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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

JUL 06 2015

SC Court of Appeals

APPEAL FROM YORK COUNTY  
CIRCUIT COURT

John C. Hayes, III, Circuit Court Judge

Case No.: 2009-CP-46-01244

Appellate Case No.: 2013-002633

Phil Vasey and Pamela Vasey, ..... Appellants,

vs.

Colton Builders, LLC, ..... Respondent.

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**RESPONDENT'S MOTION TO SUPPLEMENT DESIGNATION  
OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

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COMES NOW Respondent, Colton Builders, LLC, which respectfully moves to supplement Respondent's Designation of Matter to be Included in the Record on Appeal.

In support of this motion, the Respondent would respectfully show as follows:

1. Respondent inadvertently failed to list three documents in the Designation of Matter. Pursuant to SCACR 212(b): With the written consent of all attorneys of record, a party may supplement the Record on Appeal at any time before argument commences. Without such consent or after argument commences, a party desiring to supplement the Record on Appeal must move the appellate court for leave to do so. In response to that motion, the other party(s) shall designate any supplemental materials

which that party desires to add if the Court grants the motion.

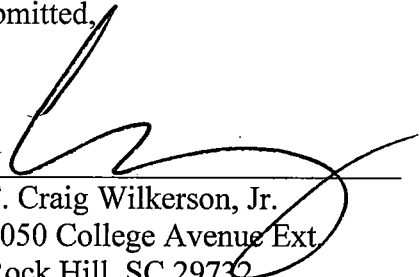
2. Counsel for the Appellants consents to the supplement, as evidenced by the e-mail which is attached hereto as Exhibit A.

In accordance with SCACR 212(b), the Respondent's Supplemental Designation of Matter to be Included in the Record on Appeal is attached hereto as Exhibit B.

WHEREFORE, the Respondent moves this Court to supplement Respondent's Designation of Matter to be Included in the Record on Appeal.

Respectfully submitted,

June 30, 2015



F. Craig Wilkerson, Jr.  
1050 College Avenue Ext.  
Rock Hill, SC 29732  
Attorney for Respondent  
803-324-7200

Exhibit A

From: [david@dbslegal.com](mailto:david@dbslegal.com)  
To: [Fcwilkerson@aol.com](mailto:Fcwilkerson@aol.com)  
Sent: 6/30/2015 2:45:20 P.M. Eastern Daylight Time  
Subj: RE: Colton

Absolutely.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: [Fcwilkerson@aol.com](mailto:Fcwilkerson@aol.com)  
Date: 06/30/2015 2:22 PM (GMT-05:00)  
To: David Sample <[david@dbslegal.com](mailto:david@dbslegal.com)>  
Subject: Colton

I did not put the two affidavits and page from the sec of state's web page that were referenced in the transcript with the designation for my brief. May I have your permission to supplement?

F. Craig Wilkerson, Jr.  
1050 College Avenue Extension  
Rock Hill, S.C. 29732  
Office 803.324.7200  
Fax 803.324.8667

Please be advised that this e-mail and any files transmitted with it are confidential attorney-client communication or may otherwise be privileged or confidential and are intended solely for the individual or entity to whom they are addressed. If you are not the intended recipient, please do not read, copy or retransmit this communication but destroy it immediately. Any unauthorized dissemination, distribution or copying of this communication is strictly prohibited.

Wednesday, July 01, 2015 AOL: llichtenberger24

Exhibit B

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM YORK COUNTY  
CIRCUIT COURT

John C. Hayes, III, Circuit Court Judge

Case No.: 2009-CP-46-01244

Appellate Case No.: 2013-002633

Phil Vasey and Pamela Vasey, ..... Appellants,

vs.

Colton Builders, LLC, ..... Respondent.

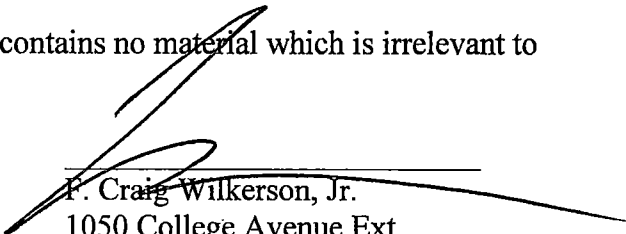
**RESPONDENT'S SUPPLEMENT DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 209, SCACR, Respondent designates the following items for inclusion in the Record on Appeal:

1. Complaint, filed March 20, 2009
2. Answer and Counterclaim, filed May 28, 2009
3. Consent Order to Arbitrate, filed December 20, 2012.
4. Arbitration Award, dated February 5, 2013
5. Plaintiffs' Motion to set aside the consent order of arbitration, filed January 22, 2013
6. Defendant's Motion to confirm, filed April 17, 2013

7. Order denying motion to set aside consent order, April 23, 2013
8. Plaintiffs' Motion to vacate the arbitration award, filed on July 15, 2013
9. Judge Hayes' Order, filed September 23, 2013
10. Transcript from hearing of August 27, 2013
11. Affidavit of Scott Price and Missy Price, dated August 15, 2013
12. Affidavit of F. Craig Wilkerson Jr, dated August 14, 2013
13. South Carolina Secretary of State's Business Filings Record, Colton Builders, Inc.

The undersigned certifies that this Designation contains no material which is irrelevant to the appeal.



---

F. Craig Wilkerson, Jr.  
1050 College Avenue Ext.  
Rock Hill, SC 29732  
Attorney for Respondent  
803-324-7200

STATE OF SOUTH CAROLINA

COUNTY OF YORK

Phil Vasey and Pamela Vasey,

Plaintiffs,

vs

Colton Builders, LLC and Collinswood  
Cabinetry, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS  
SIXTEENTH JUDICIAL CIRCUIT

Civil Action No.: 09-CP-46-01244

AFFIDAVIT OF SCOTT PRICE AND  
MISSY PRICE

Comes now the undersigned issuing his affidavit under oath as follows:

1. My name is Scott Price I am an licensed contractor and have been the owner/operator along with my wife Missy Price of Colton Builders LLC and Colton Builders, Inc. from 2002 to present. The Vassey house was completed in 2005.

2. At the time of the incident, which is the subject of this action, Colton Builders was an Limited Liability Corporation in 2007, in March of 2007, we changed from an LLC to a Incorporation. Through a mis-communication with our lawyer at that time, Hugh Harrelson, we did not realize the INC status had been recorded for Colton Builders and we continued to file taxes as an LLC under Colton Builders, LLC. All of these entities, Colton Builders, Inc. and Colton Builders, LLC were the same entity, had the same federal tax ID number ending in 9278. That since 2002 Colton Builders has filed all of its corporate documents, taxes, and maintained the same Federal ID number, making the correction to Colton Builders, Inc, only in the recent quarter for 2013.

