

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

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APR 22 2014

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

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.

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

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

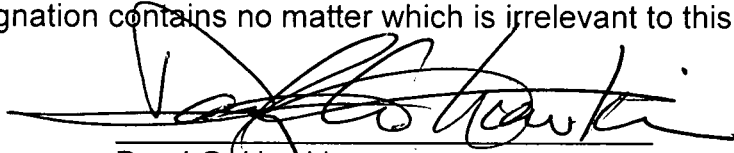
1. Probate Court Order dated May 24, 2011 (Judge Hocker)
2. Probate Court Order dated March 27, 2012 (Judge Hocker Disposing of Post-Trial Motions)
3. Circuit Court Order dated August 20, 2013 and filed August 21, 2013 (Judge Addy Affirming Order of Probate Court)
4. Circuit Court Order dated September 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.

A handwritten signature in black ink, appearing to read "Daryl G. Hawkins", written over a horizontal line.

Daryl G. Hawkins
LAW OFFICE OF DARYL G. HAWKINS, LLC
Post Office Box 11906
Columbia, SC 29211-1906
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*Attorneys for Appellant-Respondent
Edward D. Sullivan, as Personal Representative
of the Estate of Marion M. Kay*

April 21, 2014

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Case Tracking No. 2013-002319

APPEAL FROM LAURENS COUNTY
COURT OF COMMON PLEAS

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

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In the Matter of the Estate of Marion M. Kay

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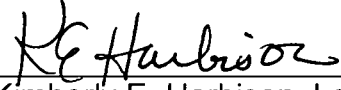
Martha Brown and Mary Moses Respondents-Appellants.

PROOF OF SERVICE

I certify that I served the Designation of Matter of Appellant-Respondent in the
cross appeal 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



Kimberly E. Harbison, Legal Assistant

April 21, 2014

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SCC 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
PO Box 11629
Columbia, SC 29211-1629

