

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

William C. Tindal, Special Referee

Appellate Case No. 2013-002370

RECEIVED
JUL 25 2014
SC Court of Appeals

Ned Gregory, Jr.,.....Plaintiff/Respondent,

v.

Howell Jackson Gregory and
The Gregory Company, Inc.,.....Defendants/Appellants.

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

James T. Irvin, Jr., Esquire
IRVIN LAW FIRM, LLC
P. O. Box 2677
Myrtle Beach, SC 29578-2677
(843) 222-3228
Attorney for Appellant,
The Gregory Company, Inc.

Howell Jackson Gregory
P. O. Box 7111
Myrtle Beach, SC 29572-0006
(843) 222-4800
Pro Se Appellant

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1. Order of Reference with Finality by Circuit Judge Paul E. Short, Jr. filed 10-12-2001;
2. Horry County Master in Equity J. Stanton Cross, Jr. Order of April 25, 2006;
3. Master in Equity Cross Nunc Pro Tunc Order for April 25, 2006 dated 8-9-2006;
4. Order of Reference by Circuit Judge Kenneth G. Goode dated June 30, 2009;
5. Lancaster County Special Referee William C. Tindal Order of April 30, 2013;
6. Lancaster County Special Referee William C. Tindal Order of October 31, 2013;
7. Horry County Master in Equity Cynthia Graham Howe Order of March 4, 2013;
8. Horry County Master in Equity Cynthia Graham Howe Order of May 15, 2013;
9. Horry County Master in Equity Cynthia Graham Howe Order of October 17, 2013;
10. Order 2005CP29-141 by Circuit Judge Kenneth G. Goode dated September 26, 2005;
11. Order 2005CP29-141 by Circuit Judge Kenneth G. Goode dated May 27, 2006;
12. Appellant's motion in Lancaster County for Emergency Relief filed 1-7-2009;
13. Appellant's motion in Horry County filed September 25, 2012 with Exhibit A;
 - A. Transcript of Judgment dated June 10, 2008;
14. Appellant's motion in Horry County filed February 28, 2013 with Ex's. A & B;
 - A. Amended Transcript of Judgment dated 11-02-2012;
 - B. Two checks to Horry County Master in Equity Cross both dated Aug. 9, 2006,
 1. #2263 from The Gregory Co. in amount of \$5,097.03; and
 2. #0673 from Clifford L. Welsh Atty. Trust Acct. in amount of \$2,500.00;
15. Appellant's motion in Horry County filed April 1, 2013 with affidavits & exhibits;
 - A. Howe Order dated March 4, 2013 filed 3-5-13 OMITTED as #7 above,
 - B. Affidavit of H. Jackson Gregory dated April 1, 2013 with two exhibits,

1. The Gregory Company, Inc. check #1179 in amount of \$93,925.00 dated April 28, 2006 and payable to Horry County Master in Equity,

2. Horry County Master in Equity receipt #20096 by Anne Lawson dated April 28, 2006 to Howell Jackson Gregory acknowledging check for \$93,925.00;

C. Affidavit of James T. Irvin, Jr. dated April 1, 2013 with ten exhibits and numerous attachments;

1. Exhibit List: A, B, C, D & J are OMITTED as already set out above;

2. Exhibit E: Check dated September 12, 2005 to Dan D'Agostino, Esq. in the amount of \$15,500.00 from The Gregory Company, Inc. #1095 for new roof in Lancaster attached to a Feb. 14, 2006 financing letter plus three attachments;

a. (E1) Bid from Tod Snipes dated 10-24-2003 for \$13,500.00,

b. (E2) Bid from Tod Snipes dated 10-11-2004 for \$13,500.00,

c. (E3) Condemnation letter from Richard Bowers, Lancaster Building Official dated October 29, 2003;

3. Exhibit F: Six letters in 2004 from City of Lancaster to the parties and their counsel dealing with the condemnation appeal of the Lancaster bad roof building,

a. (F1) Bowers letter dated March 29, 2004,

b. (F2) Bowers letter dated April 7, 2004,

c. (F3) Bowers letter dated April 20, 2004,

d. (F4) Bowers letter dated April 30, 2004,

e. (F5) Bowers letter dated May 19, 2004, and

f. (F6) Bowers letter dated July 14, 2004;

4. Exhibit G: Clifford Welsh letter dated May 22, 2006 to Cross & Irvin;

5. Exhibit H: Two statements prepared by Clifford Welsh entitled;

a. (H1) "Myrtle Beach Money Per Order" and

b. (H2) "Lancaster Property Sale";

6. Exhibit I: 3 checks from Jack Gregory for tax years 2002, 2003 & 2004 payable to Horry County Treasurer totaling the sum of \$4,077.99;

a. #1322 in amount of \$1,267.42 clearing bank on 1-23-2003,

b. #1660 in amount of \$1,500.19 clearing bank on 5-5-2004 and

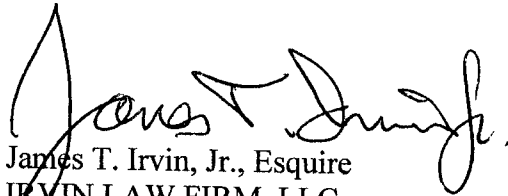
c. #96 in amount of \$1,310.38 clearing bank on 1-24-2005.