3. That unknown to us or Colton Builders the South Carolina Secretary of State administratively dissolved the INC corporation for Colton Builders, Inc. in December of 2010 for failure to file tax returns—said tax returns having been filed under the proper tax ID number, but with the designation LLC rather than INC. No notice was given to Colton Builders, their Accountant or their attorneys, and twice they renewed the Contractors License for Colton Builders LLC. That the SC Department of Revenue has issued the attached certificate of compliance for Colton Builders Inc. That the certificate of compliance has been filed and that the Secretary of State for South Carolina has indicated

that Dissolution should be withdrawn and Colton Builders, Inc. would be re-registered or re-instated on or about August 15, 2013.

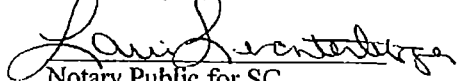
4. That at no time during the litigation has Colton Builders made a distinction between Colton Builders, LLC and/or Colton Builders, Inc.

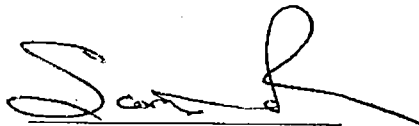
5. That neither I nor Missy Price were aware that the Colton Builders Inc. had been erroneously dissolved by the Secretary of State, and that we never received any notice of same by mail, or from any other administrative agency such as the LLR, South Carolina Department of Revenue, etc..

6. That once this matter was discovered, we offered the Plaintiff the opportunity to go forward against Colton Builders as the LLC or the INC.

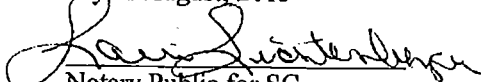
7. It is of great importance to note that the Plaintiff, who failed to show for mediation after agreeing to same, did not raise the issue of the existence of the LLC or the INC until after the Plaintiff had missed the deadline to submit its materials for the Arbitration. At that point the Plaintiff raised the objection, or by the Plaintiffs' own admission realized there was less than 10 days before the mediation, that the Plaintiff was already barred from presenting witnesses or evidence from failing to meet the scheduling Order of the Arbitration. Furthermore, the Plaintiff failed to even appear at the arbitration, to object to same, or to cross examine witnesses. That the Plaintiff served no discovery on the Defendants. Defendants acted in no way dishonest, or fraudulent, nor made in false representations to anyone.

Sworn to before me this 15<sup>th</sup>  
day of August, 2013

  
Notary Public for SC  
My Commission Expires: 10-8-2018

  
Scott Price

Sworn to before me this 15<sup>th</sup>  
day of August, 2013

  
Notary Public for SC  
My Commission Expires: 10-8-2018

  
Missy Price

---

State of South Carolina  
Department of Revenue  
300A Outlet Pointe Boulevard, Columbia SC 29210

---

Telephone (803) 898-5381 Fax (803) 898-5484

August 7, 2013

Melissa Thurn  
COLTON BUILDERS INC  
PO Box 310  
McConnells SC 29726

Re: Federal Identification Number: xx-xxx9278

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**Certificate of Tax Compliance**

Pursuant to South Carolina Code of Laws §12-6-5510, this certifies that COLTON BUILDERS INC has filed all returns required to be filed with the South Carolina Department of Revenue (SCDOR) for the tax types and periods listed below. All returns and taxes required to be filed and payable to the South Carolina Department of Revenue are current.

This letter does not include taxes that may become due if the taxpayer is issued a proposed assessment, selected for audit, currently under audit, in appeals or litigation with the South Carolina Department of Revenue, or tax liens that may not be collected by levy or proceedings in court. The South Carolina Department of Revenue provides this Certificate of Compliance only for returns required to be filed and only for payments made directly to SCDOR.

<u>Taxes</u>	<u>File Number</u>	<u>Period Covered</u>
Corporate	20422467-8	12/31/2012
Withholding	25442017-6	03/31/2013
Sales	04680529-7	Closed 09/30/2010
Property	54633570-3	Closed 09/30/2010

*If this certificate is required due to an administrative dissolution, a copy of this certificate and an "Application for Reinstatement of a Corporation Dissolved by Administrative Action" (for domestic corporations) or "Application for Reinstatement of a Corporation When Certificate of Authority Has Been Revoked" (for foreign corporations) must be mailed within 30 days of the date of this letter to the Secretary of State's Office. This application can be obtained from the Secretary of State's website at [www.scsos.com](http://www.scsos.com).*

Sincerely,

*Jennifer Boston*

Jennifer Boston  
Tax Compliance Officer



STATE OF SOUTH CAROLINA  
COUNTY OF YORK

Phil Vasey and Pamela Vasey,

Plaintiffs,

vs

Colton Builders, LLC and  
Collinswood Cabinetry, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS  
SIXTEENTH JUDICIAL CIRCUIT

Civil Action Number: 2009-CP-46-01244

**AFFIDAVIT OF F. CRAIG WILKERSON, JR.**

1.) I am a licensed member of the South Carolina Bar and at all times relevant hereto have been the lawyer representing Colton Builders, LLC in this matter. I do not practice in the area of corporations or tax law. I have not been involved in the corporate formations or tax preparations of Colton Builders LLC or Colton Builders, Inc.

2.) This action arises from a 2005 Contract, a 2009 suit, a designation that was matter of public record that was changed in 2010. The Plaintiffs have not prosecuted this case. Motions to compel answering Defendant's discovery have been filed. The Plaintiffs conducted no discovery, no depositions. The Plaintiffs failed to show at mediation. The Plaintiffs failed to timely submit its evidence packages and would have been excluded from presenting evidence at the Arbitration, instead, the Plaintiffs raised this objection to the Arbitration as "illusory" after it missed its deadlines. Then, the Plaintiffs skipped the Arbitration.

3.) That I signed the Consent Agreement to Mediate and the Consent Order for Arbitration on behalf of Colton Builders. That the Plaintiffs agreed to both Mediation and to Binding Arbitration and that the Plaintiffs failed to show for either Mediation or Arbitration. That both of these agreements were for the Defendant, Colton Builders, LLC.

4.) That the Consent Order for Arbitration was signed by both Plaintiffs' counsel and Defendant's Counsel.

5.) That the Plaintiffs named Colton Builders, LLC as the Defendant at the time of the 2009 filing of the lawsuit for a 2005 contract for a house that was completed in 2006. Although the Defendant, Colton Builders, LLC, did raise affirmative defenses, at no time did the Defendant raise any objection to the designation Colton Builders, LLC, or raise the objection as to its designation as an LLC. At the time of the filing, Colton Builders had changed its designation in 2007, from LLC to Inc.

6.) That the Plaintiffs signed an agreement to mediate the case but did not show, nor did he notify the parties timely. Both the mediator and the Defendant showed for mediation, but the Plaintiffs and the Plaintiffs' counsel failed to show.

7.) Pursuant to the Arbitrator, Mr. Terry B. Millar's, written instructions, and the Consent Order, all evidence, witness lists, exhibits and documents were to be exchanged on or before January 12, 2013. That the Defendant timely complied. The Plaintiffs did not. Plaintiffs acknowledged that his submissions were tardy on January 14, 2013, and raised the issue of Colton Builders being an Inc and not an LLC for the first time. The Plaintiffs never made any submissions of materials and admitted that his materials were late when he learned of the designation issue as to Colton.

