

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas

G. Thomas Cooper, Jr., Circuit Court Judge

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Case No. 2013-CP-28-0250  
Appellate Case No. 2015-000652

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RECEIVED  
AUG 20 2015  
SC Court of Appeals

Clifford D. Holley and Sharon Holley,

Appellants,

v.

Dan-Sa, Inc.; Charles E. Oman; Janis M. Niemi;  
Gina L. Pike; Dermac Contractors, LLC; Bluewater  
Development of South Carolina, LLC; and  
Blue Ridge Savings Bank, Inc., Defendants,

Of whom Charles E. Oman and Janis M. Niemi are the

Respondents.

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

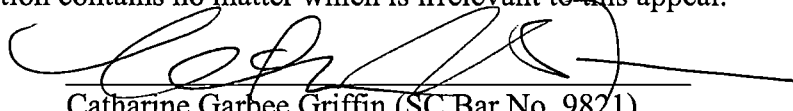
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Respondents propose the following to be included in the Record on Appeal:

1. Order;
2. Summons;
3. Second Amended Complaint;
4. Answer to Second Amended Complaint;
5. Transcript of hearing held January 20, 2015;
6. Deposition Transcript of Maxie F. Altman, Jr., cover page and p. 32;
7. Deposition Transcript of Frank Bradshaw, cover page and pp. 5, 10;
8. Deposition Transcript of Danny Gibson, Sr., cover page and pp. 7-8, 10, 12 – 13, 16, 18 – 22, 28, 30 – 31, 34 – 35, 38, 41 – 46, 57, 59 – 62, 68 – 70, 72-73, 77, 79-80;
9. Deposition Transcript of Clifford D. Holley, cover page and pp. 22 – 24, 28, 43, 56 – 58;
10. Deposition Transcript of Sharon Holley, cover page and p. 45;
11. Deposition Transcript of Pete Morrison, cover page and pp. 14 – 15, 20;

12. Deposition Transcript of P. Wayne Rabon, cover page and pp. 23, 33, 35, 39, 79, 104, 107;
13. Deposition Transcript of Rollin G. Reynolds, III, cover page and pp. 8 – 9;
14. Affidavit of Charles E. Oman;
15. Plaintiffs' Exhibit 2 to Deposition of Danny Gibson (Permit Release Letter dated December 18, 2007);
16. Plaintiffs' Exhibit 4 to Deposition of Danny Gibson (Plat of Foundation Survey for Dan-Sa, Inc.);
17. Defense Exhibits 2, 8 and 10 to Deposition of Danny Gibson (color photographs);
18. Defendants' Memorandum in Support of Motion for Summary Judgment and Index to Documents in Support of Defendants' Motion for Summary Judgment;
19. Summary Judgment Exhibit 1 (Survey Plat);
20. Summary Judgment Exhibit 2 (Kershaw County Application for Building Permit);
21. Summary Judgment Exhibit 3 (Photograph of the property);
22. Summary Judgment Exhibit 4 (Kershaw County Construction Permit dated 3.2.07);
23. Summary Judgment Exhibit 5 (Contract of Sale between Respondents and Dan-Sa, Inc.);
24. Summary Judgment Exhibit 6 (Title to Real Estate of Dan-Sa, Inc.);
25. Summary Judgment Exhibit 7 (Kershaw County Construction Permit dated 1.3.08);
26. Summary Judgment Exhibit 8 (Deed of Blue Ridge Savings Bank, Inc.);
27. Summary Judgment Exhibit 9 (Contract of Sale between Blue Ridge Savings Bank and Gina Pike);
28. Summary Judgment Exhibit 10 (Special Warranty Deed of Gina Pike);
29. Summary Judgment Exhibit 11 (Contract of Sale between Gina Pike and Appellants);
30. Summary Judgment Exhibit 12 (Deed of Appellants);
31. Summary Judgment Exhibit 13 (Alaglass Contract)
32. Summary Judgment Exhibit 14 unstamped (Email of Baer to Belser)

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



Catharine Garbee Griffin (SC Bar No. 9821)  
Alina Dudau (SC Bar No. 80196)  
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3710 Landmark Drive, Suite 400 (29204)  
Post Office Box 8057  
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Attorneys for Respondents Charles E.  
Oman and Janis M. Niemi

Columbia, SC  
August 20, 2015

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Respondents.

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**PROOF OF SERVICE**

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I, Teresa K. Todd, Legal Assistant to Catharine Garbee Griffin, an employee of Baker, Ravenel & Bender, L.L.P., hereby certify that I have, on the date indicated below, served counsel below with Respondents' Initial Brief and Designation of Matter to be Included in the Record on Appeal, by mailing a copy of same via United States Mail, postage pre-paid and return address clearly indicated on said envelope, to counsel at the following address:

H. Freeman Belser, Esquire  
William C. Dillard, Jr., Esquire  
Belser & Belser, P.A.  
PO Box 96  
Columbia, SC 29202

Stephen "Chip" Burn, Esquire  
Burn Law Firm, LLC  
945 East Main Street, Ste. D  
Lexington, S.C. 29072

A handwritten signature in cursive script, reading "Teresa K. Todd". The signature is written in black ink and is positioned above a horizontal line.

Teresa K. Todd

Columbia, SC

August 20, 2015



BAKER RAVENEL BENDER

ATTORNEYS AT LAW

Catharine Garbee Griffin  
Direct Dial 803.343.3863  
[cgriffin@brblegal.com](mailto:cgriffin@brblegal.com)

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AUG 20 2015

SC Court of Appeals

August 20, 2015

VIA HAND DELIVERY

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

Re: Clifford D. Holley and Sharon Holley v. Dan-Sa, Inc.,  
Charles E. Oman and Janis M. Niemi, et al.  
Appellate Case No. 2015-000652  
Our File No. 8852.224

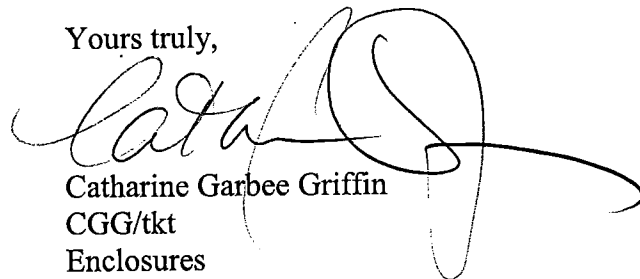
Dear Ms. Kitchings:

Enclosed herein please find Respondents Oman and Niemi's Initial Brief, Designation of Matter and Proof of Service for filing in the above-referenced case. Could you please clock one copy and return to me via the runner.

By copy of this letter to the other attorneys in this matter, I am serving them with a copy of the same.

If you have any questions concerning this letter, please feel free to call me.

Yours truly,



Catharine Garbee Griffin  
CGG/tkt  
Enclosures

cc: Stephen "Chip" Burns, Esquire (w/enclosure)  
H. Freeman Belser, Esquire (w/enclosure)