

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**SC Court of Appeals**

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APPEAL FROM PICKENS COUNTY  
Court of Common Pleas

CHARLES B. SIMMONS, JR.  
SPECIAL REFEREE

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Appellate Case No. 2014-001233  
(2012-CP-39-144)

Matthew H. Willimon, Jr. and Elizabeth Willimon  
. . . . . Respondents/Plaintiffs,

V.

Jake Gilstrap, Thomas R. Gilstrap, Sr., John Gilstrap,  
Yvonne G. Smith, Jason A. Smith, and Patricia Gilstrap,  
. . . . . Appellants/Defendants

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DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

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Appellants propose to include the following things:

- (1) The Order on Motions to Amend dated May 7, 2014
- (2) Final Order of the Trial Court dated February 7, 2014
- (3) Motion for Temporary Injunction, Civil Action Cover sheet, Summons and Notice and Complaint of Appellants dated January 25, 2012
- (4) Answer and Counterclaim of Respondents dated February 17, 2012
- (5) Appellants' Reply to Counterclaim dated March 1, 2012
- (6) Consent Order dated January 28, 2012 (This Order was actually signed on January 28, 2013 and filed in the Pickens County Clerk of Court's office on February 14,

2013)

- (7) Order of the Court referring this case to a special referee dated November 15, 2012
- (8) Appellant's Motion for Reconsideration and to Alter or Amend Judgment dated February 24, 2014
- (9) Respondent's Motion to Alter or Amend Judgment dated February 20, 2014
- (10) Purchase and Sales Contract dated July 8, 1986 introduced as Plaintiffs' exhibit 1
- (11) Written Receipt dated August 14, 1986 and September 17, 1986 introduced as Plaintiffs' exhibit 2
- (12) Pickens County Assessor's office Tax Map for a 26.3 acre tract introduced as Exhibit 3
- (13) Pickens County Assessor's office Tax Map for a 47.71 acre tract introduced as Plaintiffs' Exhibit 4
- (14) Easement Agreement dated March 14, 1989 introduced as Plaintiffs' Exhibit 5
- (15) Letter from Appellants' Attorney to Thomas R. Gilstrap, Sr. dated March 16, 2009, introduced as Plaintiffs' Exhibit 6
- (16) Eight photographs introduced as Plaintiffs' Exhibit 7
- (17) Deed and Attachment from J. Ed Gilstrap to Addie Gilstrap dated January 10, 1964, introduced as Plaintiffs' Exhibit 9
- (18) Coversheet and Deed from Addie Gilstrap to Matthew H. Willimon, Jr. and Elizabeth Willimon dated March 14, 1989, introduced as Plaintiffs' Exhibit 10
- (19) Coversheet, Pickens County Assessor's office Tax Map for 13.37 acres and Deed from Addie Gilstrap to Thomas R. Gilstrap and Reba A. Gilstrap dated December 1, 1994, and Deed from Thomas R. Gilstrap, Sr and Reba Gilstrap as Trustees to Thomas R. Gilstrap and Reba Gilstrap as joint tenants dated November 28, 2005, all documents introduced as Plaintiffs' Exhibit 11
- (20) Coversheet, Pickens County Assessor's Tax Map for 47.71 acres, Deed from Abbie Gilstrap to Thomas R. Gilstrap and Reba A. Gilstrap (book 262, page 191), Deed from Abbie Gilstrap to Thomas R. Gilstrap and Reba A. Gilstrap dated

