

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

The Honorable J. C. Nicholson, Jr.
Trial Court Case No.: 20089-CP-08-01068, 2009-CP-08-03916,
2009-CP-08-01413, 2008-CP-08-02714

Appellate Case No. 2014-002390

The Oaks at Rivers Edge Property Owners Association, Inc., John E. Atkinson, Joan D. Strandquist, Joseph E. Chiovarou, Jr., Peyton H. Cook, Jr., Brenda Cook, John W. Edelen, Karen A. Nelson, Robert J. Graham, Maureen S. Graham, Nancy K. Johnson As Trustee For The Nancy K. Johnson Revocable Trust, William Jung, Charles Maraziti, Patricia Maraziti, George S. Pollard, Eleanor J. Pollard, Robert Reece, Gerard M. Ruvo and Sue S. Ruvo as Trustees for the Ruvo 2006 Living Trust, Carolyn M. Jennings, Thomas Edward Keane, Edward Wallace Barr, III, Richard B. Pekruhn, Pauline Pekruhn, Matthew J. Severance, and Elizabeth Ashley Phillips Severance, Respondents,

v.

Daniel Island Riverside Developers, LLC and Carriage Hill Associates of Charleston, LLC,
Appellants.

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

Respondents proposes the following be included in the Record on Appeal:

1. Judge Nicholson Order of October 25, 2013
2. Exhibit A to Judge Nicholson Order of October 25, 2013
3. Exhibit B to Judge Nicholson Order of October 25, 2013

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4. Judge Nicholson Form 4 Order of October 25, 2013
5. Transcript of Bench Trial, Volumes I-IV, April 8, 2013

Exhibits in Volume 1 of the Transcript of Bench Trial

6. Plaintiffs' Exhibit Number Exhibit 32 to the Transcript of Bench Trial
7. Plaintiffs' Exhibit Number Exhibit 117-B to the Transcript of Bench Trial
8. Plaintiffs' Exhibit Number Exhibit 123-B to the Transcript of Bench Trial
9. Plaintiffs' Exhibit Number Exhibit 143 to the Transcript of Bench Trial
10. Plaintiffs' Exhibit Number Exhibit 144 to the Transcript of Bench Trial
11. Plaintiffs' Exhibit Number Exhibit 145 to the Transcript of Bench Trial
12. Plaintiffs' Exhibit Number Exhibit 146 to the Transcript of Bench Trial
13. Plaintiffs' Exhibit Number Exhibit 147 to the Transcript of Bench Trial
14. Plaintiffs' Exhibit Number Exhibit 148 to the Transcript of Bench Trial
15. Plaintiffs' Exhibit Number Exhibit 149 to the Transcript of Bench Trial
16. Plaintiffs' Exhibit Number Exhibit 151 to the Transcript of Bench Trial
17. Plaintiffs' Exhibit Number Exhibit 152 to the Transcript of Bench Trial
18. Plaintiffs' Exhibit Number Exhibit 154 to the Transcript of Bench Trial
19. Plaintiffs' Exhibit Number Exhibit 155 to the Transcript of Bench Trial
20. Plaintiffs' Exhibit Number Exhibit 171 to the Transcript of Bench Trial
21. Plaintiffs' Exhibit Number Exhibit 178 to the Transcript of Bench Trial
22. Plaintiffs' Exhibit Number Exhibit 163 A-H to the Transcript of Bench Trial
23. Plaintiffs' Exhibit Number Exhibit 164 A-E to the Transcript of Bench Trial
24. Plaintiffs' Exhibit Number Exhibit 165 A-B to the Transcript of Bench Trial

25. Plaintiffs' Exhibit Number Exhibit 166 A-I to the Transcript of Bench Trial
26. Plaintiffs' Exhibit Number Exhibit 167 A-D to the Transcript of Bench Trial
27. Plaintiffs' Exhibit Number Exhibit 168 A-I to the Transcript of Bench Trial

Exhibits in Volume 2 of the Transcript of Bench Trial

28. Plaintiffs' Exhibit Number Exhibit 75-A to the Transcript of Bench Trial

Exhibits in Volume 3 of the Transcript of Bench Trial


29. Plaintiffs' Exhibit Number Exhibit 31-A to the Transcript of Bench Trial
30. Plaintiffs' Exhibit Number Exhibit 31-B to the Transcript of Bench Trial
31. Plaintiffs' Exhibit Number Exhibit 90 to the Transcript of Bench Trial
32. Plaintiffs' Exhibit Number Exhibit 91 to the Transcript of Bench Trial
33. Plaintiffs' Exhibit Number Exhibit 92 to the Transcript of Bench Trial
34. Plaintiffs' Exhibit Number Exhibit 93 to the Transcript of Bench Trial
35. Plaintiffs' Exhibit Number Exhibit 94 to the Transcript of Bench Trial
36. Plaintiffs' Exhibit Number Exhibit 95 to the Transcript of Bench Trial
37. Plaintiffs' Exhibit Number Exhibit 96 to the Transcript of Bench Trial
38. Plaintiffs' Exhibit Number Exhibit 97 to the Transcript of Bench Trial
39. Plaintiffs' Exhibit Number Exhibit 98 to the Transcript of Bench Trial
40. Plaintiffs' Exhibit Number Exhibit 99 to the Transcript of Bench Trial
41. Plaintiffs' Exhibit Number Exhibit 100 to the Transcript of Bench Trial
42. Plaintiffs' Exhibit Number Exhibit 101 to the Transcript of Bench Trial
43. Plaintiffs' Exhibit Number Exhibit 101-A to the Transcript of Bench Trial

