

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

APPEAL FROM THE BEAUFORT COUNTY
COURT OF COMMON PLEAS

HONORABLE MARVIN H. DUKES, III
MASTER IN EQUITY AND SPECIAL CIRCUIT COURT JUDGE

CASE NO.: 2010-CP-07-06274
2010-CP-07-06284

EFFIE SANDRA L. TURPIN, C.E. LOWTHER, JR.,
CLAYTON CLARK LOWTHER, and MITCHELL SAXON
LOWTHER, INDIVIDUALLY AND REPRESENTING AS
A CLASS OF BENEFICIARIES OF THE ESTATE OF
C. E. LOWTHER, SR.,

Respondents,

vs.

E. LEGRAND LOWTHER, INDIVIDUALLY AND AS
PERSONAL REPRESENTATIVE OF THE ESTATE OF
C.E. LOWTHER, SR., and MARK ALLEN LOWTHER, AS
PERSONAL REPRESENTATIVE OF THE ESTATE OF
C. E. LOWTHER SR.

OF WHOM E. LEGRAND LOWTHER IS

Appellant.

DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL

The Appellant proposes the following be included in the Record on Appeal:

1. Summons and Complaint (February 15, 2008)
2. Answer to Complaint (April 11, 2008)
3. Order of the Honorable Kenneth E. Fulp, Jr. (December 21, 2010)
4. Order of the Honorable Marvin H. Dukes, III (November, 2011)
Order Denying Motion to Reconsider of the Honorable Marvin H. Dukes, III (March 21, 2012)

5. Rule 4, South Carolina Probate Court issued by the Honorable Joseph N. Malphrus, Jr. (March 8, 2007)
6. Order of the Honorable Kenneth E. Fulp, Jr. (October 16, 2007)
7. Motion to Reconsider (December 9, 2011)
8. Notice of Appeal (April 4, 2012)
9. Grounds for Appeal filed in the Beaufort County Probate Court
10. Transcript of Hearing held before the Honorable Kenneth E. Fulp, Jr. on June 23, 2009 and June 26, 2009, including all exhibits.
11. Transcript of Hearing held before the Honorable Marvin H. Dukes, III on June 28, 2011, including all exhibits.

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

MOSS, KUHN & FLEMING, P.A.

By: _____

H. Fred Kuhn, Jr.
1501 North Street
Post Office Drawer 507
Beaufort, South Carolina 29901
(843)524-3373
(843)524-1302 (FX)

Attorney for the Appellant

Beaufort, South Carolina
July 13, 2012

CERTIFICATE OF SERVICE


Undersigned certifies that the Designation of Matter to be Included in Record on Appeal, to which this certificate is affixed, was served upon the party (s) to this action by hand delivery or by depositing a copy of same, enclosed in a first class, postpaid wrapper properly addressed to the attorney(s) of record:

R. Thayer Rivers, Jr., Esquire
Attorney at Law
Post Office Box 668
Ridgeland, South Carolina 29936

Harley D. Ruff, Esquire
Ruff & Ruff
17 Professional Village Circle
Beaufort, South Carolina 29907

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in a post office or official depository under the exclusive care and custody of the United States Postal Service, on July 13, 2012.

By: 

Sue Radford
Secretary for H. Fred Kuhn, Jr.

LAW OFFICES

MOSS, KUHN & FLEMING, P.A.

JAMES H. MOSS
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KIMBERLY L. SMITH
EVE M. FLEMING

*ALSO MEMBER OF GA BAR

July 13, 2012

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

RE: RE: Effie Sandra L. Turpin, C.E. Lowther, Jr., Clayton Clark Lowther, and Mitchell Saxon Lowther, individually and representing as a class of beneficiaries of the Estate of C. E. Lowther, Sr. v. E. Legrand Lowther, individually and as Personal Representative of the Estate of C. E. Lowther, Sr., and Mark Allen Lowther, as Personal Representative of the Estate of C. E. Lowther, Sr.
Case Nos: 2010-CP-07-06274 and 2010-CP-07-06284

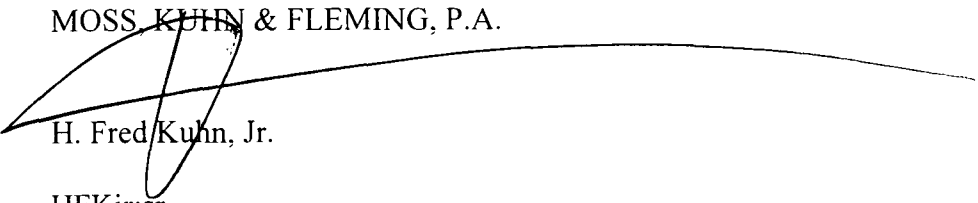
Dear Mrs. Kitchings:

Enclosed please find the Initial Brief of Appellant and Appellant's Designation of Matter to be Included in Record on Appeal. By copy of this letter and the enclosures, I am serving a copy of the same upon all counsel of record.

With kindest regards, I am

Very truly yours,

MOSS, KUHN & FLEMING, P.A.


H. Fred Kuhn, Jr.

HFKjr:sr
Enclosures

cc: R. Thayer Rivers, Esquire (w/enclosures)
Harley D. Ruff, Esquire (w/enclosures)