- September 16, 1997 (book 393, page 33), Deed from Don Reid and Associates, Inc to Thomas R. Gilstrap and Reba Gilstrap dated January 10, 2000 (book 525, page 106) with accompanying plats, introduced as Plaintiffs' Exhibit 12
- (21) Coversheet, Pickens County Assessor's office Tax Map for 4 acres, Deed from Thomas R. Gilstrap and Reba A. Gilstrap to Jacob A. Gilstrap, Sherry Lynn H. Gilstrap, Tyler Lee Holder, and Andrew Austin Gilstrap as joint tenants dated October 29, 2010 (book 1364, page 327) with accompanying plat, introduced as Plaintiffs' Exhibit 13
  - (22) Coversheet, Pickens County Assessor's office Tax Map for 2.13 acres, Deed from Addie T. Gilstrap to Thomas R. Gilstrap, Jr. dated March 15, 1989 (book 64, page 92) with accompanying plat, introduced as Plaintiffs' Exhibit 14
  - (23) Coversheet, Pickens County Assessor's office Tax Map for 11.83 acre tract, Deed from Addie T. Gilstrap to Thomas R. Gilstrap, Sr. dated March 29, 1989 (book 61, page 95) with accompanying survey, introduced as Plaintiffs' Exhibit 15
  - (24) Coversheet and Pickens County Assessor's office Tax Map for 0.62 acre tract introduced as Plaintiffs' Exhibit 16
  - (25) Coversheet, Pickens County Assessor's office Tax Map for 6.51 acre tract and Quit Claim Deed from Thomas R. Gilstrap, Sr. and Reba Gilstrap to the same grantors but as Trustees under a trust dated November 4, 1981 (book 13-Z, page 809)
  - (26) Coversheets, Pickens County Assessor's office Tax Maps for 11.83 acre tract and deed from Jonathan S. Gilstrap and Sharrie L. Gilstrap to Reba A. Gilstrap as Custodians for J. Chace Gilstrap and Thomas R. Gilstrap, Sr. and Successor Custodian dated June 18, 2010 (book 1334, page 38)
  - (27) Coversheet, Pickens County Assessor's office Tax Map for 11.87 acre tract introduced as Plaintiffs' Exhibit 19
  - (28) Summary of the Real Estate transactions for the property involved in this case introduced as Plaintiffs' Exhibit 21
  - (29) Pickens County Assessor's office Tax Map for 26.03 acre tract introduced as Defendants' Exhibit 1
  - (30) Deed from Addie Gilstrap to Matthew H. Willimon, Jr. and Elizabeth Willimon dated March 14, 1989, introduced as


Defendants' Exhibit 2 (book 60, page 70)

- (31) Easement Agreement from Addie Gilstrap to Matthew H. Willimon, Jr. and Elizabeth Willimon dated March 14, 1989 (book 60, page 71), introduced as Defendants' Exhibit 3
- (32) Plat recorded in Plat Book 37 at page 143, introduced as Defendants' Exhibit 4
- (33) Purchase and Sales Agreement dated July 8, 1986 between Matthew H. Willimon, Jr. and Elizabeth Willimon and Addie T. Gilstrap, introduced as Defendants' Exhibit 5
- (34) Statement of Legal Services from the Sarratt and Clarke Law Firm with a date of closing of March 14, 1989, introduced as Defendants' Exhibit 6c
- (35) Tax Map introduced as Defendants' Exhibit 7
- (36) Survey recorded in Book 39 at page 44b, introduced as Defendants' Exhibit 8
- (37) Survey recorded in Book 67 at page 129, introduced as Defendants' Exhibit 9
- (38) Tax Maps for 26.03 acre tract introduced as Defendants' Exhibit 10
- (39) Twenty photographs introduced as Defendants' Exhibit 11
- (40) Plat recorded in Book 283 at page 13, introduced as Defendants' Exhibit 12
- (41) Testimony of Matthew H. Willimon, Jr. also known as Homer Willimon, page 9, line 21 through page 41, line 13 and page 58, line 6 through page 69, line 8, all from the Trial transcript
- (42) Testimony of James Sarrett, page 42, line 22 through page 57, line 11, from the Trial transcript
- (43) Testimony of Elizabeth Willimon, page 70, line 3 through page 73, line 3
- (44) Testimony of Jacob Gilstrap, page 74, line 18 through page 108, line 9
- (45) Reply Testimony of Matthew H. Willimon, Jr. also known as Homer Willimon, page 108, line 25 through page 109, line 6
- (46) Affidavit of appellants dated February 13, 2012

(47) Notice of Intent to Appeal

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

Date: September 15, 2014

  
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