8.) That the Defendant, Colton Builders, LLC, offered the Plaintiffs the option of going forward against either Colton Builders, LLC or Colton Builders, Inc. In 2007, the registration at the Secretary of State was changed from Colton Builders, LLC to Colton Builders, Inc.

9.) That prior to January 14, 2013, there were no discussions of whether Colton Builders was a Incorporation or a Limited Liability Corporation between any of the parties.

10.) That the Plaintiffs filed a motion to Vacate the morning of the Arbitration. That motion was heard before Judge Kimball on March 14, 2013, whereupon Judge Kimball suggested that 15-48-130 A was the proper motion to set aside for "Fraud"--but there has been no misrepresentation by Colton Builders or its attorney. Colton Builders was not aware of its change in designation and continued to maintain all corporate formalities, maintain its continuous Tax Identification number, maintain its vehicles, signs and advertisements as Colton Builders, LLC, as well as its licensing with the LLR. Please see the attached South Carolina Department of Revenue Certificate of Compliance.

11.) That the Defendant promptly filed a motion to confirm the award once the matter of the Motion to Vacate was determined.

12.) That as appears from the Affidavit of Colton Builders, LLC now d/b/a Colton Builders, Inc. by and through its owner Scott Price, Colton Builders has only been dissolved administratively and at all times relevant hereto, Colton Builders, LLC has been maintaining its same Federal ID Tax number, its licensing with the LLR, and has conducted business under the designation Colton Builders, LLC. For all intents and purposes, Colton Builders has continued to do business as Colton Builders, LLC.

13.) That the Master made much of Colton Builder's obligation to maintain its designation. In 2009, at the time of the law suit, Colton Builders, LLC had ceased to exist and was Colton Builders, Inc. d/b/a Colton Builders, LLC. Colton Builders, LLC has not raised a defense of improper party named but instead has offered to substitute Colton Builders, LLC or Colton Builders, Inc. per the Plaintiffs' choice. Not only was Colton Builders, LLC unaware of the designation, even had it been aware, it was under no duty to inform the Plaintiffs as Plaintiffs had filed no discovery to include interrogatories and/or request to produce requiring any response other than the Answer in this matter. At the time of the filing of the Complaint and Answer, Colton Builders was in good standing and properly registered with the South Carolina Secretary of State.

14.) That Defense Counsel has been unable to locate any case law indicating that Colton Builders, LLC had a duty to the Plaintiffs to maintain its corporate identity or to maintain its business during the lawsuit. As the Plaintiffs had conducted no discovery, there have been no assertions of any corporate identity by Colton Builders.

15.) That on or about January 18, 2013, that the Defendant replied to Plaintiffs' counsel stating:

Changing a complaint to the correct name of the party relates back to the original filing.

S.C.R.C.R. 15 © requires that (1) the basic claim must have arisen out of the conduct set forth in the original pleading; (2) the party to be brought in must have received such notice that it will not be prejudiced in maintaining its defense; (3) that the party must or should have known that, but for the mistake concerning identity, the action would have been brought against it; and (4) the second and third requirements must have been fulfilled within the prescribed limitations period. See the standard in Hughes and subsequent case law. Hughes v. Water World Water Slide, 314 S.C. 211 (S.C. 1994)

16.) Plaintiffs maintained that the arbitration was "illusory."

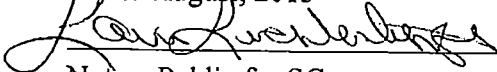
17.) The Defendant, Colton Builders, LLC showed up at the Arbitration. The same witnesses gave testimony for Colton Builders, LLC as Colton Builders, Inc. The corporate officers are the same, and all of the contracts and work was done while Colton Builders was properly and duly registered as Colton Builders, LLC. Plaintiffs have filed no motion to Amend the Pleadings. The issue of Colton Builders Inc. and/or Colton Builders, LLC or Colton Builders, Inc. d/b/a Colton Builders, LLC could have been addressed in deposition, through discovery, or at cross examination at the arbitration--but the Plaintiffs elected to not show.

18.) That there has been no prejudice to the Plaintiffs. Defendant has pointed out that the pleadings could have been changed to reflect back and that we would not oppose same. The only thing that may have changed is whether Colton Builders would have been sued as an LLC or an Inc.. Plaintiffs' rejected Defendant's contentions and chose NOT to appear at arbitration and Not to cross examine witnesses. Plaintiffs have already lost its right to present its case by failing to timely file its exhibits, etc 10 days before the Arbitration as required by Order and subsequent written instructions from the Arbitrator.

19.) That as soon as Colton Builders was made aware of the designation issue, it promptly contacted its accountant, the LLR, and South Carolina Secretary of State and the South Carolina Department of Revenue to have this designation fixed and anticipates that the company will be re-instated as of on or about August 15, 2013. That at all times Colton Builders has acted in good faith. That the designation LLC or INC would have made no difference in Colton Builders Defense, witnesses, or preparation or presentation of its case.

AND FURTHER THE DEPONENT SAYETH NOT

Sworn to before me this 14  
day of August, 2013



Notary Public for SC

My Commission Expires: 10-8-2010



F. Craig Wilkerson, Jr.

---

State of South Carolina  
Department of Revenue  
300A Outlet Pointe Boulevard, Columbia SC 29210

---

Telephone (803) 898-5381 Fax (803) 898-5484

August 7, 2013

Melissa Thurn  
COLTON BUILDERS INC  
PO Box 310  
McConnells SC 29726

Re: Federal Identification Number: xx-xxx9278

**Certificate of Tax Compliance**

Pursuant to South Carolina Code of Laws §12-6-5510, this certifies that COLTON BUILDERS INC has filed all returns required to be filed with the South Carolina Department of Revenue (SCDOR) for the tax types and periods listed below. All returns and taxes required to be filed and payable to the South Carolina Department of Revenue are current.

This letter does not include taxes that may become due if the taxpayer is issued a proposed assessment, selected for audit, currently under audit, in appeals or litigation with the South Carolina Department of Revenue, or tax liens that may not be collected by levy or proceedings in court. The South Carolina Department of Revenue provides this Certificate of Compliance only for returns required to be filed and only for payments made directly to SCDOR.

