

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

JAN 21 2013

SC Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

Alexander S. Macaulay, Presiding Judge Seventh Judicial Circuit

Appellate Case No: 2013-001403

Stoneledge At Lake Keowee Owners' Association, Inc., C. Dan Carson, Jeffrey J. Dauler, Joan W. Davenport, Michael Furnari, Donna Furnari, Jessy B. Grasso, Nancy E. Grasso, Robert P. Hayes, Lucy H. Hayes, Ty Hix, Jennifer D. Hix, Paul W. Hund, III, Ruth E. Isaac, Michael D. Plourde, Mary Lou Plourde, Carol C. Pope, Steven B. Taylor, Bette J. Taylor, and Robert White, Individually and on Behalf of All others similarly situated.....Plaintiffs

IMK Development Co., LLC, Keowee Townhouses, LLC, Ludwig Corporation, LLC, SDI Funding, LLC, Medallion at Keowee, LLC, Integrys Keowee Development, LLC, Marick Home Builders, LLC, Bostic Brothers Construction, Inc., Miller/Player & Associates, John Ludwig, Clear View Construction, LLC, Michael Franz, MHC Contractors, Miguel Porras Choncoas, Builders First Source Southeast Group, Mike Green, Southern Concrete Specialties, Carl Compton d/b/a Compton Enterprize a/k/a Compton Enterprises, Gunter Heating & Air, All Pro Heating, A/C & Refrigeration, LLC, Coleman Waterproofing, Heyward Electrical Services, Inc., Tinsley Electrical, LLC, Hutch N Son Construction, Inc., Carl Catoe Construction, Inc., T.G. Construction, LLC, Delfino Construction, Francisco Javier Zarate d/b/a Zarate Construction, Alejandro Avalos Cruz, Heriberto Acros Hernandez, Martin Hernandez-Aviles, Francisco Villalobos Lopez, Ambrosio Martinez-Ramirez, Ester Moran Mentado, Socorro Castillo Montel, Upstate Utilities, Inc., MJG Construction and Homebuilders, Inc. d/b/a MJG Construction, KMAC of the Carolinas, Inc., Eufacio Garcia, Everado Jarmamillo, Garcia Parra Insulation, Inc., J&J Construction, Jose Nino, Jose Manuel Garcia, Eason Construction, Inc., and Vincent Morales d/b/a Morales Masonry/Player & Associates,.....Defendants

Of Defendants, Marick Home Builders, LLC and Rick ThoennesAppellants,

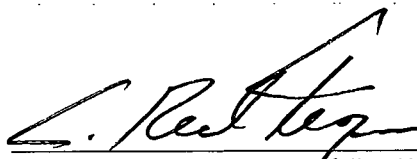
Of Defendants, Clear View Construction, LLC and Michael Franz.....Respondents

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

Appellants propose the following to be included in the Record on Appeal:

