

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
L. Casey Manning, Circuit Court Judge

RECEIVED
JUN 30 2014
SC Court of Appeals

Civil Action No. 2011-CP-40-01980
Appellate Case No. 2013-002673

Robert S. Jones,.....Plaintiff/Appellant,

v.

Builders Investment Group, LLC,
Brian D. Boone and Arden Homebuilders, LLC,.....Defendants,

Of Whom
Builders Investment Group, LLC
and Brian D. Boone are,.....Respondents.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Respondent proposes the following be included in the Record on Appeal:

1. Complaint filed March 23, 2011 (Civil Action No. 2011-CP-40-01980).
2. Excerpts from deposition of F. Justin Strickland taken December 7, 2011, pp. 1, 18 (part of Exhibit 12 to Defendants Builders Investment Group, LLC's and Brian D. Boone's Memorandum in Support of Summary Judgment) filed April 18, 2012.
3. Transcript of trial December 10 – December 12, 2012.
4. Operating Agreement of Holt Family Homes LLC dated July 28, 2005 (Defendant's Trial Exhibit 1).
5. Loan #400877200 from Greenville First Bank, N.A. to Holt Family Homes, LLC dated January 26, 2007 (Defendant's Trial Exhibit 2).
6. Guaranty of Promissory Note #400877200 signed by Robert S. Jones dated January 26, 2007, Guaranty of Promissory Note #400877200 dated January 26, 2007 signed by Robert A. Keisler, and Guaranty of Promissory Note #400877200

- dated January 26, 2007 signed by Carl Edward Buck III (Defendant's Trial Exhibit 3).
7. Loan #400900700 from Greenville First Bank, N.A. to Holt Family Homes, LLC dated April 25, 2007 (Defendant's Trial Exhibit 4).
 8. Guaranty of Promissory Note #400877200 signed by Carl Edward Buck III dated January 26, 2007, Guaranty of Promissory Note #400900700 signed by Robert A. Keisler dated April 25, 2007, and Guaranty of Promissory Note #400877200 dated April 25, 2007 signed by Robert S. Jones (Defendant's Trial Exhibit 5).
 9. Revised and Restated Operating Agreement of Arden Homebuilders, LLC f/k/a Holt Family Homes, LLC dated July 31, 2007 (Defendant's Trial Exhibit 6).
 10. Loan Number 400938500 dated September 25, 2007 (Defendant's Trial Exhibit 7).
 11. Guaranty of Loan Number 400938500 dated September 25, 2007; Cancelled October 20, 2006 (Defendant's Trial Exhibit 8).
 12. Loan Number 400938500 dated September 24, 2008 (Defendant's Trial Exhibit 9).
 13. Guaranty of Loan Number 400938500 dated September 24, 2008 (Defendant's Trial Exhibit 10).
 14. Commercial Promissory Note, Loan Number 401096900, dated December 8, 2009 (Defendant's Trial Exhibit 11).
 15. Transactions report (Defendant's Trial Exhibit 12).
 16. Transactions report w/ handwritten notation dated 12/20/10 (Defendant's Trial Exhibit 13).
 17. Letter from F. Justin Strickland, Southern First, to Robert S. Jones dated October 23, 2009 (Defendant's Trial Exhibit 14).
 18. Email string ending with Bob Jones to Martha Jones dated March 18, 2008 (Defendant's Trial Exhibit 15).
 19. Email string ending with Robert Keisler to rjones78@sc.rr.com dated July 1, 2008 (Defendant's Trial Exhibit 16).
 20. Email string ending with Robert Keisler to Brian Boone, Bob Jones, and Robert Boozer dated June 23, 2008 (Defendant's Trial Exhibit 17).
 21. Email from Robert Keisler to Brian Boone dated March 18, 2008 (Defendant's Trial Exhibit 18).
 22. Email string ending with Robert Kleinpaste to Robert@rakcpa.com dated August 6, 2008 (Defendant's Trial Exhibit 19).
 23. Email string ending with Bob Jones to edwardbuck@bellsouth.net attaching draft release dated October 17, 2008 (Defendant's Trial Exhibit 20).
 24. Release Agreement between Carolina First Bank and Robert A. Keisler dated September 24, 2009 (Defendant's Trial Exhibit 21).
 25. Loan Number 400451000 dated June 28, 2007 (Defendant's Trial Exhibit 22).
 26. Settlement Agreement and Mutual Release Agreement between Arden Homebuilders, LLC and Robert S. Jones, Robert A. Keisler, Carl Edward Buck, III, Robert A. Boozer and Brian D. Boone (Defendant's Trial Exhibit 23).
 27. Release Agreement between Carolina First Bank and Brian David Boone dated March 31, 2010 (Defendant's Trial Exhibit 24).

