

STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM YORK COUNTY
Court of Common Pleas

SC Court of Appeals

S. Jackson Kimball, III, Special Circuit Court Judge

Trial Court Case No. 2011-CP-46-03182

Appellate Case No. 2014-000730

EARL DUKES, Appellant,

vs.

KENNITH W. FARRELL, MARY C. FARRELL and
MARTIN BOGDONOVITCH, Defendants,

of whom

KENNITH W. FARRELL and MARY C. FARRELL are the . Respondents.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

The Respondents propose the following be included in the Record on Appeal:

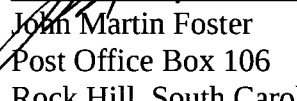
1. Order for Partial Summary Judgment of the Honorable S. Jackson Kimball, dated April 3, 2014 and filed April 4, 2014;
2. Order of the Honorable S. Jackson Kimball Denying Summary Judgment and Compelling Mediation, dated November 7, 2013;
3. Order of the Honorable S. Jackson Kimball, dated February 7, 2012;
4. Appellant's Motion and Memorandum for Summary Judgment, with attachments, dated June 17, 2013;
5. Respondent' Memorandum in Opposition to Appellant's Motion for Summary Judgment, dated October 16, 2013;
6. Affidavit of Dennis K. Edwards, Sr., dated October 12, 2013 and filed October 14, 2013;
7. Affidavit of Kenneth W. Farrell, dated and filed October 14, 2014;
8. Certificate of Service of Affidavits of Edwards and Farrell, dated and filed October 14, 2014;
9. Respondents' Motion for Summary Judgment, with attachments, dated November 6, 2013 and filed November 7, 2013;

10. Appellant's Memorandum in Opposition to Respondents' Motion for Summary Judgment, with attachments, filed March 10, 2014;

The following four (4) items are listed, to the extent the same are not already attachments to the Depositions of Kenneth W. Farrell or Dennis K. Edwards, referenced below:

11. Plat of Fewell Property, recorded in Plat Book 24 at Page 173, Office of the Clerk of Court for York County, South Carolina, and presented at the hearing on Respondents' Motion for Summary Judgment on March 13-14, 2014;
 12. Plat of Property of Robert J. Edwards, dated August 4, 2005 by Jordan Land Surveying, and presented at the hearing on Respondents' Motion for Summary Judgment on March 13-14, 2014;
 13. Deed of A. F. Fewell and Edward Fewell, Jr. to W. A. Bigam, dated March 2, 1965 and recorded March 11, 1965, Office of the Clerk of Court for York County, South Carolina, and presented at the hearing on Respondents' Motion for Summary Judgment on March 13-14, 2014;
 14. Plat of Property Surveyed for Kenneth W. Farrell and Mary C. Farrell by Fisher-Sherer, Inc., Robert R. Medford, SCRLS, dated May 15, 2008;
15. Deposition of Respondent Kenneth W. Farrell, dated June 17, 2013, with attachments;
16. Deposition of Dennis K. Edwards, dated March 31, 2014, with attachments;
17. Transcript of Hearing on Appellants' Motion for Summary Judgment, October 17, 2013;
18. Transcript of Hearing on Respondents' Motion for Summary Judgment, March 13 – 14, 2014;

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



John Martin Foster
Post Office Box 106
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(803) 324-8100
Attorney for Respondents

December 11, 2014

Rock Hill, South Carolina

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KENNITH W. FARRELL and MARY C. FARRELL are the . Respondents.

CERTIFICATE OF COUNSEL

The undersigned certifies that this final Brief of Appellants complies with Rule 210(b),
S.C.A.C.R.

December 10, 2014

John Martin Foster
Post Office Box 106
Rock Hill, South Carolina 29731-6106
(803) 324-8100
Attorney for Appellants

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of whom

KENNITH W. FARRELL and MARY C. FARRELL are the . Respondents.

PROOF OF SERVICE

I certify that I have served the Initial Brief of Respondents and Designation of Matter to be included in the Record on Appeal, dated December 10, 2014, on the following counsel of record:

J. Cameron Halford
Halford, Niemiec & Freeman, LLP
238 Rockmont Drive
Fort Mill, SC 29708
Attorneys for Appellant

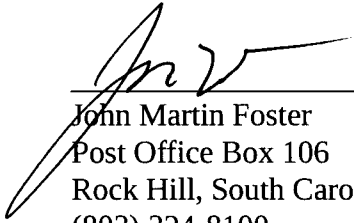
by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out below; or

by hand delivering copies of the same to the following persons, or by leaving the same at that person's office with that person's clerk or some other person in charge thereof, or by leaving it in a

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conspicuous place therein; of if the office was closed or the person to be served has no office, by leaving a copy at that person's dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, all pursuant to Rule 233(b), S.C.A.C.R.

December 11, 2014



John Martin Foster
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December 11, 2014

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Earl Dukes, Appellant,
v. Kenneth W. Farrell, Mary C. Farrell and Martin Bogdonovitch, Defendants,

of whom Kenneth W. Farrell and Mary C. Farrell are the Respondents..

Appellate Case No. 2014-000730

Dear Ms. Kitchings:

In accordance with Rules 208 and 209, S.C.A.C.R., enclosed herewith please find the original and one (1) copy of the Respondents' Initial Brief and Designation of Matter to be Included in the Record on Appeal, together with Certificate of Service for the same in the above referenced case..

By copy of this letter, I am serving the attorney for the Respondents with copies of the said Initial Brief and Designation of Matter, as evidenced by the Certificate of Service.

Please return the extra conformed copy to my office in the enclosed self-addressed, stamped envelope. As always, thank you, and your staff, for your assistance in these matters.

Sincerely yours,



John Martin Foster

jmf/
enclosures

cc: Client File

J. Cameron Halford
Halford, Niemiec & Freeman, LLP
Attorneys for Appellant
238 Rockmont Drive
Fort Mill, SC 29708

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