1. Third Amended Complaint of Stoneledge at Lake Keowee Owners' Association, Inc.;
2. Answer to Third-Amended Complaint and Cross-Claims of Marick Home Builders, LLC;
3. Order Granting Clear View Construction, LLC and Michael Franz's Motion for Summary Judgment;
4. Clear View Construction, LLC and Michael Franz's Notice and Motion for Summary Judgment;
5. Marick Home Builders, LLC and Rick Thoennes' Memorandum in Opposition to Clear View Construction, LLC and Michael Franz's Motion for Summary Judgment along with attached Exhibits;
6. Clear View Construction, LLC and Michael Franz's Memorandum in Support of Summary Judgment;
7. Transcript of Proceedings dated September 5, 2012;
8. Marick Home Builders, LLC and Rick Thoennes' Motion to Alter and Amend Judgment;
9. Marick Home Builders, LLC and Rick Thoennes' Memorandum in Support of its Motion to Alter and Amend Judgment as to Clear View Construction and Michael Franz along with all attached Exhibits;
10. Clear View Construction, LLC and Michael Franz's Memorandum in Opposition to Marick Home Builders, LLC and Rick Thoennes' Motion to Alter and Amend Judgment;
11. Order Denying Marick Home Builders, LLC and Rick Thoennes' Motion to Alter and Amend Judgment;
12. Transcript of Proceedings dated April 10, 2013;
13. October 1, 2007 Contract between Marick Home Builders, LLC and Clear View Construction;
14. Deposition of Derek Hodgin (Day 2) dated January 24, 2012 (Pages 81-83; Pages 87-89; Pages 91-92; Pages 96-97; Pages 105-109; Pages 123-124; Pages 126-127; Page 133; Page 153; Pages 165-167);
15. Deposition of Randy Still dated August 15, 2012 (Pages 84-85; Pages 169-170; Page 172; Page 174);
16. Deposition of Nathan Hornaday dated March 30, 2012 (Pages 18-20);
17. Deposition of Fredrick (Rick) R. Thoennes dated November 21, 2011 (Pages 30-31; Pages 36; Pages 131-132; Pages 176-177; Pages 224-225; Page 244);
18. Deposition of J. Drew Wilkie dated December 16, 2012 (Page 153; Pages 165-168).

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



Jason M. Imhoff (SC Bar #: 69355)

C. Reed Teague (SC Bar #: 79933)

The Ward Law Firm, PA

PO Box 5663

Spartanburg, SC 29304

(864) 582-3075

(864) 585-3090

jimhoff@wardfirm.com

rteague@wardfirm.com

*Attorneys for Appellants Marick Home
Builders, LLC and Rick Thoennes*

January 16, 2014

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

Alexander S. Macaulay, Presiding Judge Seventh Judicial Circuit

Appellate Case No: 2013-001403

Stoneledge At Lake Keowee Owners' Association, Inc., C. Dan Carson, Jeffrey J. Dauler, Joan W. Davenport, Michael Furnari, Donna Furnari, Jessy B. Grasso, Nancy E. Grasso, Robert P. Hayes, Lucy H. Hayes, Ty Hix, Jennifer D. Hix, Paul W. Hund, III, Ruth E. Isaac, Michael D. Plourde, Mary Lou Plourde, Carol C. Pope, Steven B. Taylor, Bette J. Taylor, and Robert White, Individually and on Behalf of All others similarly situated.....Plaintiffs

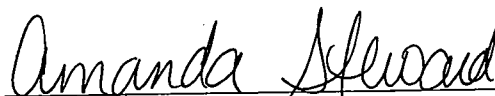
IMK Development Co., LLC, Keowee Townhouses, LLC, Ludwig Corporation, LLC, SDI Funding, LLC, Medallion at Keowee, LLC, Integrys Keowee Development, LLC, Marick Home Builders, LLC, Bostic Brothers Construction, Inc., Miller/Player & Associates, John Ludwig, Clear View Construction, LLC, Michael Franz, MHC Contractors, Miguel Porras Choncoas, Builders First Source Southeast Group, Mike Green, Southern Concrete Specialties, Carl Compton d/b/a Compton Enterprize a/k/a Compton Enterprises, Gunter Heating & Air, All Pro Heating, A/C & Refrigeration, LLC, Coleman Waterproofing, Heyward Electrical Services, Inc., Tinsley Electrical, LLC, Hutch N Son Construction, Inc., Carl Catoe Construction, Inc., T.G. Construction, LLC, Delfino Construction, Francisco Javier Zarate d/b/a Zarate Construction, Alejandro Avalos Cruz, Herberito Acros Hernandez, Martin Hernandez-Aviles, Francisco Villalobos Lopez, Ambrosio Martinez-Ramirez, Ester Moran Mentado, Socorro Castillo Montel, Upstate Utilities, Inc., MJG Construction and Homebuilders, Inc. d/b/a MJG Construction, KMAC of the Carolinas, Inc., Eufacio Garcia, Everado Jaramillo, Garcia Parra Insulation, Inc., J&J Construction, Jose Nino, Jose Manuel Garcia, Eason Construction, Inc., and Vincent Morales d/b/a Morales Masonry/Player & Associates,Defendants