<u>Taxes</u>	<u>File Number</u>	<u>Period Covered</u>
Corporate	20422467-8	12/31/2012
Withholding	25442017-6	03/31/2013
Sales	04680529-7	Closed 09/30/2010
Property	54633570-3	Closed 09/30/2010

*If this certificate is required due to an administrative dissolution, a copy of this certificate and an "Application for Reinstatement of a Corporation Dissolved by Administrative Action" (for domestic corporations) or "Application for Reinstatement of a Corporation When Certificate of Authority Has Been Revoked" (for foreign corporations) must be mailed within 30 days of the date of this letter to the Secretary of State's Office. This application can be obtained from the Secretary of State's website at [www.scsos.com](http://www.scsos.com).*

Sincerely,

*Jennifer Boston*

Jennifer Boston  
Tax Compliance Officer

STATE OF SOUTH CAROLINA  
SECRETARY OF STATE

APPLICATION FOR REINSTATEMENT OF  
A CORPORATION DISSOLVED  
BY ADMINISTRATIVE ACTION

TYPE OR PRINT CLEARLY IN BLACK INK

Pursuant to Section 33-14-220 of the 1976 South Carolina Code of Laws, as amended, the undersigned hereby applies to the Secretary of State for reinstatement of a corporation dissolved by administrative action and for that purpose, submits the following information:

1. The name of the corporation is COLTON BUILDERS, INC.  
Date of incorporation 3/26/2007 Date of dissolution 12/9/2010
2. Complete either "a" or "b", whichever is applicable.

- a.  Grounds for administrative dissolution did not exist.  
b.  The grounds for administrative dissolution, which were: MISSING CORPORATE

RETURNS

\_\_\_\_\_ have now been eliminated.

3. The corporation's name satisfies the requirements of Section 33-4-101 of the 1976 South Carolina Code of Laws, as amended.

Date 8/13/13

COLTON BUILDERS, INC  
Name of Corporation

J. Scott Price  
Signature

J. SCOTT PRICE, PRESIDENT  
Type or Print Name and Office

FILING INSTRUCTIONS

- Two copies of this form, one of which can be either a duplicate original or a conformed copy must be filed.
- Filing fee (Payable to the Secretary of State at the time of filing this application) - \$25.00
- THIS APPLICATION CAN BE FILED ANYTIME AFTER THE EFFECTIVE DATE OF THE CORPORATION'S DISSOLUTION BY ADMINISTRATIVE ACTION AND MUST BE ACCOMPANIED BY A CERTIFICATE FROM THE SOUTH CAROLINA DEPARTMENT OF REVENUE RECITING THAT ALL STATE TAXES, PENALTIES AND INTEREST OWED BY THE CORPORATION HAVE BEEN PAID.

Return to: Secretary of State  
1205 Pendleton Street, Suite 525  
Columbia, SC 29201

STATE OF SOUTH CAROLINA  
COUNTY OF YORK

Phil Vasey and Pamela Vasey,

Plaintiffs,

v.

Colton Builders, LLC and  
Collinswood Cabinetry, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS  
SIXTEENTH JUDICIAL CIRCUIT

CASE NO. 2009-CP-46-01244

CONSENT ORDER FOR  
ARBITRATION

DAVID HAMILTON  
C.C.P. # 68  
YORK COUNTY, SC

FILED-RECEIVED  
2012 DEC 20 AM 9:32

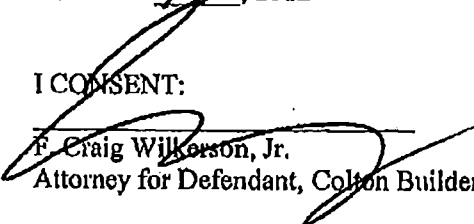
This matter comes before the Court, pursuant to an agreement between the parties for binding Arbitration of this matter. The parties agree to the following:

- a. That Terry Millar shall be appointed Arbitrator in this matter.
- b. Arbitration shall be scheduled within 30 days of the date of this Order.
- c. Arbitration shall be binding upon all parties in this matter.
- d. The parties agree that all South Carolina Rules of Evidence shall be followed.
- e. That all witness lists exhibits, etc. shall be exchanged between the parties 10 business days prior to arbitration.

AND IT IS ORDERED.

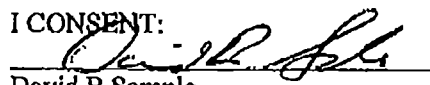
December 18, 2012

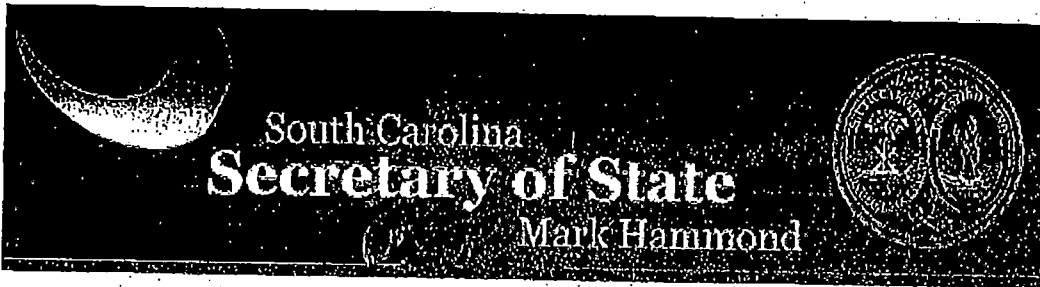
I CONSENT:

  
F. Craig Wilkerson, Jr.  
Attorney for Defendant, Colton Builders

  
Presiding Judge  
Sixteenth Judicial Circuit Court

I CONSENT:

  
David B. Sample  
Attorney for Plaintiffs



**COLTON BUILDERS, INC.**

*Note: This online database was last updated on 1/20/2013 6:01:31 PM. See our Disclaimer.*

DOMESTIC / FOREIGN: Domestic  
 STATUS: Forfeiture  
 STATE OF INCORPORATION / ORGANIZATION: SOUTH CAROLINA Profit

**REGISTERED AGENT INFORMATION**

REGISTERED AGENT NAME: JEFFREY SPRICE  
 ADDRESS: 212 S WHITE ST  
 CITY: FORT MILL  
 STATE: SC  
 ZIP: 29715  
 SECOND ADDRESS:

FILE DATE: 12/06/2002  
 EFFECTIVE DATE: 12/06/2002  
 DISSOLVED DATE: 12/09/2010

**Corporation History Records**

CODE	FILE DATE	COMMENT	Document
Forfeiture	12/09/2010	SCBOS Filing: ADMINISTRATIVE DISSOLUTION #2	
Amendment	03/26/2007	CONVERTED FROM-COLTON BUILDERS INC.	
LLC Annual Report	04/02/2004	LLC ANNUAL REPORT-2004	
LLC Annual Report	03/31/2003	LLC ANNUAL REPORT-2003/CH AGT/ADD	Image
Domestic LLC	12/06/2002	DOMESTIC LIMITED LIABILITY CO(AT WILL)	Image

**Disclaimer:** The South Carolina Secretary of State's Business Filings database is provided as a convenience to our customers to research information on business entities filed with our office. Updates are uploaded every 48 hours. Users are advised that the Secretary of State, the State of South Carolina or any agency, officer or employee of the State of South Carolina does not guarantee the accuracy, reliability or timeliness of such information, as it is the responsibility of the business entity to inform the Secretary of State of any updated information. While every effort is made to insure the reliability of this information, portions may be incorrect or not current. Any person or entity who relies on information obtained from this database does so at his own risk.

