

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas  
John M. Milling, Special Referee

Appellate Case No. 2013-1281

**RECEIVED**

APR 17 2014

**SC Court of Appeals**

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,, .....

Defendants,

Of whom Heritage Communities, Inc., a South Carolina  
Corporation; Heritage Magnolia North, Inc., a South  
Carolina Corporation; Heritage Riverwalk, a South Carolina  
Corporation; Buildstar Corporation, a South Carolina  
Corporation, National Surety Corp., and Tony L. Pope and  
Lynn Pope, individually and representing as a class all unit  
owners at Riverwalk at Arrowhead Country Club Horizontal  
Property Regime are .....

Respondents,

And Magnolia North Horizontal Property Regime, Magnolia  
North Property Owners Association, Inc., a South Carolina  
Corporation and Riverwalk at Arrowhead Country Club  
Horizontal Property Regime; Riverwalk at Arrowhead  
Country Club Property Owners Association, Inc. are.....

Respondents/Appellants.

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APPELLANT/RESPONDENT'S AMENDED DESIGNATION  
OF MATTER FOR THE RECORD ON APPEAL

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Pursuant to Rule 209, SCACR, Appellant/Respondent Harleysville Group Insurance ("Harleysville") submits its designations of matter for inclusion in the record on appeal. These designations are in addition to the matters designated by opposing

counsel in the Respondents'/Appellants' Designation of Matter. 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, October 14, 2009.
6. Answer and Counterclaim of Riverwalk at Arrowhead, et al., October 21, 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.

### **EXHIBITS**

11. Ex. 1: Trial Transcript of Underlying Liability Action, January 5-15, 2009, pages 700, 771-89, 842-89, 923-39, 956-57, 1734-43, 1762-70, 1809-1821.
12. Ex. 4: Fourth Amended Complaint in Underlying Liability Action, August 3, 2006.
13. Ex. 11: Transcript of Deposition of Mr. Lee Wright, August 3, 2010.

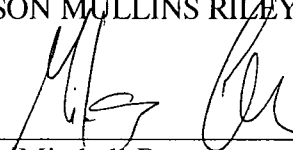
14. Ex. 12: Commercial General Insurance Policies issued by Harleysville to insureds relevant to this action.
15. Ex. 15: Harleysville's Reservation of Rights Letter to Insureds relevant to this action.
16. Ex. 17: Harleysville's chart regarding policies, limits, and aggregate remaining.
17. Ex. 20: Baiden Construction Report.
18. Ex. 22: Transcript of motion hearing in River Oaks matter.
19. Ex. 23: Affidavit of Roger Van Wie.
20. Ex. 24: Deposition Transcript of James Graham, December 2, 2008.
21. Ex. 25: Underlying verdict form (property regime and property owners' association), January 15, 2009.
22. Ex. 26: Underlying verdict form (individual homeowners), January 15, 2009.
23. Harleysville's chart "Riverwalk Data," submitted to the Special Referee as an attachment to its Proposed Order, February 16, 2012.

#### **MISCELLANEOUS AND MOTIONS**

24. Pre-Trial Brief of Magnolia North Horizontal Property Regime, et al., December 1, 2010.
25. Harleysville's Pre-Trial Brief, December 3, 2010.
26. Harleysville's Motion to Conform Evidence and Correct Mistake in Record, February 17, 2012.
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.

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