

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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AUG 28 2015

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Master in Equity

Case No.'s 2013-CP-07-2262
Appellate Case #: 2015-000592

Spanish Wells Investments, LLC, Respondent,

v.

Greg Luckenbill and Evelyn Luckenbill, Appellant.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Appellants propose to include the following things:

- (1) Final Order of the Trial Court dated February 16, 2015 and filed February 17, 2015
- (2) Summons and Complaint of Respondent dated September 3, 2013
- (3) Amended Summons and Complaint of Respondent dated November 18, 2013
- (4) Answer to Amended Complaint and Counterclaim of Appellant dated November 6, 2013
- (5) Exclusive Right to Sell Agreement introduced as Plaintiff's exhibit 1 subpart 1
- (6) MLS listing introduced as Plaintiff's exhibit 1 subpart 2

- (7) Contract of Sale - Offer and Acceptance of 10 Otter Road introduced as Plaintiff's exhibit 1 subpart 3
- (8) Letter from Wells Fargo to Robert Tillison Jr dated April 18, 2013 introduced as Plaintiff's exhibit 1 subpart 4
- (9) Email from Angie Miller to Larry Florea dated April 19, 2013 introduced as Plaintiff's exhibit 1 subpart 5
- (10) Document Cover Sheet from Wells Fargo to Robert Tillison Jr dated April 30, 2013 introduced as Plaintiff's exhibit 1 subpart 6
- (11) Letter from Clark & Stevens, P.A. to Evelyn Luckenbill dated April 30, 2013 introduced as Plaintiff's exhibit 1 subpart 7
- (12) Email from Darcie Whitney to Evelyn Luckenbill dated April 30, 2013 introduced as Plaintiff's exhibit 1 subpart 8
- (13) Email from Angie Miller to Greg Luckenbill dated May 1, 2013 introduced as Plaintiff's exhibit 1 subpart 9
- (14) Email from Nancy Powers to Bobby and Russell date May 1, 2013 introduced as Plaintiff's exhibit 1 subpart 10
- (15) Email from Nancy Powers to Bobby and Russell date May 1, 2013 introduced as Plaintiff's exhibit 1 subpart 11
- (16) Email from Greg Luckenbill to Tom Jacoby dated May 4, 2013 introduced as Plaintiff's exhibit 1 subpart 12
- (17) Letter from Wells Fargo to Russell Patterson dated May 1, 2013 introduced as Plaintiff's exhibit 1 subpart 13
- (18) Email sent by Evelyn Luckenbill to Tom Jacoby dated May 7, 2013 introduced as Plaintiff's exhibit 1 subpart 14
- (19) Email from Catherine Bailty to Darcie Whitney dated May 14, 2013 introduced as Plaintiff's exhibit 1 subpart 14A
- (20) Email from Evelyn Luckenbill to David Bragg dated May 15, 2013 introduced as Plaintiff's exhibit 1 subpart 15
- (21) Email from David Bragg to the Luckenbills dated May 28, 2013 introduced as Plaintiff's exhibit 1 subpart 16

- (22) Email from Sue Jacoby to Greg Luckenbill dated May 30, 2013 introduced as Plaintiff's exhibit 1 subpart 17
- (23) Email between Greg Luckenbill and Evelyn Luckenbill dated June 23, 2014 introduced as Plaintiff's exhibit 1 subpart 18
- (24) Emails between Greg Luckenbill, Evelyn Luckenbill, Sue Jacoby and others dated May 30, 2013 introduced as Plaintiff's exhibit 1 subpart 19
- (25) Letter from the Greg and Evelyn Luckenbill to Sue and Tom Jacoby dated June 2, 2013 introduced as Plaintiff's exhibit 1 subpart 20
- (26) Email from Sue Jacoby to Greg Luckenbill dated June 3, 2013 introduced as Plaintiff's exhibit 1 subpart 21
- (27) Forwarded email from Greg Luckenbill to Brian Quinn dated June 4, 2013 introduced as Plaintiff's exhibit 1 subpart 22
- (28) Email from Catherine Bailey to Darcie Whitney dated June 6, 2013 introduced as Plaintiff's exhibit 1 subpart 23
- (29) Email from Brian Quinn to Greg Luckenbill dated June 7, 2013 introduced as Plaintiff's exhibit 1 subpart 24
- (30) Emails between David Bragg, Kaye York and Tim Franks dated June 7, 2013 introduced as Plaintiff's exhibit 1 subpart 25
- (31) Email from Evelyn Luckenbill to David Bragg dated June 9, 2013 introduced as Plaintiff's exhibit 1 subpart 26
- (32) Email from David Bragg to Evelyn Luckenbill dated June 9, 2013 introduced as Plaintiff's exhibit 1 subpart 27
- (33) Emails between Catherine Bailey and Darcie Whitney dated June 10, 2013 introduced as Plaintiff's exhibit 1 subpart 28
- (34) Email from David Bragg to Tim Franks dated June 10, 2013 introduced as Plaintiff's exhibit 1 subpart 29
- (35) Email from David Bragg to Greg Luckenbill dated June 10, 2013 introduced as Plaintiff's exhibit 1 subpart 30