**TERRY B. MILLAR, L.L.C.**

309 Saluda Street  
Rock Hill, SC 29730

ATTORNEY AT LAW  
P.O. BOX 10590 Phone: (803) 324-3196  
ROCK HILL, SC 29731-0590 Fax: (803) 328-6105  
tbmillar@tbmlle.com

December 13, 2012

David B. Sample, Esquire

[david@dblegal.com](mailto:david@dblegal.com)

F. Craig Wilkerson, Jr., Esquire

F. Craig Wilkerson, Jr. LLC

[fcwilkerson@aol.com](mailto:fcwilkerson@aol.com)

RE: Phil & Pamela Vasey vs Colton Builders LLC, et al  
Case No. 2009-CP-46-01244 (Breach of Contract)  
TBM File No. 12-118

**BINDING ARBITRATION - 10:00, TUESDAY, JANUARY 22, 2013**

Counsel:

Thank you for asking me to serve as Arbitrator in the above referenced case. I look forward to working with you and your clients to help them achieve an amicable resolution of this matter. The Binding Arbitration has been set for Tuesday, January 22, 2013, beginning at 10:00 a.m. at the office of F. Craig Wilkerson, Jr., LLC, 1050 College Avenue Extension, Rock Hill, SC. My rate for this arbitration is \$300 per hour (2 hours minimum - see Terms and Conditions attached to Agreement). Unless other arrangements are made prior to or at the conclusion of the arbitration, I will be submitting my statement for professional services, in equal shares, to counsel for the parties in this case.

Pat Clark will be the administrator for this Binding Arbitration. All communications (e-mails, phone calls, etc.) are to go through her. Her e-mail is [preclark@tbmlle.com](mailto:preclark@tbmlle.com). You may copy me with e-mails.

Attached is the Agreement For Binding Arbitration. Please note that you, the attorneys in this case, are solely responsible for payment of any invoice as a result of this arbitration. Matters of costs or expense to be reimbursed to you by your clients are between you and your clients. *Please execute and return the signature page of the Agreement (scan/e-mail preferred) at your earliest opportunity.*

Both counsel for the Plaintiffs and Defendant will deposit with the Arbitrator the sum of \$650 (\$1,300 total) on or before the submission deadline of January 12, 2013. Said funds will be placed in Arbitrator's escrow account and credited to the final billing.

All parties must be in attendance at this Arbitration. Please e-mail (to Pat) or fax a list of witnesses, exhibits, and copies of any documents and other material that will be presented at the arbitration hearing by the submission deadline of January 12, 2013. You must serve the other party with same. I have already received copies of the pleadings.

I look forward to seeing you at the arbitration. Please call if you have any questions.

Yours very truly,

  
Terry B. Millar

TBM:pro

Attachment: Agreement to Arbitrate

Subj: **Mediation**  
Date: 6/21/2012 9:30:06 A.M. Eastern Daylight Time  
From: [david@dbslegal.com](mailto:david@dbslegal.com)  
To: [fcwilkerson@aol.com](mailto:fcwilkerson@aol.com)

Craig,

In speaking with my client yesterday evening, he is adamantly refusing to participate in mediation. He has stated that he is open to an offer.

I am deeply sorry for this situation. I will gladly come myself and can reach my client by phone, but I understand if that is not agreeable. I am in a 9:00 hearing that should be done in a few minutes. I will call you shortly.

David

SCANNED

STATE OF SOUTH CAROLINA )  
COUNTY OF YORK )  
Phil & Pamela Vasey, )  
Plaintiffs )  
vs. )  
Colton Builders, LLC, et al., )  
Defendants )

COURT OF COMMON PLEAS  
SIXTEENTH JUDICIAL CIRCUIT  
CASE NUMBER 2009-CP-46-01244

AGREEMENT TO MEDIATE

**E-MAILED**  
4.24-12

**I. PARTIES:  
PLAINTIFF:**

Phil & Pamela Vasey

**ATTORNEYS FOR PLAINTIFF:**

David B. Sample, Esquire  
104 Stone Village Dr.  
Fort Mill SC 29708  
(803) 396-9696  
[david@dbslegal.com](mailto:david@dbslegal.com)

**DEFENDANT:**

Colton Builders, LLC

**ATTORNEYS FOR DEFENDANT**

F. Craig Wilkerson, Jr., Esquire  
F Craig Wilkerson, Jr LLC  
1050 College Avenue Ext.  
Rock Hill SC 29730  
324-7200  
(803) 627-3037 - cell  
[fcwilkerson@aol.com](mailto:fcwilkerson@aol.com)

**II. DATE & LOCATION OF MEDIATION:**

DATE:  
TIME:  
LOCATION:

Thursday, June 21, 2012  
10:00 a.m.  
F. Craig Wilkerson, Jr., LLC,  
1050 College Avenue Extension  
Rock Hill, SC 29731

MEDIATOR:  
TELEPHONE:  
FAX:  
E-MAIL:  
ADMINISTRATOR - Pat Clark

Terry B. Millar  
(803) 324-3196  
(803) 328-6105  
[tbmillar@tbmlc.com](mailto:tbmillar@tbmlc.com)  
[prclark@tbmlc.com](mailto:prclark@tbmlc.com)

**III. MEDIATOR'S FEE:**

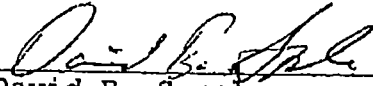
ADMINISTRATIVE FEE  
CANCELLATION FEE:  
TRAVEL RATE:  
MILEAGE RATE:

\$300 PER HOUR (2 hr. minimum)  
\$100.00 (non-refundable)  
Per Item #10 - Terms and  
Conditions  
\$75 PER HOUR  
\$.60 PER MILE

**IV. ACKNOWLEDGMENTS &  
AGREEMENT**

The attached one (1) page "TERMS  
AND CONDITIONS OF MEDIATION" is a  
part of this Agreement.

ATTORNEY FOR PLAINTIFFS:

BY:   
David B. Sample

Date: 6/20, 2012

ATTORNEYS FOR DEFENDANT

BY: \_\_\_\_\_  
F. Craig Wilkerson, Jr.

Date: \_\_\_\_\_, 2012

MEDIATOR:

  
TERRY B. MILLAR

April 24, 2012

ATTORNEY FOR PLAINTIFFS:

BY: \_\_\_\_\_  
David B. Sample

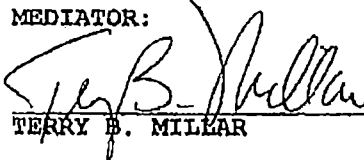
Date: \_\_\_\_\_, 2012

ATTORNEYS FOR DEFENDANT

BY: \_\_\_\_\_  
F. Craig Wilkerson, Jr.

