

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals  
Case Tracking No. 2013-2319

APPEAL FROM LAURENS COUNTY  
Civil Action No. 2012-CP-30-258  
The Honorable Frank R. Addy, Circuit Court Judge

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APR 07 2014  
SC Court of Appeals

In the Matter of the Estate of Marion M. Kay

Edward D. Sullivan, as Personal Representative  
of the Estate of Marion M. Kay ..... Appellant-Respondent,

vs.

Martha Brown and Mary Moses ..... Respondents-Appellants.

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APPELLANT-RESPONDENT'S DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

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Appellant-Respondent proposes the following to be included in the Record on Appeal:

1. Probate Court Order dated May 24, 2011 (Judge Hocker)
2. Probate Court Order dated March 27, 2012 (Judge Hocker Disposing of Post-Trial Motions)
3. Circuit Court Order dated August 20, 2013 and filed August 21, 2013 (Judge Addy Affirming Order of Probate Court)
4. Circuit Court Order dated September 30, 2013 and filed October 1, 2013 (Judge Addy Reaffirming Order of Probate Court and Denying PR and Brown/Moses' Motions to Alter or Amend)
5. Petition for Settlement dated November 12, 2010
6. Proposal for Distribution dated November 12, 2010
7. Correspondence dated December 6, 2010 to Judge Fridy requesting hearing on final accounting
8. Amended Proposal for Distribution dated January 13, 2011
9. Personal Representative's Rule 59 Motion to Re-open Record, Accept Additional Evidence, and/or to Alter or Amend Judgment dated June 6, 2011 and filed June 8, 2011

10. Personal Representative's Grounds for Appeal dated May 11, 2012 and filed May 14, 2012
11. Transcript of Proceedings – February 2, 2011
12. Transcript of Proceedings – February 21, 2011
13. Transcript of Proceedings – January 11, 2012
14. Transcript of Proceedings - July 19, 2013
15. Exhibit A to Transcript of February 2, 2011 - Curriculum Vitae of Personal Representative
16. Exhibit B to Transcript of February 2, 2011 – Last Will and Testament of Marion M. Kay
17. Exhibit C-1 to Transcript of February 2, 2011 – Statement of Issues and Facts/ Summary of Personal Representative's Testimony
18. Exhibit C-2 to Transcript of February 2, 2011 – Two (2) Letters dated October 23, 2003 and January 6, 2004
19. Exhibit C-4 to Transcript of February 2, 2011 – Option Agreement dated December 28, 1972
20. Exhibit C-5 to Transcript of February 2, 2011 – Letter from Copeland dated April 16, 2008
21. Exhibit C-6 to Transcript of February 2, 2011 – Appraisal 330 acres dated February 25, 2008 by Major & Company
22. Exhibit C-7 to Transcript of February 2, 2011 – Appraisal 6 acres dated July 25, 2007 by Palmetto Heritage
23. Exhibit C-8 to Transcript of February 2, 2011 – Appraisal 4 acres dated July 25, 2007 by Palmetto Heritage
24. Exhibit C-9 to Transcript of February 2, 2011 – Letter from Attorney Fuller dated April 21, 2008
25. Exhibit C-11 to Transcript of February 2, 2011 – Letter from Personal Representative dated May 2, 2008
26. Exhibit C-12A to Transcript of February 2, 2011 – Amended Complaint dated March 3, 2009 and filed March 4, 2009
27. Exhibit C-12B to Transcript of February 2, 2011 – Answer to Amended Complaint and Counterclaim dated March 20, 2009
28. Exhibit C-13 to Transcript of February 2, 2011 – Letter from Personal Representative dated March 1, 2010
29. Exhibit C-14 to Transcript of February 2, 2011 – Three (3) Contracts of Sale all dated May 4, 2010
30. Exhibit C-15 to Transcript of February 2, 2011 – Consents Sale of Real Estate and Waivers of Hearing
31. Exhibit C-16 to Transcript of February 2, 2011 – Quitclaim Deed dated July 9, 2010
32. Exhibit C-17 to Transcript of February 2, 2011 –Personal Representative Filings including Petition for Settlement, Proposal for Distribution, Amended Proposal for Distribution, Supplemental Inventory and Appraisement, Interim Accountings 1, 2, 3, and 4, and Notice of Hearing
33. Exhibit C-18 to Transcript of February 2, 2011 – Personal Representative's Time Since 11/12/2010 Filing

