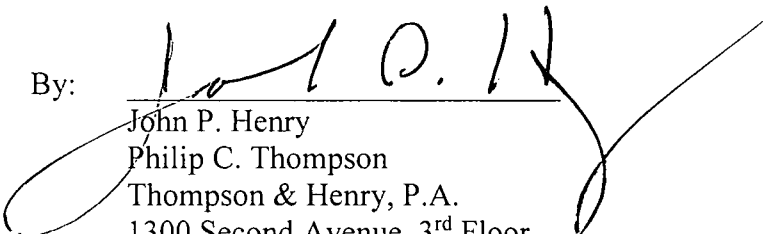
#### **MISCELLANEOUS AND MOTIONS**

27. Harleysville's Motion for Judgment as a Matter of Law and Directed Verdict, September 12, 2012.
28. Harleysville's Proposed Order, Submitted as a memorandum of law in support of its Motion for Judgment as a Matter of Law and Directed Verdict. September 12, 2012.
29. Motion of Riverwalk at Arrowhead, et. al. to Alter or Amend, March 20, 2013.

30. Harleysville's Motion to Alter or Amend, March 21, 2013.

THOMPSON & HENRY, P.A.

By:



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Philip C. Thompson  
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Magnolia North Horizontal Property  
Regime, Magnolia North Property Owners  
Association, Inc., a South Carolina  
Corporation*

December 16, 2013

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And Magnolia North Horizontal Property Regime,  
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a South Carolina Corporation are Respondents/Appellants.

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PROOF OF SERVICE  
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I, the undersigned legal assistant of the law offices of Thompson & Henry, P.A., attorneys for  
Respondents/Appellants, do hereby certify that I have served all counsel in this action with a copy

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of the pleading(s) hereinbelow specified by mailing a copy of same by United States Mail, postage prepaid, to the following address(es) this 16th day of December, 2013:

Pleading(s): Appellant's Initial Brief of Respondents/Appellants; and Respondents/Appellants Designation of Matter

Counsel Served: Robert C. Calamari, Esquire  
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J. PAT HENRY  
[pherry@thompsonlaw.com](mailto:pherry@thompsonlaw.com)

December 16, 2013

The Honorable Jenny Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
PO Box 11629 (29211)  
1015 Sumter Street  
Columbia, SC 29201

RE: Harleysville Group Insurance, Inc. v. Magnolia North Horizontal Property  
Regime, et al.  
Appellate Case No.: 2013-001281

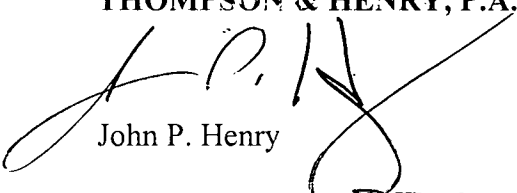
Dear Ms. Kitchings:

Please find enclosed herewith the original and one (1) copy of Respondent's Initial Brief of Respondents/Appellants, Respondent's Designation of Matter for the Record on Appeal for Respondents/Appellants and proper Proof of Service. Please file the originals and return to me a clocked copy in the enclosed self addressed, stamped envelope.

By copy of this letter I am serving same on all counsel of record.

With kindest regards, I am

Sincerely,  
**THOMPSON & HENRY, P.A.**

  
John P. Henry

PCT/sbh  
cc: C. Mitchell Brown, Esquire  
Robert C. Calamari, Esquire  
Laura J. Evans, Esquire  
Enclosures as noted.

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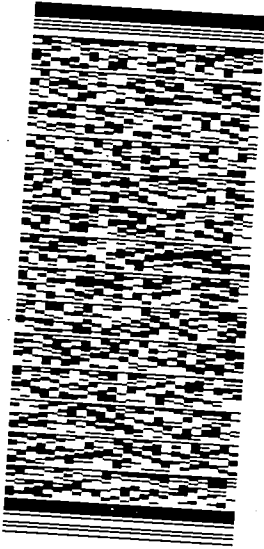
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The Honorable Jenny Kitchings  
Clerk of Court  
1015 Sumter Street

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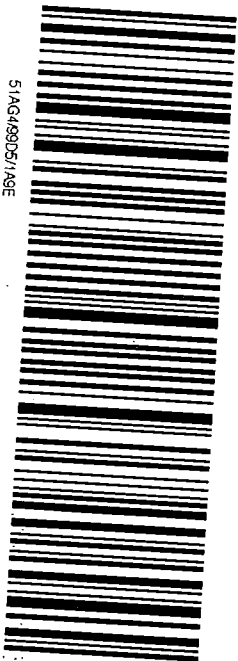
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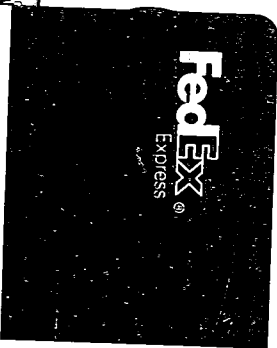
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