Date: \_\_\_\_\_, 2012

MEDIATOR:

  
TERRY B. MILLAR

April 24, 2012

STATE OF SOUTH CAROLINA

COUNTY OF YORK

Phil Vasey and Pamela Vasey,

Plaintiffs,

vs

Colton Builders, LLC and Collinswood  
Cabinetry, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS  
SIXTEENTH JUDICIAL CIRCUIT

Civil Action No.: 09-CP-46-01244

NOTICE OF MOTION AND MOTION  
TO DISMISS, SUMMARY  
JUDGEMENT, and for  
SANCTIONS

FILED-RECEIVED  
2012 JUL 30 PM 2:35  
DAVID HAMILTON  
C.C.P. & G.S.  
YORK COUNTY, SC

TO: THE PLAINTIFFS ABOVE NAMED AND THEIR ATTORNEY;

YOU WILL PLEASE TAKE NOTICE that the Defendant Colton Builders (Colton), above named through its undersigned attorney will move before the Presiding Judge of the Sixteenth Judicial Circuit, York, South Carolina, on a date and time convenient to the Court and the parties, for an Order compelling Plaintiff to respond to Plaintiff's Interrogatories and Requests for Production fully in writing under oath as previous filed in 2010; these Interrogatories and Requests for Production were properly served upon Defendant on March 1, 2012. Plaintiff will also move for an Order requiring Defendant to pay a reasonable amount in way of attorney fees and costs for the necessity of this Motion, as well as that the undersigned as attorney for the Defendant, Colton Builders, does hereby move pursuant to Rule 37(b)(2) and 37(d) as well as Rule 56 of the South Carolina Rules of Civil Procedure for such sanctions as this court deems appropriate, including relief granted under 37(b)(2), costs and attorney fees, based upon Plaintiffs' failure to participate in mandatory mediation which was scheduled for June 21, 2012, at 10:00 a.m. and which counsel for the Plaintiff advised Defendants' counsel at approximately 10:25 a.m. that the Plaintiffs had no intentions of attending the mediation, although they had previously agreed to same. Furthermore, Defendant Colton seeks dismissal of Plaintiffs claims on the ground

that no discovery has been conducted, that they have failed to pursue their claims, and that no evidence exists of the Plaintiff's claims and they should be dismissed as trial is set for August 13, 2012.

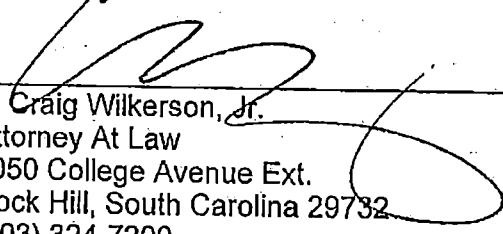
This matter was filed in March, 2009. Defendant, Colton Builders, timely filed and served an Answer. Counter Claim, Interrogatories and Requests to Produce in 2009. Plaintiffs have failed to answer the Defendants' discovery requests. A Notice of Motion and Motion to Compel was filed in November, 2010, however the motion has not been heard. Counsel for the Defendant, Colton Builders, was under the impression that this case had been dismissed, however when the case resurfaced, the parties agreed to mediate the case in April, 2012 on information and belief, at Plaintiffs' counsel's request. Mediation was scheduled for June 21, 2012 at 10:00 a.m. The parties agreed for Terry Millar to serve as Mediator. A copy of the Mediation Agreement signed by all parties and an e-mail dated April 19, 2012, confirming the mediation, is attached hereto and incorporated herein by reference as well as Counsel's affidavit.

On information and belief, counsel for Vasey was scheduled to be before the Honorable S. Jackson Kimball the morning of June 21, 2012, beginning at 9:00 a.m. Counsel for Colton also had hearings that morning before the Master in Equity, but the Counsel for the Defendant rearranged his hearings before Judge Kimball in order to accommodate the mediation that was scheduled including rescheduling out of town attendance at the Motion to allow attendance at mediation. At 9:30 a.m. on June 21, 2012, counsel for the Plaintiffs forwarded an e-mail to Wilkerson indicating that the previous day his clients advised that they refused to participate in mediation. No phone calls were made to the Mediator, nor counsel for the Defendant, to advise them of this that evening nor that morning. The mediation e-mail was not seen, as defense counsel was meeting with the clients preparing Defendants for the mediation. Counsel for the Plaintiffs called at approximately 10:25 a.m. on June 21, 2012, to indicate that he and his client were not coming to the mediation.

To date, defense counsel has been provided with no discovery answers, no expert witnesses, no damage amounts, no itemization, no pictures, no inspections. Counsel for the Defendant, Colton Builders, moves for sanctions against the Plaintiffs, including reasonable attorney's fees and costs for the motion to compel, attorney's fees and costs for the mediation and preparation for the mediation. Counsel further seeks to have the Plaintiffs be responsible for the full amount of the Mediator's fees, as well as to be responsible for the lost wages of Scott Price and Missy Snipes, both of whom took the day off to attend the mediation.

Counsel for Defendant, Colton Builders, seeks to have the Plaintiffs' claims against the Defendant, Colton Builders, dismissed for lack of prosecution, dismissed as a sanction, or dismissed pursuant to Rule 56 as there is no material issue of fact as Plaintiff as failed to present its case or allow inspection under 40-59-810 et al raised in Defendants Answer. Plaintiff has failed to provide discovery answers; failed to participate in mediation; failed to allow Colton Builders to inspect the property; and failed to act in good faith, and for such other relief as the Court deems appropriate.

Rock Hill, SC  
July 30, 2012

  
\_\_\_\_\_  
F. Craig Wilkerson, Jr.  
Attorney At Law  
1050 College Avenue Ext.  
Rock Hill, South Carolina 29732  
(803) 324-7200  
ATTORNEY FOR COLTON BUILDERS

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF YORK )

IN THE COURT OF COMMON PLEAS  
SIXTEENTH JUDICIAL CIRCUIT

Phil Vasey and Pamela Vasey, )  
 )  
Plaintiffs, )

AFFIDAVIT

vs. )

CASE NO.: 2009-CP-46-01244

Colton Builders, LLC and )  
Collinswood Cabintry, LLC )

FILED-RECEIVED  
2012 JUL 30 PM 2:35  
DAVID HAMILTON  
C.C.P. & G.S.  
YORK COUNTY, SC

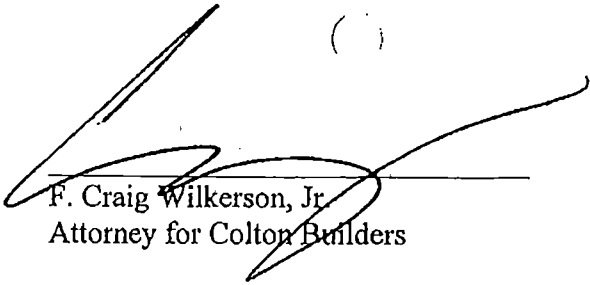
The undersigned, who first being duly sworn, deposes and states:

