

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Steven H. John

Case No. 2011-CP-26-2722

Nichols Holding, LLC and J. Wade Nichols Respondents-Appellants

vs.

Divine Capital Group, LLC; John S. Divine, IV;
Nathan Anderson; and Divine Dining Group, Inc. Appellants- Respondents

RESPONDENTS-APPELLANTS' DESIGNATION OF
MATTER TO BE INCLUDED IN RECORD ON APPEAL

Respondents-Appellants propose the following to be included in the Record on

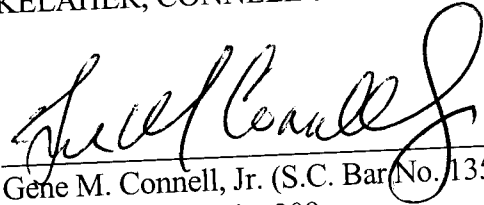
Appeal:

1. Order Compelling Settlement filed January 6, 2014
2. Order Denying Plaintiffs' Motion for Reconsideration filed February 25, 2014
3. Order Denying Defendant' Motion to Alter/Amend Order filed February 25, 2014
4. Transcript of Record December 4, 2013
5. Exhibits (presented at hearing December 4, 2013:
 - Ex. 1 Affidavit of Ernest Edwards dated December 2, 2012
 - Ex. 2 Affidavit of Gene M. Connell, Jr. dated December 2, 2013
 - Ex. 3 Affidavit of Arlene Jaskot dated August 23, 2013
 - Ex. 4 Affidavit of Fred B. Newby dated August 23, 2013

- Ex. 5 Letter from Georgetown County Water and Sewer District dated June 22, 2012
 - Ex. 6 Promise to Pay from Nichols to Georgetown County Water and Sewer District August 7, 2013
 - Ex. 7 Letter to Gene M. Connell, Jr. from Georgetown County Water and Sewer District dated June 17, 2013
 - Ex. 8 Demand – Charges and Payments by Nichols
 - Ex. 9 Motion of John S. Divine, IV to Enforce Settlement Agreement dated 6/05/13
 - Ex. 10 Agreement to Purchase and Sale – Page 16, Section (h)
 - Ex. 11 Affidavit of Arlene Jaskot dated October 23, 2013
 - Ex. 12 Settlement Agreement and Release in Full
- 6. Order Appointing Receiver dated May 25, 2012
 - 7. Consent Order [Judgment] filed January 23, 2012
 - 8. Complaint filed March 24, 2011
 - 9. Answer dated May 27, 2011.

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

KELAHER, CONNELL & CONNOR, P.C.



Gene M. Connell, Jr. (S.C. Bar No. 1358)
The Courtyard, Suite 209
1500 U.S. Highway 17 North
Post Office Drawer 14547
Surfside Beach, South Carolina 29587-4547
(843) 238-5648 (phone)
(843) 238-5050 (facsimile)
gconnell@classactlaw.net
Attorneys for Respondents-Appellants

July 25, 2014
Surfside Beach, South Carolina.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Steven H. John

CASE NO. 2011-CP-26-2722

Nichols Holding, LLC and J. Wade Nichols Respondents-Appellants

vs.

Divine Capital Group, LLC; John S. Divine, IV;
Nathan Anderson; and Divine Dining Group, Inc.Appellants-Respondents

PROOF OF SERVICE

PERSONALLY appeared before me, Shelia Y. McCumbee, who being duly sworn, deposes and says that she is an employee of KELAHER, CONNELL & CONNOR, P.C., Attorneys at Law, and that she has served **Respondents-Appellants Designation of Matter** on the Appellants-Respondents, through their attorneys of record, by depositing a copy of same in the United States Mail, postage prepaid, to:

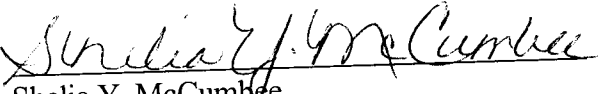
Emma Ruth Brittain, Esquire
Thomas & Brittain, P.A.
Post Office Box 1290
Myrtle Beach, SC 29578

Julio E. Mendoza, Jr., Esquire
Nexsen Pruet, LLC
Post Office Drawer 2426
Columbia, SC 29202


Frederick Miles Adler, Esquire
Post Office Box 4743
Pawleys Island, SC 29585

W. W. DesChamps, Jr., Esquire
1357 21st Avenue North, Suite 102
Myrtle Beach, SC 29577

DATE OF MAILING: July 25, 2014


Shelia Y. McCumbee

SWORN AND SUBSCRIBED before me,
this 27th day of July, 2014


Notary Public for South Carolina
My Commission Expires: 3-12-24