28. Email string ending with Bob Jones to Justin Strickland and Robert Keisler dated September 4, 2008 (Defendant's Trial Exhibit 25).
29. Continuing Guaranty dated by Brian Boone in favor of Bank of America, N.A. dated October 1, 2007 (Defendant's Trial Exhibit 26).
30. Unanimous Written Consent of the Members of Arden Homebuilders, LLC dated August 31, 2008 (Defendant's Trial Exhibit 27).
31. Emails beginning April 19, 2008, voting for/against signing Promissory Note (Defendant's Trial Exhibit 28).
32. Email from Robert Keisler to Brian Boone, et al. dated September 30, 2009 (Defendant's Trial Exhibit 29).
33. Form 4 with Verdict Form attached filed December 12, 2012.
34. Defendants Builders Investment Group, LLC's and Brian D. Boone's Motion for a Judgment Notwithstanding the Verdict or, in the Alternative, a New Trial, with Exhibits 1-8, filed December 21, 2012.
 Exhibit 1 – Form 4 granting Defendant's Motion for Summary Judgment as to Plaintiff's breach of fiduciary duty claim and denying as to Plaintiff's breach of contract claims;
 Exhibit 2 – Verified Complaint (*Southern First Bank, N.A. v. Robert S. Jones*) filed July 26, 2012;
 Exhibit 3 – Answer and Third Party Complaint (*Southern First Bank, N.A. v. Robert S. Jones v. Builders Investment Group, LLC, Brian D. Boone and Arden Homebuilders, LLC*) filed September 7, 2012;
 Exhibit 4 – Confession of Judgment filed November 14, 2012;
 Exhibit 5 – Letter from Southern First to Robert Jones dated October 23, 2009, regarding stock liquidation, with attachments;
 Exhibit 6 – Revised and Restated Operating Agreement of Arden Homebuilders, LLC f/k/a Holt Family Homes, LLC (Trial Exhibit 6);
 Exhibit 7 – Affidavit of Thornwell F. Sowell III, with Exhibits A-F;
 Exhibit 8 – Southern First Bank, N.A. Transactions Report (Trial Exhibit 13)
35. Form 4 filed May 21, 2013, and attached Order Granting Defendants Builders Investment Group, LLC and Brian D. Boone's Motion for Judgment Notwithstanding the Verdict of the Honorable L. Casey Manning dated and filed May 15, 2013.
36. Notice of Motion and Plaintiff's Motion to Alter or Amend Order Pursuant to Rule 59(e), SCRCF.
37. Defendants Builders Investment Group, LLC's and Brian D. Boone's Memorandum in Opposition to Plaintiff's Motion to Alter or Amend Order Pursuant to Rule 59(e), SCRCF filed October 16, 2013.
38. Form 4 attaching Order Denying Plaintiff's Motion to Alter or Amend Order Pursuant to Rule 59(3), SCRCF filed November 18, 2013.

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

June 30, 2014



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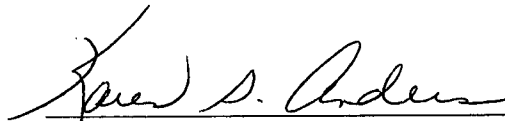
Builders Investment Group, LLC,
Brian D. Boone and Arden Homebuilders, LLC,.....Defendants,

Of Whom
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PROOF OF SERVICE

I certify that I have served (Respondents') Designation of Matter to be Included in the Record on Appeal on the following by placing a copy in the U.S. Mail, postage pre-paid, to counsel for the Appellant on June 30, 2014, at the addresses shown below:

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June 30, 2014