

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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JUN 04 2014

**SC Court of Appeals**

APPEAL FROM LAURENS COUNTY  
Court of Common Pleas  
Frank R. Addy, Jr., Circuit Court Judge  
2013-002319

12388

In the Matter of the Estate of Marion M. Kay

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

v.

Martha Brown and Mary Moses, . . . . . Respondents/  
Cross-Appellants

MOTION TO REVISE DESIGNATION OF MATTER ON APPEAL

The Respondents/Cross-Appellants hereby move the Court to allow them to amend their previous Proposed Record on Appeal by filing the attached Revised Designation of Matter on Appeal. The new document makes only two changes, which will allow the Court a more complete understanding of what transpired below.

*John R. Ferguson*

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Laurens, SC 29360  
(864) 984-212  
Fax (864) 984-7372

Attachment

COX, FERGUSON & WHAM, LLC  
Attorneys for Cross-Appellants

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REVISED DESIGNATION OF RECORD ON APPEAL

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Respondents/Cross-Appellants propose that the appellate record contain the following:

Notice of Hearing dated 1/13/11

PR's Petition for Settlement

Affidavits of Neely C. Blackmon with attachments filed with Probate Court

Grice Transcript (pp. 41- 43, 56-57, 72-73, 82, 85-87, 93, 104-105, 114, 118-122, 137,  
142-146, 155, 166, 168-169, 174-176, 216)

Shorb Transcript (pp. 8, 16-18, 59-60, 62, 64-65, 67, 80, 85)

All exhibits from trial, incl. PR's accountings, inventories and appraisements and the  
Collins & Lacy time sheets

All orders under appeal

Summary of Position of Defendants Moses and Brown

Post-trial motions and responses (Moses and Brown Motion to Alter, Amend or Rehear;

Request for Attorney's Fee by Counsel for Appellants Moses and Brown, PR's

Response to Request for Attorney's Fee by Counsel for Appellants Moses and Brown, Ferguson letters to Judge Addy dated 8/13/13 re attorney fee issue)

Revised Return to Motion dated 12/28/11

Brown and Moses' Revised Grounds for Appeal

Brief of Appellants [now Cross-Appellants] Moses and Brown

PR's Response to Brief of Appellants Moses and Brown

Documents from heirs (Presby. Home, B. Heard, M. Orias) accepting PR's terms for settlement

PR's Grounds for Appeal without attachments (Court of Common Pleas)

Response to PR's Grounds for Appeal (Court of Common Pleas)

Revised Return to Motion to Re-Open Record

Response of Appellants Moses and Brown to Return to Motion

Addendum to Response of Appellants [Moses and Brown]

PR's Response to Appellants Brown and Moses' Motion to Alter, Amend or Rehear

Reply to PR's Response to Motion to Alter, Amend or Rehear

Reply to Addendum to Response of Appellants Moses and Brown

Ferguson letter to Judge Addy dated 7/31/13 re PR's Reply to Addendum

Any briefs or memoranda filed with Courts below by Respondents/Cross-Appellants

Return to Petition to Distribute Estate Proceeds

The responsive documents not otherwise specified to any document the PR wants in the record.

No attachments to a document should be included if they are otherwise in the record.

COX, FERGUSON & WHAM, LLC  
Attorneys for the Respondents/Cross-Appellants

By: John R. Ferguson  
John R. Ferguson  
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May 28, 2014

**COX, FERGUSON & WHAM**

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June 2, 2014

Office of the Clerk of Court  
S.C. Court of Appeals  
1015 Sumter St.  
Columbia, SC 29201

Re: In the Matter of the Estate of Marion M. Kay, 2013-002319

Gentlemen:

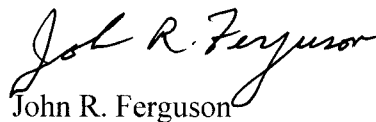
With this letter I am enclosing an original and seven (7) copies of a Motion to Revise Designation of Matter on Appeal plus an original and a copy of the Certificate of Service. Please file these documents and send me one clocked copy of each of the two enclosed documents. I have also enclosed a check for \$ 25 for your filing fee and a stamped self-addressed envelope. Thank you for your help.

**RECEIVED**

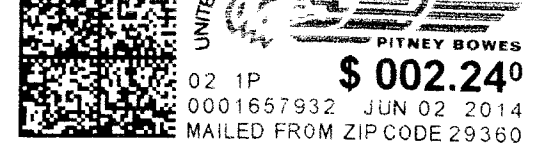
JUN 04 2014

**SC Court of Appeals**

Sincerely,

  
John R. Ferguson

JRF/wp  
Encl.  
CC: Daryl G. Hawkins, Esq.



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**SC Court of Appeals**

**COX, FERGUSON & WHAM, LLC**

ATTORNEYS AT LAW  
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LAURENS, SC 29360

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**TO:**

**Office of the Clerk of Court  
S.C. Court of Appeals  
1015 Sumter St.  
Columbia, SC 29201**