Of Defendants, Marick Home Builders, LLC and Rick ThoennesAppellants,

Of Defendants, Clear View Construction, LLC and Michael Franz.....Respondents

PROOF OF SERVICE

I certify that I have served the Designation of Matter on Respondents by depositing a copy of it in the United States Mail, First Class postage prepaid, on January 16, 2014, addressed to Respondents' attorneys of record, Michael B.T. Wilkes, Esquire and Lindsay L. Builder, Esquire, 127 Dunbar Street, Suite 200 Spartanburg, SC 29306 (attorney for Clear View Construction, LLC and Michael Franz.



Amanda D. Steward
Paralegal to Jason M. Imhoff

January 16, 2014

RESPONDENTS' COUNSEL OF RECORD:

Michael B.T. Wilkes, Esquire
Lindsay L. Builder, Esquire
Wilkes Law Firm, PA
127 Dunbar Street, Suite 200
Spartanburg, SC 29306
Attorneys for Respondents Clear View Construction, LLC and Michael Franz

THE WARD LAW FIRM, P.A.

ATTORNEYS AT LAW
POST OFFICE BOX 5663
SPARTANBURG, SOUTH CAROLINA 29304

JAMES W. HUDGENS ■
GENE ADAMS ♦
H. SPENCER KING ♦
ROBERT E. DAVIS*
JASON M. IMHOFF
JOHN E. ROGERS, II*
C. REED TEAGUE
CHAD M. GRAHAM

■ RETIRED
♦ CERTIFIED MEDIATOR
* ALSO MEMBER NORTH CAROLINA BAR

RUFUS M. WARD (1908-1988)
L. PAUL BARNES (1931-1986)

233 SOUTH PINE STREET
SPARTANBURG, S.C. 29302
OFFICE NO. (864) 573-8500
FAX. NO. (864) 585-3090

E-mail: jimhoff@wardfirm.com
Direct No. 864-582-3075

January 16, 2014

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

***Re Stoneledge at Lake Keowee Owners' Association, Inc., et al. vs. IMK
Development Co., LLC, et al. vs. Michael Franz, et al.
Appellate Case No. 2013-001403***

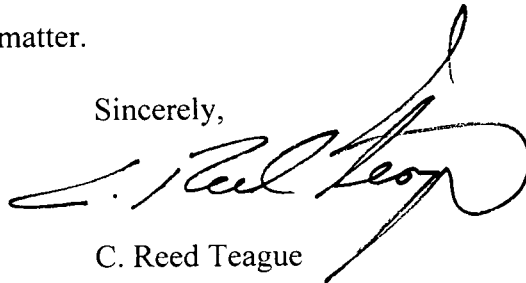
Dear Ms. Kitchings,

Enclosed please find an original and two (2) copies of Marick Home Builders, LLC and Rick Thoennes' Designation of Matter and Initial Brief along with Proof of Service. Please return clocked copies in the enclosed, self-addressed, stamped envelope.

By a copy hereof, I am serving the same upon the Respondents' counsel.

Thank you for your assistance in this matter.

Sincerely,



C. Reed Teague

CRT/ads
Enclosure

Cc: Lindsay L. Builder, Esquire
Michael B. T. Wilkes, Esquire

RECEIVED

JAN 21 2014

SC Court of Appeals

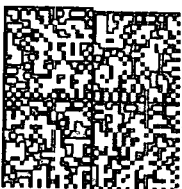
THE WARD LAW FIRM, PA
233 South Pine Street
PO Box 5663
Spartanburg, SC 29304

RECEIVED

JAN 21 2014

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211



neopost
045J83065822
\$5.60
01/16/2014
Mailed From 29302
The logo for the United States Postal Service, featuring an eagle with wings spread, perched on a globe.
US POSTAGE