- (36) Emails between Catherine Bailey and Darcie Whitney dated June 11, 2013 introduced as Plaintiff's exhibit 1 subpart 31
- (37) Email from David Bragg to Greg Luckenbill dated June 17, 2013 introduced as Plaintiff's exhibit 1 subpart 32
- (38) Email from Greg Luckenbill to David Bragg dated June 17, 2013 introduced as Plaintiff's exhibit 1 subpart 33
- (39) Contract of Sale - Offer and Acceptance for 20 Otter Road dated June 18, 2013 introduced as Plaintiff's exhibit 1 subpart 34
- (40) Email from Darcie Whitney to Catherine Bailey dated June 19, 2013 introduced as Plaintiff's exhibit 1 subpart 35
- (41) Email from Russell Patterson to Darcie Whitney dated June 19, 2013 introduced as Plaintiff's exhibit 1 subpart 36
- (42) Email from Russell Patterson to Leo Alexander at Wells Fargo dated June 19, 2013 introduced as Plaintiff's exhibit 1 subpart 37
- (43) Emails between Russell Patterson and Darcie Whitney dated June 20, 2013 introduced as Plaintiff's exhibit 1 subpart 38
- (44) Contract of Sale - Offer and Acceptance for 20 Otter Road dated June 20, 2013 introduced as Plaintiff's exhibit 1 subpart 39
- (45) Emails between David Bragg and Darcie Whitney dated June 20, 2013 introduced as Plaintiff's exhibit 1 subpart 40
- (46) Emails between David Bragg and Evelyn Luckenbill dated June 20, 2013 introduced as Plaintiff's exhibit 1 subpart 41
- (47) Email from David Bragg to William Clark dated June 20, 2013 introduced as Plaintiff's exhibit 1 subpart 42
- (48) Emails between Nancy Powers and Russell Patterson dated June 24, 2013 introduced as Plaintiff's exhibit 1 subpart 43

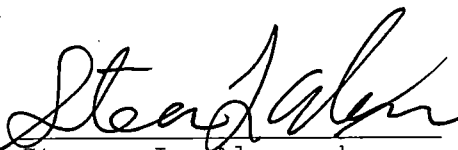
- (49) Emails between Nancy Powers and Russell Patterson dated June 24, 2013 introduced as Plaintiff's exhibit 1 subpart 44
- (50) Email from Russell Patterson to Leo Alexander dated June 26, 2013 introduced as Plaintiff's exhibit 1 subpart 45
- (51) Email from William Clark to Russell Patterson dated June 26, 2013 introduced as Plaintiff's exhibit 1 subpart 46
- (52) Letter from Leo Alexander at Wells Fargo to Robert Tillison Jr. and Russell Patterson dated July 12, 2013 introduced as Plaintiff's exhibit 1 subpart 47
- (53) Letter from Russell Patterson, P.A. to William Clark, attorney dated July 15, 2013 introduced as Plaintiff's exhibit 1 subpart 48
- (54) Emails between William Clark, Greg Luckenbill and Evelyn Luckenbill dated June 15 and June 23, 2013 introduced as Plaintiff's exhibit 1 subpart 49
- (55) Emails between Russell Patterson, William Clark, Greg Luckenbill and Debi Adams dated July 15, 2013 introduced as Plaintiff's exhibit 1 subpart 50
- (56) Letter from William Clark to Russell Patterson dated July 16, 2013 introduced as Plaintiff's exhibit 1 subpart 51
- (57) Emails between Susan Hoppe, Russell Patterson and William Clark dated July 16, 2013 introduced as Plaintiff's exhibit 1 subpart 52
- (58) Settlement Statement (HUD) for Otter Road property dated July 25, 2013 introduced as Plaintiff's exhibit 1 subpart 53
- (59) Email from Nancy Powers to Robert Tillison and Russell Patterson dated July 25, 2013 introduced as Plaintiff's exhibit 1 subpart 54
- (60) Email from Russell Patterson to William Clark dated July 30, 2013 introduced as Plaintiff's exhibit 1 subpart 55
- (61) Letter from William Clark to Russell Patterson dated August 1, 2013 introduced as Plaintiff's exhibit 1 subpart 56