16. Appellant's motion Horry County filed July 1, 2013 with exhibits and memorandum;
 - A. May 15, 2013 Order of Howe OMITTED as #8 above,
 - B. Affidavit of Roddy Dickinson, Horry County Treasurer dated June 28, 2013 with exhibits of 3 cancelled checks and 3 paid receipts:
 1. Three tax checks with receipt references – Exhibit I above (not omitted),
 2. Paid Receipt for tax year 2002 as #063408 in amount of \$1,267.42,
 3. Paid Receipt for tax year 2003 as #064967 in amount of \$1,500.19, and
 4. Paid Receipt for tax year 2004 as #067057 in amount of \$1,310.38;
 - C. Fax from Dan D'Agostino to Jack Gregory dated July 1, 2013 with exhibits:
 1. Goode Order dated September 26, 2005 OMITTED as #10 above,
 2. The Gregory Company, Inc. check #1095 in amount of \$15,500.00 to Dan,
 3. Cancellation of Lis Pendens from Dan dated July 1, 2013;
 - D. Defendant's Memorandum in favor of July 1, 2013 motion – 5 pages.
17. First Lis Pendens filed with partition case Lancaster County on 10-27-2000;
18. Second Lis Pendens filed in Horry County upon partition transfer in 2002;
19. Third Lis Pendens filed in Lancaster County September 13, 2008;
20. Cross Claim of Plaintiff Ned in case 2005CP29-141 filed 4-7-2005 against Jack;
21. Reply to Cross Claim by Defendant Jack in 2005CP29-141 dated April 20, 2005;
22. Transcript October 14, 2013 Horry County Master in Equity cover sheet and pages 6-7,9-10,12-13,16,19-21,32-37;
23. Deed from Master in Equity J. Stanton Cross, Jr. to The Gregory Company, Inc. of the Lancaster tract dated 10-30-2006 and recorded 06-04-2008 for \$170,000.00;
24. Fax of memo from Jack to Ned 20 July 2004;
25. Confirmation of receipt of 20 July 2004 fax to 1-803-283-3326;
26. Fax of memo from Jack to Ned 18 January 2005 and fax copy to Cliff Welsh;

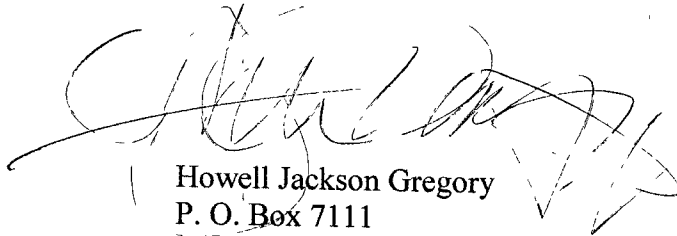
27. Fax of Robert K. Folks to Cliff Welsh dated June 6, 2005 with the Report of the Lancaster tract sale;
28. Proposed final judgment order to Special Referee Tindal by Appellants in Dec. 2012.

CERTIFICATE

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



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Appellant



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Myrtle Beach, SC
July 23, 2014

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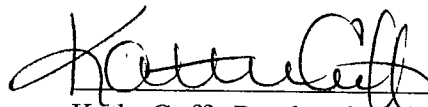
v

Howell Jackson Gregory
and the Gregory Company,
Inc ,.. . . . Defendants/Appellants.

PROOF OF SERVICE

I certify that I have served the Designation of Matter to be Included in the Record on Appeal on Palmer Freeman by depositing a copy of it in the United States Mail, postage prepaid, on July 24, 2014, addressed to Palmer Freeman, P O. Box 8024, Columbia, SC 29201, attorney for Respondent The original and 6 copies are served by U.S Mail to The Honorable Jenny Abbott Kitchings Clerk, SC Court of Appeals, at 1015 Sumter Street, Columbia, SC, 29201 on July 24, 2014.

July 24, 2014


Kathi Cuff, Paralegal to the Irvin Law Firm