1. My name is F. Craig Wilkerson, Jr. I have been practicing law since approximately 1991. I charge \$250.00 per hour and \$75.00 per hour for Paralegal time.
2. I am the attorney for Defendant, Colton Builders, LLC. Colton previously agreed, with counsel for the Plaintiff for voluntary mediation. A copy of the contract is attached hereto as Exhibit A. Prior to the scheduled mediation on June 21, 2012, the Plaintiff threatened not to attend unless certain demands were met. The Defendant, Colton Builders, refused to meet those demands, however, the Plaintiff agreed, in spite of the refusal, to attend the mediation.
3. Both Plaintiff and Defendant signed a Contract agreeing to participate in Mediation.
4. Approximately thirty minutes prior to the beginning of the mediation, Plaintiff e-mailed defense counsel, Craig Wilkerson, to inform him that he was not going to appear at mediation. Apparently, Plaintiff's counsel had a 9:00 a.m. hearing before Judge Kimble the same day, which defense counsel was not advised of, however, that was not the reason for his not attending the mediation. Plaintiff's counsel did not attend mediation because his client refused to come. According to the e-mail and conversations with Plaintiff's counsel, the Plaintiffs refused to come the day before. Unfortunately, the defense counsel's client, Colton Builders appeared at his office at approximately 8:30 a.m. on the day of the scheduled mediation and had begun preparing for the mediation. Terry Millar, the Mediator had come early to have discussions. It was during

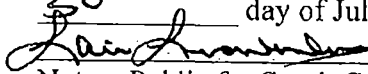
these discussions that the e-mail arrived to Defendant's counsel. Therefore, I was not aware of the e-mail. Plaintiff's counsel called at approximately 25 minutes after the proposed start time of the mediation to inform that he was not coming. The Mediation began at 10:00 a.m. and the call came approximately 10:25 a.m.

5. This is a construction case and that although no discovery has taken place, counsel for Colton Builders had a prepared mediation exhibits and had spent approximately 4 hours reviewing documents, preparing exhibits, and preparing for the mediation. Approximately 2.5 hours of Paralegal time was spent in scheduling the mediation and preparing for the mediation. On the date of the mediation, Scott Price, of Colton Builders, took the entire day off from work to attend the mediation, losing approximately \$800.00. Missy Snipes, the Manager for Colton Builders, and Scott Price's wife took the day off from her job at the Post Office to attend and lost approximately \$200.00 in wages. Plaintiff has not served discovery on Defendant, and Defendant was prepared to share what documents he had with Plaintiff at that time.

6. When notified of the trial date of August 13 on Thursday July 26, 2012, I was out of the office as my wife had some surgery. Colton was holding this motion as a bill has not yet been received from the mediator Terry Millar, however, when we contacted the mediator on July 27, 2012, we learned that the Plaintiff had paid the mediators bill in full. The Defendant, Colton Builders, is informed and believes that the Plaintiff should be required to pay his attorney's fees and paralegal fees, plus costs, as well as pay the full cost of mediation and to reimburse Scott Price \$800.00 for his lost wages, and to reimburse Missy Snipes \$200.00 for her lost wages. It appearing that both Scott Price and Missy Snipes took the full day off to attend the mediation.

  
F. Craig Wilkerson, Jr.  
Attorney for Colton Builders

SWORN to before me this  
30 day of July, 2012.

  
\_\_\_\_\_

Notary Public for South Carolina  
My Commission Expires: 10-8-2018

STATE OF SOUTH CAROLINA  
COUNTY OF YORK

Phil Vasey and Pamela Vasey,

Plaintiffs,

vs

Colton Builders, LLC and Collinswood  
Cabinetry, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS  
SIXTEENTH JUDICIAL CIRCUIT

Civil Action No.: 09-CP-46-01244

AFFIDAVIT OF ATTORNEY'S FEES

FILED-RECEIVED  
2012 JUL 30 PM 2:36  
DAVID HAMILTON  
C.C.C.P. & G.S.  
YORK COUNTY, SC

The undersigned, who first being duly sworn, deposes and states:

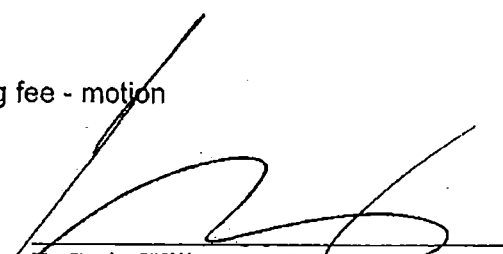
I am the attorney for Defendant, Colton Builders, LLC and I have performed legal services in the above-captioned case with respect to the mediation as follows:

SERVICES RENDERED

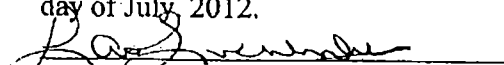
April 17, 2012 - April 19, 2012	Coordinate mediation	1.0 @ 75.00 = \$ 75.00
June 21, 2012	Prepare for mediation Meeting with clients Reschedule motions	5.5 @ 250.00 = \$1,375.00
June 21, 2012	Prepare motion for sanctions, Motion to compel and Motion to Dismiss	2.0 @ 250.00 = \$500.00

COSTS

June 21, 2012	Filing fee - motion	\$25.00
---------------	---------------------	---------

  
F. Craig Wilkerson, Jr.  
Attorney for Colton Builders

SWORN to before me this 3<sup>rd</sup>  
day of July, 2012.

  
Notary Public for South Carolina

My Commission Expires: 10-8-2018

FORM 4

STATE OF SOUTH CAROLINA  
 COUNTY OF YORK  
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2009CP4601244

Phil Vasey	Pamela Vasey	Colton Builders LLC	Collinswood Cabinetry LLC
PLAINTIFF(S)		DEFENDANT(S)	

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
---------------	-------------------------------------------------------------------------------------------------------------------------------------------

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
  - Rule 12(b), SCRPC;
  - Rule 41(a), SCRPC (Vol. Nonsuit);
  - Rule 43(k), SCRPC (Settled);
  - Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**
  - Rule 40(j) SCRPC;
  - Bankruptcy;
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
  - Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
  - Affirmed;
  - Reversed;
  - Remanded;
  - Other: \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order; (formal order to follow)  Statement of Judgment by the Court:

This matter came before me on March 14, 2013, upon Plaintiffs' Motion to Set Aside Consent Order for arbitration. Representing the parties were: David B. Sample for Plaintiffs; and, F. Craig Wilkerson for Defendants.

Plaintiffs seek to have the court nullify the parties' consent order by which they agreed to arbitrate this dispute upon the grounds that the Defendant Colton Builders, LLC., ("Colton Builders") was non-existent due to an administrative dissolution by the Secretary of State. Plaintiffs assert that Colton Builders could not consent to arbitration, since it had no legal authority to make contracts. An arbitration was held, and a final award of the arbitrator is a part of the record in this matter. Colton Builders has not yet sought to have the arbitration award entered of record and confirmed as a judgment pursuant to statute.

Notwithstanding any merit of Plaintiffs' contention, I do not believe it is appropriate at this stage to vacate the consent order. Rather, I find and conclude that Plaintiffs' objections can be asserted pursuant to S.C. Code Ann. § 15-48-130 (1976, as amended).