- (62) Emails between Jessica Black and Russell Patterson dated January 2 and 3, 2014 introduced as Plaintiff's exhibit 1 subpart 57
- (63) Marketing Analysis for 10 Otter Road from Larry Page introduced as Plaintiff's exhibit 1 subpart 58
- (64) Exclusive Right to Sell Agreement for Otter Road, for dates January 1 through July 2, 2014 introduced as Plaintiff's exhibit 1 subpart 59
- (65) Contract of Sale - Offer and Acceptance for 10 Otter Road dated February 19, 2014 introduced as Plaintiff's exhibit 1 subpart 60
- (66) Property description of 10 Otter Road April 7, 2014 introduced as Plaintiff's exhibit 1 subpart 61
- (67) Marketing Activity for 10 Otter Road by Larry Page introduced as Plaintiff's exhibit 1 subpart 62
- (68) Contract for Sale - Offer and Acceptance for 10 Otter Road dated March 31, 2014 introduced as Plaintiff's exhibit 1 subpart 63
- (69) Title to Real Estate Tax Map Reference number R550-014-00A-0195-0000 dated April 14, 2014 introduced as Plaintiff's exhibit 1 subpart 64
- (70) Settlement Statement for 10 Otter Road dated May 29, 2014 introduced as Plaintiff's exhibit 1 subpart 65
- (71) Summary of Plaintiff's Damages dated November 24, 2014 introduced as Plaintiff's exhibit 1 subpart 66
- (72) Respondent's Responses to Appellants' First Request for Admissions introduced as Defendants' exhibit 1
- (73) Appellants' Statement of legal fees and costs introduced as Defendants' exhibit 2
- (74) Testimony of Robert Tillison, page 15, line 23 through page 54, line 20 all from the Trial transcript
- (75) Testimony of Evelyn Luckenbill, page 56, line 14 through page 95, line 25, from the Trial transcript

- (76) Testimony of Elizabeth Willimon, page 70, line 3 through page 73, line 3, from the Trial transcript
- (77) Directed Verdict motion of Appellants, page 96, line 6 through page 101, line 10
- (78) Testimony of Greg Luckenbill, page 101, line 11 through page 111, line 15
- (79) Notice of Intent to Appeal

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

Date: August 25, 2015


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864-898-3208
Attorney for Appellant

Other Counsel of Record:

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Spanish Wells Investments, LLC, Respondent,

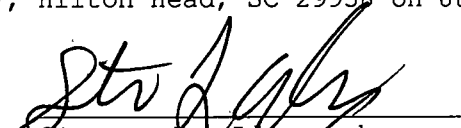
v.

Greg Luckenbill and Evelyn Luckenbill, Appellant.

PROOF OF SERVICE

I certify that I have served the Initial Brief of Appellants and Designation of Matter To Be Included In The Record On Appeal on Respondet Spanish Wells Investments, LLC by depositing a copy of it in the United States Mail, postage prepaid, on August 25, 2015, addressed to it's attorney of record, Russell P. Patterson, P.O. Box 8047, Hilton Head, SC 29938 on July 15, 2015.

August 25, 2015


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August 25, 2015

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: Spanish Wells Investments, LLC v. Greg Luckenbill, et al
Appellate Case No.'s: 2015-000592

Dear Ms. Kitchings:

Please find enclosed Appellants Initial Brief in the above referenced appeal, along with the Designation of Matter to be Included on Appeal and Appellants Proof of Service.

Please file the Initial Brief, Designation of Matter and Proof of Service and return a stamped copy to me in the enclosed envelope. Thank you for your cooperation and assistance. If anything further is required please just let me know.

Sincerely,

ALEXANDER LAW FIRM


Steven L. Alexander

Enclosure

Cc: Russell P. Patterson
Russell P. Patterson, P.A.
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Hilton Head, SC 29938

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1220 Senate Street, Suite 200
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Alexander Law Firm

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The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
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