

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Master-In-Equity

Mikell R. Scarborough, Master-In-Equity for Charleston County

Appellate Case No. 2015-001146
Trial Court Case No. 2013-CP-10-1225

Kiawah Resort Associates, L.P., a
Delaware Limited Partnership, and KDP
II LLC, a South Carolina Limited
Liability Company,

Appellants/Respondents,

v.

Kiawah Island Community Association,
Inc., a South Carolina Not-for-Profit
Corporation,

Respondent,

and

Kiawah Property Owners Group, Inc.,
and Inlet Cove Club Homeowners
Association, Inc.

Respondents/Appellants

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

Ellis R. Lesemann
Michelle A. Matthews
Lesemann & Associates LLC
80 Alexander Street, Second Floor
Charleston, South Carolina 29403
(843) 724-5155
Attorneys for Appellants/Respondents


Appellants/Respondents Kiawah Resort Associates, L.P., and KDP II LLC, propose the following matter be included in the Record on Appeal:

1. Plaintiff Kiawah Resort Associates, L.P.'s Complaint
2. Defendant Kiawah Island Community Association's Answer
3. Plaintiffs Kiawah Resort Associates, L.P., and KDP II LLC's Amended Complaint
4. Defendant Kiawah Island Community Association's Answer to Plaintiffs' Amended Complaint
5. Transcript of Hearing at pp. 36-70; 80; 100-132; 158-163; 175-196; 208-218; 218-252; 271-274; 283-287; 298-341; 365-372; 379-381; 385-412; 440-467; 504; 515-516; 538; 562; and 594
6. Plaintiffs' Ex. 1: *KICA Board of Directors Meeting Minutes*
7. Plaintiffs' Ex. 2: *Letter from Long to Brown regarding list of parcels to be conveyed*
8. Plaintiffs' Ex. 3: *Letter from McKinney to Brown regarding Development Agreement*
9. Plaintiffs' Ex. 5: *1994 Development Agreement between KRA and Town of Kiawah Island*
10. Plaintiffs' Ex. 11: *Letter from Walker to Nielson regarding Miscellaneous Real Estate Issues*
11. Plaintiffs' Ex. 13: *Confirmatory Quit-Claim Deed regarding 3.0-acre Beachfront Parcel*
12. Plaintiffs' Ex. 15: *Letter from Long to Rhoad regarding Beachfront Strip*
13. Plaintiffs' Ex. 16: *Memo from Permar to Weaver/Bunting regarding Mistaken Transfers*
14. Plaintiffs' Ex. 17: *Talking Points for KDP* [Marked for Identification Purposes, but Not Admitted]
15. Plaintiffs' Ex. 20: *Special Warranty Deed from KDP II, Inc., to KDP II, LLC*
16. Plaintiffs' Ex. 25: Proposed Corrective Master's Deed (also submitted to the Master-in-Equity with the proposed order)
17. Plaintiffs' Ex. 26: *Survey of 3.067-acre Employee Facility Tract*

18. Plaintiffs' Ex. 27: *Land Use Designation*
19. Plaintiffs' Ex. 28: *Exhibit 16.2 from 1994 Development Agreement showing Stipulated Location of Beachfront Strip*
20. Plaintiffs' Ex. 29: *Overlay Exhibit*
21. Plaintiffs' Ex. 30: *Exhibits from 2005 Development Agreement (Exhibits 1.3, 4.1, and 13.2r)*
22. Plaintiffs' Ex. 31: *Exhibits from KICA Dunes Management Guidelines Depicting KICA's "Dunes Property"*
23. Plaintiffs' Ex. 32: *KICA Map Depicting KICA Common Property*
24. Plaintiffs' Ex. 33: *2010 Town of Kiawah Island Zoning Map and Future Land Use Map*
25. Plaintiffs' Ex. 36: *Beachwalker Park Lease*
26. Defendant's Ex. 1: *KICA Covenants*
27. Intervenor's Ex. 2: *Agreement for Conveyance*
28. Intervenor's Ex. 3: *Quit-Claim Deed*
29. Intervenor's Ex. 5: *Survey of 16-acre Parcel*
30. Intervenor's Ex. 9: *Fifth Amendment to the 2005 Development Agreement*
31. Intervenor's Ex. 15: *Survey of Plat prepared in May 2013*
32. Plaintiffs' Proposed Corrective and Confirmatory Deed
33. Plaintiffs' Proposed Final Order
34. Final Order dated June 4, 2014
35. Plaintiffs' Motion to Alter or Amend the Final Order dated June 16, 2014
36. Plaintiffs' Reply in Support of Motion to Alter or Amend the Final Order dated August 8, 2014
37. Transcript of August 11, 2014 Hearing on Motion to Alter or Amend
38. Plaintiffs' Proposed Order Granting Motion to Alter or Amend
39. Order on Motion to Alter or Amend the Final Order dated May 7, 2015

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

Respectfully submitted,

By: 

Ellis R. Lesemann

erl@lalawsc.com

Michelle A. Matthews

mam@lalawsc.com

LESEMANN & ASSOCIATES LLC

80 Alexander Street, Second Floor

Charleston, SC 29403

Attorneys for Appellants/Respondents

Kiawah Resort Associates, L.P., and KDP

II, LLC

July 31, 2015

Charleston, South Carolina

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PROOF OF SERVICE

I hereby certify that I have this date, mailed, postage prepaid, a true and correct copy of
the **Initial Brief of Appellants/Respondents** and the **Appellants/Respondents' Designation of
Matter to be Included in the Record on Appeal** to the following counsel of record:

Allison C. Jett, Esquire
Weissman Nowack Curry & Wilco
One Alliance Center, 4th Floor
3500 Lenox Road
Atlanta, GA 30326
Attorneys for Respondent
Kiawah Island Community Association

Amy E. Armstrong, Esquire
Jessie White, Esquire
S.C. Environmental Law Project
Post Office Box 1380
Pawleys Island, SC 29585
**Attorneys for Respondents/Appellants
Kiawah Property Owners Group, Inc.,
and Inlet Cove Homeowners Association, Inc.**

By: 

Ellis R. Lesemann

July 31, 2015
Charleston, South Carolina