

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph R. Strickland, Master-in-Equity

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APR 08 2016

SC Court of Appeals

Trial Court Case No. 2013-CP-40-05740
Appellate Case No. 2016-00046

Hamilton Duncan, Individually and Hamilton Duncan, as
Personal Representative of the Estate of Christine A. Duncan.....Respondent,

v.

Roy Drasites and Elizabeth Drasites.....Appellants.

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

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

1. Order of The Honorable Joseph M. Strickland dated July 20, 2015
2. Trial Transcript of Hearing dated April 28, 2015
3. Amended Complaint filed July 25, 2014
4. Defendants' Proposed Order submitted to the Court on May 20, 2015
5. Defendants' Motion to Alter or Amend filed August 10, 2015
6. Order of The Honorable Joseph M. Strickland filed December 4, 2015 denying
Defendants' Motion to Alter or Amend
7. Notice of Appeal dated January 8, 2016

8. "Easement Deed" (Woodberry Utilities to Jay Clark Case) dated July 28, 1976, recorded in Book D383 at Page 150, Richland County records- *Plaintiff's Trial Exhibit 1*
9. "Appellants' Deed" (Silver Pointe Cove Associates, Inc. to Roy R. Drasites and Elizabeth P. Drasites) dated August 11, 1995, recorded in Book 1273 at Page 242, Richland County records – *Plaintiff's Trial Exhibit 2*
10. Final Plat of Silver Pointe Cove prepared by CTH Surveyors, Inc. dated April 3, 1995, recorded in Book 55 at Page 7241, Richland County records- *Defendants' Trial Exhibit 17*
11. Plat prepared for Roy R. Drasites & Elizabeth P. Drasites by CTH Surveyors, Inc. dated August 9, 1995, recorded in Book 55 at Page 9030, Richland County records- *Plaintiff's Trial Exhibit 22*
12. Deed of R.J. Marsh to Silver Pointe Cove Associates, Inc. dated June 8, 1995, recorded in Book 1262 at Page 377, Richland County records – *Plaintiff's Trial Exhibit 4*
13. Deed of Woodberry Utilities, Inc. to R. J. Marsh dated April 11, 1985, recorded in Book D 737 at Page 410, Richland County records – *Plaintiff's Trial Exhibit 5*
14. Unsigned plat of Survey prepared for Roy R. Drasites & Elizabeth P. Drasites by Bostick Surveying dated December 15, 1997 (not recorded) – *Defendants' Trial Exhibit 16*
15. Plat prepared for Roy R. & Elizabeth P. Drasites by Bostick Surveying, recorded in Book 356 at Page 1584, Richland County records – *Plaintiff's Trial Exhibit 23*
16. "1960 Plat"- Plat prepared for Betty A. Thompson dated March 29, 1960, recorded in Book 15 at Page 234, Richland County records – *Plaintiff's Trial Exhibit 21*
17. "Respondent's Deed" – Corrective Deed dated September 24, 2014, recorded in Deed Book D11431 at Page 18, Richland County records – *Plaintiff's Trial Exhibit 11*

18. "Duncan Deed" – General Warranty Deed dated June 28, 2002, recorded in Book 680 at Page 383, Richland County records- *Plaintiff's Trial Exhibit 13*
19. "Craft Deed"- Deed of Jay Clark Case to A. Charles Craft, III and Manita B. Craft dated December 15, 1995, recorded in Deed Book 1293 at Page 688, Richland County records – *Plaintiff's Trial Exhibit 14*
20. "Case Deed" – Deed of Woodberry Utilities, Inc. to Jay Clark Case dated July 28, 1976, recorded in Book D393 at Page 147, Richland County records – *Plaintiff's Trial Exhibit 15*
21. Plat prepared for J.C. Case by Douglas E. Platt, Sr. dated May 18, 1978 recorded in Book Y at Page 1919, Richland County records – *Plaintiff's Trial Exhibit 24*
22. Plat prepared for Jay Clark Case by Site Consultants, Inc. dated April 25, 1988, recorded in Book 52 at Page 1316, Richland County records – *Plaintiff's Trial Exhibit 18*
23. Easement Map prepared for Roy R. Drasites & Elizabeth P. Drasites by Bostick Surveying dated February 5, 2014 – *Plaintiff's Trial Exhibit 20*
24. Easement Map prepared for Roy R. Drasites & Elizabeth P. Drasites by Bostick Surveying dated April 4, 2014 – *Plaintiff's Trial Exhibit 17*
25. Easement Exhibit Survey prepared for Hamilton and Christine A. Duncan by Carolina Surveying Services, Inc. dated December 13, 2013, revised March 12, 2014 – *Plaintiff's Trial Exhibit 19*
26. Easement Exhibit Survey prepared for Hamilton and Christine A. Duncan by Carolina Surveying Services, Inc. dated December 13, 2013, revised October 9, 2014 – *Plaintiff's Trial Exhibit 16*