Therefore, based on the record before me, Plaintiffs' motion to vacate the consent order to arbitrate is denied, without prejudice to Plaintiffs' right to assert their objections to the arbitration award in accordance with § 15-48-130 on the same grounds presented in this motion.

AND IT IS SO ORDERED.

*DMC*  
 \$/

CERTIFICATE OF SERVICE

I, Laurie G. Lichtenberger, an employee of F. Craig Wilkerson, Jr., do hereby certify that the **Affidavit of Scott Price and Missy Price, and the Affidavit of F. Craig Wilkerson, Jr.**, was served on counsel for the Plaintiffs via fax, e-mail, and hand delivery this \_\_\_\_\_ day of August, 2013, as follows:

[david@dbslegal.com](mailto:david@dbslegal.com)

803-981-9909

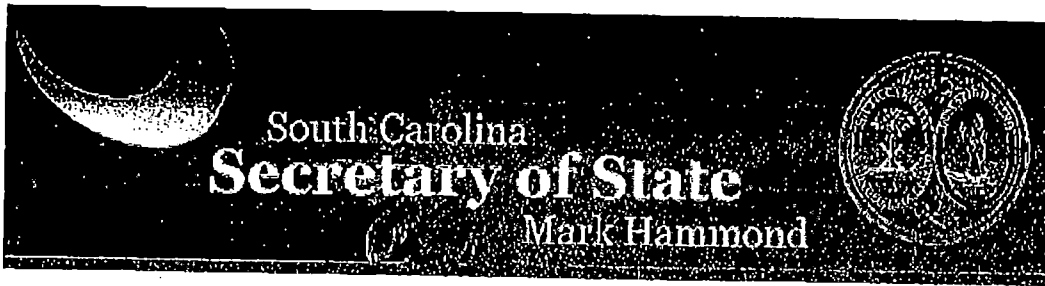
David Sample  
Attorney at Law  
2424 India Hook Road, Suite 160  
Rock Hill, South Carolina 29732

\_\_\_\_\_  
Laurie G. Lichtenberger  
Paralegal to F. Craig Wilkerson, Jr.

**RECEIVED**

JUL 06 2015

SC Court of Appeals



**COLTON BUILDERS, INC.**

*Note: This online database was last updated on 1/20/2013 6:01:31 PM. See our Disclaimer.*

DOMESTIC / FOREIGN: Domestic  
 STATUS: Forfeiture  
 STATE OF INCORPORATION / ORGANIZATION: SOUTH CAROLINA Profit

**REGISTERED AGENT INFORMATION**

REGISTERED AGENT NAME: JEFFREY S PRICE  
 ADDRESS: 212 S WHITE ST  
 CITY: FORT MILL  
 STATE: SC  
 ZIP: 29715  
 SECOND ADDRESS:

FILE DATE: 12/06/2002  
 EFFECTIVE DATE: 12/06/2002  
 DISSOLVED DATE: 12/09/2010

**Corporation History Records**

CODE	FILE DATE	COMMENT	Document
Forfeiture	12/09/2010	SCBOS Filing: ADMINISTRATIVE DISSOLUTION #2	
Amendment	03/26/2007	CONVERTED FROM-COLTON BUILDERS INC.	
LLC Annual Report	04/02/2004	LLC ANNUAL REPORT-2004	
LLC Annual Report	03/31/2003	LLC ANNUAL REPORT-2003/CH AGT/ADD	Image
Domestic LLC	12/06/2002	DOMESTIC LIMITED LIABILITY CO(AT WILL)	Image

**Disclaimer:** The South Carolina Secretary of State's Business Filings database is provided as a convenience to our customers to research information on business entities filed with our office. Updates are uploaded every 48 hours. Users are advised that the Secretary of State, the State of South Carolina or any agency, officer or employee of the State of South Carolina does not guarantee the accuracy, reliability or timeliness of such information, as it is the responsibility of the business entity to inform the Secretary of State of any updated information. While every effort is made to insure the reliability of this information, portions may be incorrect or not current. Any person or entity who relies on information obtained from this database does so at his own risk.

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM YORK COUNTY  
CIRCUIT COURT

John C. Hayes, III, Circuit Court Judge

Case No.:2009-CP-46-01244

**RECEIVED**

JUL 06 2015

SC Court of Appeals

Phil Vasey and Pamela Vasey.....Appellants,

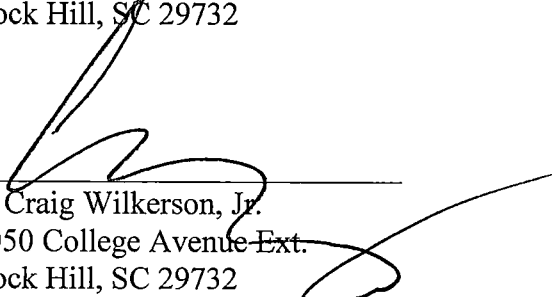
v.

Colton Builders, LLC,..... Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to Supplement Designation of Matter and Respondent's Supplemental Designation of Matter to be Included in the Record on Appeal on counsel for the Appellant by depositing a copy of same in the United States Mail, postage prepaid, on July 1, 2015, addressed as follows:

David B. Sample  
Attorney at Law  
1506 Ebenezer Road  
Rock Hill, SC 29732

  
\_\_\_\_\_  
F. Craig Wilkerson, Jr.  
1050 College Avenue Ext.  
Rock Hill, SC 29732  
Attorney for Respondent  
803-324-7200



LAW OFFICES OF  
**F. CRAIG WILKERSON, JR.**

F. CRAIG WILKERSON JR.  
*Attorney at Law*

BRANDON G. NOBLES  
*Attorney at Law*

**RECEIVED**

JUL 06 2015

SC Court of Appeals

July 1, 2015

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211-1629

RE: Phil Vasey and Pamela Vasey vs. Colton Builders, LLC  
Appellate Case No.: 2013-002633

Dear Ms. Kitchings:

Please find enclosed herewith an original and six (6) copies of Respondent's Motion to Supplement Designation of Matter and Respondent's Supplemental Designation of Matter to Be Included in the Record on Appeal in the above-referenced matter, together with a Proof of Service. By copy of this letter, I am serving a copy of same on David Sample, attorney for Appellants, who has graciously consented to same. I am also enclosing my check in the amount of \$25.00.

With best regards, I am

Sincerely,

  
F. Craig Wilkerson, Jr.

FCWjr:lgf  
Enclosures as Noted  
cc: David Sample (w/encl.)



FRONTIER MAIL  
POSTAGE REQUIRED

mailing Envelope  
us at usps.com



**NATIONAL RESTRICTIONS APPLY:**  
Forms forms are required. Consult the national Mail Manual (IMM) at [pe.usps.gov](http://pe.usps.gov) or ask a retail associate for details.

F. Craig Wilkerson, Jr.  
1050 College Avenue Ext.  
Rock Hill, SC 29732

**RECEIVED**  
JUL 06 2015  
SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211-1629