

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**RECEIVED**  
JUL 28 2014  
SC Court of Appeals

APPEAL FROM FLORENCE COUNTY  
Court of Common Pleas  
Honorable R. Knox McMahon

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Case Nos. 2013-CP-21-1334 and 2013-ES-21-190  
Appellate Case No. 2013-002810

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In the Matter of the Estate of Eris Singletary Smith

In re:

Eris Gail Smith ..... Appellant,

v.

Judy Smith Jones, Jacquelyn Brown, James Ervin  
Smith, Timothy David Smith, Jamie Smith, and  
Mikie Smith, Defendants,

Of whom Judy Smith Jones is the ..... Respondent.

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**APPELLANT'S AMENDED<sup>1</sup> DESIGNATION OF  
MATTER FOR THE RECORD ON APPEAL**

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Pursuant to Rule 209, SCACR, Appellant Eris Gail Smith submits her 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' Designation of Matter. Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that this designation contains no matter which is irrelevant to the appeal:

**ORDERS**

1. Probate Court's Order Appointing Special Administrator, filed April 19, 2013.

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<sup>1</sup>Appellant's designations are not officially due until August 1, 2014.

2. Probate Court's Order Removing the Matter to the Circuit Court, filed May 14, 2013.
3. Circuit Court's Order Granting Judy Jones' Motion for Summary Judgment, Ordering Probate of Will, and Appointing Judy Jones as Personal Representative, filed October 24, 2013.
4. Circuit Court's Order Denying Eris Gail Smith's Motion for Reconsideration, filed December 4, 2013.

#### **PLEADINGS**

5. Eris Gail Smith's Petition to Probate Will, filed March 13, 2013.
6. Judy Jones' Petition to Probate Will, filed March 13, 2013.
7. Eris Gail Smith's Petition Challenging the Will Brought Forth by Judy Jones, filed April 1, 2013.
8. Judy Jones' Answer to the Petition Challenging the Will, filed April 19, 2013.

#### **TRANSCRIPTS**

9. Hearing Transcript of August 7, 2013.

#### **MISCELLANEOUS AND MOTIONS**

10. Eris Gail Smith's Demand for Jury Trial, dated May 6, 2013.
11. Judy Jones' Motion for Summary Judgment, filed May 31, 2013.
12. Judy Jones' Proposed Order Granting her Motion for Summary Judgment.
13. Eris Gail Smith's Objections to the Proposed Order and Supplemental Memorandum in Opposition to Summary Judgment, filed August 29, 2013.
14. Affidavit of Gary Finklea, Esq. in support of Eris Gail Smith's Motion for Summary Judgment Hearing to be Continued, filed August 29, 2013.
15. Letter and Filing Letter submitting transcripts of Examinations Under Oath to Circuit Court, dated October 8, 2013.
16. Eris Gail Smith's Motion for Reconsideration, filed November 11, 2013.
17. Will of Eris Singletary Smith dated May 30, 2001.

18. Power of Attorney dated May 30, 2001.
19. Health Care Power of Attorney dated May 30, 2001.
20. Will of Eris Singletary Smith dated March 30, 2011.
21. Will of Eris Singletary Smith dated October 18, 2011.
22. Health Care Power of Attorney dated October 18, 2011.
23. Deposition of Eris Gail Smith, May 17, 2013, pages 1, 11-159.
24. Examination Under Oath of Mary Tompkins, September 11, 2013, pages 1, 7-23.
25. Examination Under Oath of Sharon Graham, September 11, 2013, pages 1-69.
26. Examination Under Oath of Rachell Pringle, September 11, 2013, pages 1-35, 41-48.
27. Exhibit 1 to Examination of Rachell Pringle.
28. Examination Under Oath of Janet Altman, September 11, 2013, pages 4-15.
29. Examination Under Oath of Hoyt Smith, September 11, 2013, pages 6-16.
30. Deposition of Pam Jordan, May 1, 2013, pages 1-44.
31. Deposition of Judy Jones, May 17, 2013, pages 1, 23-104.
32. Affidavit of Robert E. Lee, May 30, 2013.
33. Deposition of Cyrus Sloan, May 1, 2013, pages 1-34.
34. Deposition of Brittany Hooks, May 1, 2013, pages 1, 5-7.

[SIGNATURE PAGE ATTACHED]

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July 28, 2014

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v.

Judy Smith Jones, Jacquelyn Brown, James Ervin  
Smith, Timothy David Smith, Jamie Smith, and Mikie  
Smith, Defendants

Of whom Judy Smith Jones is the, ..... Respondent,

PROOF OF SERVICE

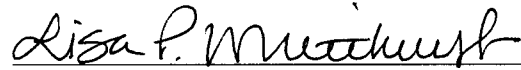
I, the undersigned Administrative Assistant of the law offices of Nelson Mullins  
Riley & Scarborough LLP, attorneys for Appellant, do hereby certify that I have served  
all counsel in this action with a copy of the pleading(s) hereinbelow specified by  
mailing a copy of the same by United States Mail, postage prepaid, to the following  
address(es):

Pleadings: Appellant's Amended Designation of Matter to be  
Included in the Record on Appeal

Counsel Served:  
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Finklea Law Firm  
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Robert E. Lee, Esquire  
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Lisa P. Whitehurst  
Administrative Assistant

 , 2014

# Nelson Mullins

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July 28, 2014

VIA HAND-DELIVERY

The Honorable Jenny Abbott Kitchings  
Clerk of Court, SC Court of Appeals  
1015 Sumter Street - 5th Floor  
Columbia, SC 29201

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SC Court of Appeals

RE: In the Matter of the Estate of Eris Singletary Smith  
Appellate Case No. 2013-002810  
Our File No. 42246/01500

Dear Ms. Kitchings:

Enclosed please find the original and one copy of the Appellant's Amended Designation of Matter for the Record on Appeal in regard to the above-referenced matter.<sup>1</sup> Appellant inadvertently omitted to designate several items in its previously filed and served Designation. This Amended Designation should supersede and replace the previously filed Designation. We ask that you file the original and return a clocked-in copy to us via our courier.

By copy of this letter to counsel of record, we are serving them with copies of this filing.

Sincerely,



Miles E. Coleman

Enclosures

cc: Jeffrey L. Payne, Esquire  
Robert E. Lee, Esquire  
Gary I. Finklea, Esquire

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<sup>1</sup> Pursuant to the Court's Order of July 17, 2014, Appellant's Designation is not due until August 1, 2014. Accordingly, after consulting with the Clerk's office, it is Appellant's understanding that this Amended Designation may be filed and served without moving for permission to do so. Of course, should the Court require a motion, Appellant will be happy to file one.