

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2012-CP-10-8447
Appellate Case No. 2014-001273

RECEIVED

OCT 07 2014

SC Court of Appeals

Montclair Property Owners Association, Inc. and Montclair
Property Owners Association Board of Directors for and on
behalf of all owners of the Montclair Horizontal Property
Regime, as assignees of Montclair Associates Limited
Partnership, Cremco, LLC, and Montclair Homes, LLC Respondent,

v.

Church Creek Construction, LLC, Appellant.

**APPELLANT'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 209, SCACR, Appellant Church Creek Construction, LLC ("Church
Creek") designates the following material for inclusion in the record on appeal:

ORDERS

1. Consent Judgment dated October 4, 2012.
2. Consent Order of Reference dated May 6, 2013.
3. Master in Equity Judgment and Order dated November 14, 2013.
4. Notice for Entry of Judgment dated May 9, 2014 – Order denying Church Creek's Motion to Reconsider.

PLEADINGS

5. Summons and Complaint dated December 31, 2008.
6. Third Amended Complaint dated August 30, 2010.
7. Summons and Complaint dated December 31, 2012.
8. Church Creek Answer dated February 1, 2013.

TRANSCRIPTS

9. Trial Transcript dated July 24, 2013 pages: 1-4, 19-27, 28-29, 32, 34, 39-40, 44-51, 53-59, 65, 76-78, 92, 94, 98-118, 120-121, 123-125, 127-38, 144-50, 153-59.
10. Motion to Reconsider hearing transcript dated April 10, 2014 pages: 1-19.

EXHIBITS

11. Lockey Deposition pages: 1, 7, 22-24, 28-31, 37, 53-55, 57-58, 60, 63, 70-74, 76, 80, 82-83, 87-88, 96.
12. Elsey Deposition pages: 1, 31-33, 37-38, 41-43, 46-47, 89, 97-99, 168-69.
13. Schweickhardt Deposition pages: 1, 5-6, 103-06, 108.
14. Ex. 5 – Epps Report and Letter dated 5/18/03.
15. Ex. 8 – 11/18/02 ACE Report.
16. Ex. 10 – 4/24/03 ACE Property Condition Assessment.
17. Ex. 32 – 10/10/02 Letter.
18. Ex. 33 – 11/10/03 Church Creek Estimate.
19. Ex. 34 – Church Creek Exterior Work Invoice.
20. Ex. 45 – Attic Repair Estimate.
21. Ex. 46 – 2/19/04 Mark Ackerman Invoice.
22. Ex. 50 – CL 100 Letter and Report.
23. Ex. 76 – 11/6/03 Letter.

24. Ex. 79 – Hodgin Report dated 10/12/10.
25. Ex. 81 – 6/8/10 Hodgin Letter.
26. Ex. 83 – Church Creek Construction Summary of Repairs by Unit.
27. Ex. 91 – Reserve Study.
28. Ex. 99 – Church Creek Repairs by Unit Binder.
29. Ex. 136 – Attic Repairs Invoices.
30. Ex. 262 – 9/18/12 Calibogue Construction Remediation & Restoration Revised Cost Estimate.

MISCELLANEOUS OTHER MATERIALS

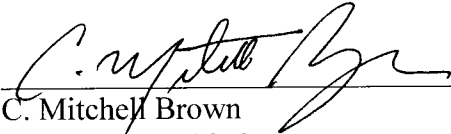
31. Stipulation of Facts with exhibits:
 - a. Settlement Agreement—Kinney, Montclair Homes, and Montclair POA
 - b. Settlement Agreement—Cremco and MALP
 - c. Assignments
 - d. Settlement Agreement—Elsy and Lockey
32. Stipulations of Dismissal (Elsy and Lockey).
33. Satisfaction and Cancellation.
34. Church Creek Motion for Reconsideration.
35. Church Creek Notice of Appeal dated June 12, 2014.

Pursuant to Rule 209(c), SCACR, undersigned counsel certifies that this designation contains no matter which is irrelevant to the appeal.

[Signature on following page]

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH, LLP

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Columbia, South Carolina

10/7, 2014

THE STATE OF SOUTH CAROLINA
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v.

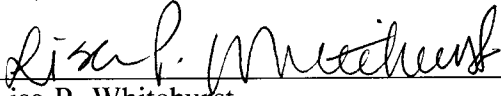
Church Creek Construction, LLC, Appellant.

PROOF OF SERVICE

I the undersigned Administrative Assistant of the law firm of Nelson Mullins Riley & Scarborough, LLP, attorneys for Church Creek Construction, LLC, 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 Designation of Matter to be Included in the Record on Appeal

Counsel Served: Joseph E. Dapore, Esquire
Edward D. Buckley, Esquire
Young Clement Rivers, LLP
Post Office Box 993
Charleston, SC 29402



Lisa P. Whitehurst
Administrative Assistant

October 7, 2014

Nelson Mullins

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OCT 07 2014

SC Court of Appeals

October 7, 2014

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

RE: Montclair Property Owners Association, Inc. et al v. Church Creek
Construction, LLC
Civil Action No. 2012-CP-10-8447
Appellate Case No. 2014-001273
Our File No. 44053/01500

Dear Ms. Kitchings:

Enclosed please find the following items to be filed:

1. Original and one copy of the Notice of Appearance of Elizabeth H. Brogdon;
2. Original and one copy of the Initial Brief of Appellant; and
3. Original and one copy of Appellant's Designation of Matter to be Included in the Record on Appeal.

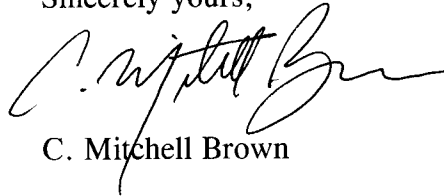
We would ask that you file the originals and return clocked-in copies to us via our courier.

The Honorable Jenny Abbott Kitchings
October 7, 2014
Page 2

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

With kind regards, I remain

Sincerely yours,

A handwritten signature in black ink, appearing to read "C. Mitchell Brown". The signature is fluid and cursive, with a long horizontal stroke at the end.

C. Mitchell Brown

CMB:lpw

Enclosures

cc: Joseph E. Dapore, Esquire
Edward D. Buckley, Jr., Esquire
Thomas H. Hesse, Esquire