44. Plaintiffs' Exhibit Number Exhibit 109 to the Transcript of Bench Trial
45. Plaintiffs' Exhibit Number Exhibit 179 to the Transcript of Bench Trial
46. Plaintiffs' Exhibit Number Exhibit 180 to the Transcript of Bench Trial
47. Plaintiffs' Exhibit Number Exhibit 181 to the Transcript of Bench Trial
48. Plaintiffs' Exhibit Number Exhibit 182 to the Transcript of Bench Trial

Exhibits in Volume 4 of the Transcript of Bench Trial

49. Plaintiffs' Exhibit Number Exhibit 184 to the Transcript of Bench Trial
50. Defendants' Exhibit Number Exhibit 218 to the Transcript of Bench Trial
51. Defendants' Exhibit Number Exhibit 256/256 to the Transcript of Bench Trial
52. Defendants' Exhibit Number Exhibit 90 to the Transcript of Bench Trial
53. Plaintiffs' Exhibit Number Exhibit 90 to the Transcript of Bench Trial
54. Transcript of Post-Trial Motion Hearing, May 23, 2014
55. Exhibit P-1 to the Transcript of Post-Trial Motion Hearing, May 23, 2014
56. Exhibit P-2 to the Transcript of Post-Trial Motion Hearing, May 23, 2014
57. Exhibit P-3 to the Transcript of Post-Trial Motion Hearing, May 23, 2014
58. Exhibit P-4 to the Transcript of Post-Trial Motion Hearing, May 23, 2014
59. Plaintiffs' Memorandum in Opposition to Defendants' Post Trial Motions filed May 23, 2014
60. Plaintiffs' Supplemental Memorandum in Opposition to Defendants' Post Trial Motions filed June 5, 2014
61. Plaintiffs' Response to Defendants' Supplemental Memorandum in Support of Defendants' Post Trial Motions filed August 22, 2014
62. Fourth Amended Complaint filed June 6, 2012

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



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Attorneys for Respondents Oaks at Rivers
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Mount Pleasant, South Carolina
March 25, 2015

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

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The Oaks at Rivers Edge Property Owners Association, Inc., John E. Atkinson, Joan D. Strandquist, Joseph E. Chiovarou, Jr., Peyton H. Cook, Jr., Brenda Cook, John W. Edelen, Karen A. Nelson, Robert J. Graham, Maureen S. Graham, Nancy K. Johnson As Trustee For The Nancy K. Johnson Revocable Trust, William Jung, Charles Maraziti, Patricia Maraziti, George S. Pollard, Eleanor J. Pollard, Robert Reece, Gerard M. Ruvo and Sue S. Ruvo as Trustees for the Ruvo 2006 Living Trust, Carolyn M. Jennings, Thomas Edward Keane, Edward Wallace Barr, Iii, Richard B. Pekruhn, Pauline Pekruhn, Matthew J. Severance, and Elizabeth Ashley Phillips Severance, Respondents

v.

Daniel Island Riverside Developers, LLC and Carriage Hill Associates of Charleston, LLC,
Appellants.

PROOF OF SERVICE

I certify that I have served the Initial Brief of Respondent along with Respondent's Designation of Matter to be Included in the Record on Appeal on Appellants Daniel Island Riverside Developers, LLC and Carriage Hill Associates of Charleston, LLC, via hand delivery, on March 25, 2015, addressed to their attorneys, Charles S. Altman, Esquire and Meredith Coker, Esquire, of Altman & Coker, LLC, 575 King Street, Suite A, Charleston, SC 29402 and

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Roy P. Maybank, Esquire and Amanda Maybank, Esquire, of Maybank Law Firm, LLC, 531 Savannah Highway, P.O. Box 12579, Charleston, SC 29422.

A handwritten signature in black ink, appearing to read 'W. H. Bundy', is written over a solid horizontal line.

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Mt. Pleasant, South Carolina
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March 25, 2015

VIA COURIER

The Honorable Jenny Abbott Kitchings
Clerk of Appeals Court of South Carolina
1015 Sumter Street
Columbia, SC 29201

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Re: The Oaks at Rivers Edge Property Owners Association, Inc., et.al., v .Daniel Island
Riverside Developers, LLC and Carriage Hill Associates of Charleston, LLC,
Appellant Case No.: 2014-002390

Dear Ms. Kitchings:

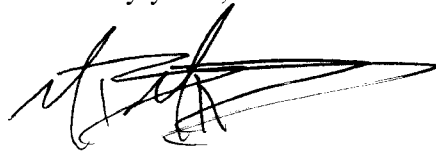
Please find enclosed for filing with the South Carolina Court of Appeals the following:

1. The original and one copy of the Initial Brief of the Respondents
2. The original and one copy of the Designation of Matter of the Respondents; and
3. The original and one copy of the Proof of service of the above.

Please file the originals and return a file stamped copy of each to our Courier.

Thank you for your attention to this matter.

Sincerely yours,



M. Brent McDonald
Attorney for Respondents The Oaks at Rivers Edge
Property Owners Association, Inc., et. al.

MBM/sfr

cc: Via Hand delivery to:
Charles S. Altman, Esquire / Meredith Coker, Esquire
Roy P. Maybank , Esquire / Amanda Maybank, Esquire