34. Exhibit D to Transcript of February 2, 2011 – Invoices and Discounts from Collins & Lacy
35. Exhibit E to Transcript of February 2, 2011 – CV of John Wilson
36. Exhibit F to Transcript of February 2, 2011 – Rowland W. Milam correspondence dated October 19, 2009
37. Exhibit G to Transcript of February 2, 2011 – Personal Representative correspondence dated October 27, 2009
38. Exhibit H to Transcript of February 2, 2011 – Emails dated November 2, 2009 and November 4, 2009
39. Exhibit I to Transcript of February 2, 2011 – Personal Representative correspondence dated November 9, 2009
40. Exhibit J to Transcript of February 2, 2011 – December 14, 2009 emails
41. Exhibit K to Transcript of February 2, 2011 – December 15, 2009 emails
42. Exhibit L to Transcript of February 2, 2011 – Correspondence dated December 16, 2009
43. Exhibit M to Transcript of February 2, 2011 – Email dated March 16, 2010
44. Exhibit N to Transcript of February 2, 2011 – Wilson Forestry & Appraisal invoice
45. Exhibit O to Transcript of February 2, 2011 – Clifton D. Bodiford invoice
46. Exhibit P to Transcript of February 2, 2011 – Brown, Massey, Evans, McLeod & Haynsworth, LLC invoice
47. Exhibit Q to Transcript of February 2, 2011 – Major & Company invoice
48. Exhibit R to Transcript of February 2, 2011 – Law Office of Daryl G. Hawkins, LLC invoice
49. Exhibit S to Transcript of February 2, 2011 – Personal Representative's additional time
50. Personal Representative's Memorandum in Support of Petition for Settlement filed with Probate Court on February 1, 2011
51. Personal Representative's Post Trial Brief dated March 28, 2011
52. Brown and Moses Revised Return to Motion dated December 28, 2011
53. Attorney Fee Affidavit of Daryl G. Hawkins dated January 23, 2012
54. Personal Representative's Response to Brief of Appellants Moses and Brown dated July 12, 2013
55. Personal Representative's Reply to Addendum to Response of Appellants Moses and Brown dated July 29, 2013 and filed August 1, 2013
56. Personal Representative's Response to Request for Attorneys Fees by Counsel for Appellants Moses and Brown dated August 9, 2013

[Signature Next Page]

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

April 4, 2014

A handwritten signature in black ink, appearing to read 'Daryl G. Hawkins', is written over a horizontal line. The signature is stylized and somewhat cursive.

Daryl G. Hawkins  
LAW OFFICE OF DARYL G. HAWKINS, LLC  
Post Office Box 11906  
Columbia, SC 29211-1906  
803.733.3531 – Tel  
803.744.1949 – Fax

*Attorneys for Appellant-Respondent  
Edward D. Sullivan, as Personal Representative  
of the Estate of Marion M. Kay*

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Case Tracking No. 2013-002319

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APPEAL FROM LAURENS COUNTY  
COURT OF COMMON PLEAS

SC Court of Appeals

Civil Action No. 2012-CP-30-258  
The Honorable Frank R. Addy, Circuit Court Judge

In the Matter of the Estate of Marion M. Kay

Edward D. Sullivan, as Personal Representative  
of the Estate of Marion M. Kay .....Appellant-Respondent,

vs.

Martha Brown and Mary Moses ..... Respondents-Appellants.

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PROOF OF SERVICE

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I certify that I served the Desigation of Matter of Appellant-Respondent via U.S.  
Mail upon:

John R. Ferguson, Esquire  
Cox Ferguson & Wham LLC  
PO Box 286  
Laurens, SC 29360-0286

LAW OFFICE OF DARYL G. HAWKINS, LLC

  
\_\_\_\_\_  
Sheri H. Neely, Legal Assistant

April 4, 2014

TELEPHONE  
(803) 733-3531

LAW OFFICE OF  
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April 4, 2014

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**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
Clerk, SC Court of Appeals  
PO Box 11629  
Columbia, SC 29211-1629

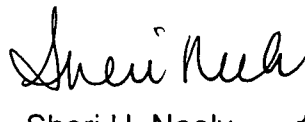
RE: *In the Matter of the Estate of Marion M. Kay*  
Edward D. Sullivan, as Personal Representative of  
the Estate of Marion M. Kay, Appellant-Respondent v.  
Martha Brown and Mary Moses, Respondents-Appellants  
Laurens Co Circuit Court Appeals File No. 2012-CP-30-258  
Laurens Co Probate Court File No. 2007-ES-30-208  
SC Court of Appeals Tracking No. 2013-2319

Dear Ms. Kitchings:

Enclosed for filing with your office are the originals and one copy each of Appellant-Respondent's Initial Brief and Designation of Matter. I would appreciate your returning a clocked copy of each in the return envelope provided for your convenience.

By copy of this letter to counsel for the Respondents-Appellants, I am herewith serving a copy of each of the above upon him.

Sincerely,



Sheri H. Neely  
Legal Assistant to  
Daryl G. Hawkins

Enclosures

cc: John R. Ferguson, Esquire

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SC Court of Appeals

LAW OFFICE OF

**DARYL G. HAWKINS, LLC**

Post Office Box 11906

Columbia, South Carolina 29211

The Honorable Jenny Abbott Kitchings

Clerk, SC Court of Appeals

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