27. "Woodtrail Plat" – Subdivision Plat prepared for R. J. Marsh, Inc. dated May 14, 1981, recorded in Book 53 at Page 170, Richland County records – *Defendants' Trial Exhibit 13*
28. Letter with attachments from Tommy Boozer to Bullocks – *Defendants' Trial Exhibit 2*
29. Partial Plat of Lands of Mrs. J.W. Kleckley, Opt. No. 627 & W.E. McCarthy, Opt. No. 607 – *Plaintiff's Trial Exhibit 10*
30. Undated Letter from Associated E & S, Inc. (Larry Smith) - *Plaintiff's Trial Exhibit 26*
31. Letter from Associated E & S, Inc. (Larry Smith) dated December 1, 2014 – *Plaintiff's Trial Exhibit 27*
32. Letter from Carolina Surveying Services, Inc. dated November 25, 2014 – *Plaintiff's Trial Exhibit 28*

Rule 209 (c), SCACR Certification

I hereby certify that this Designation of Matter contains no matter which is irrelevant to this appeal.

Respectfully submitted,



Michael W. Tighe
W. Taylor Stanley
CALLISON TIGHE & ROBINSON, LLC
Post Office Box 1390
Columbia, South Carolina 29202-1390
Telephone: 803-404-6900
Facsimile: 803-404-6902
Attorneys for Respondent

April 8, 2016
Columbia, South Carolina

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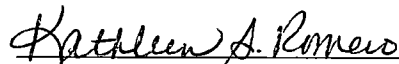
Roy Drasites and Elizabeth Drasites.....Appellants.

PROOF OF SERVICE

I certify that I have served a copy of the following as indicated hereinbelow, by mailing a copy of same on the date below by First Class United States Mail, postage prepaid, addressed to the following:

DOCUMENT SERVED: Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal

PARTIES SERVED: James Randall Davis, Esquire
Davis Frawley, LLC
140 East Main Street
P.O. Box 489
Lexington, SC 29071.
Attorneys for Appellants



Kathleen S. Romero, Legal Assistant

April 8, 2016
Columbia, South Carolina

W. TAYLOR STANLEY
803.404.6900
TaylorStanley@callisontighe.com
Admitted in SC and NC

CALLISON  TIGHE

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SC Court of Appeals

VIA HAND-DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court
Court of Appeals
1220 Senate Street
Columbia, SC 29201

**Re: Hamilton Duncan, Individually and Hamilton Duncan, as
Personal Representative of the Estate of Christine A. Duncan
v. Roy Drasites and Elizabeth Drasites
Appellate Case No. 2016-00046
Our Case No. 6035.001**

Dear Ms. Kitchings:

Enclosed for filing please find the original and one (1) copy of the Initial Brief of Respondent and Designation of Matter to be Included in the Record on Appeal in connection with the above-referenced matter. Please file the original and return the clocked-in copy to me via my courier.

By copy of this letter, I am serving a copy of same upon counsel of record.

Thank you for your assistance in this matter.

With warmest regards, I am

Sincerely yours,

CALLISON TIGHE & ROBINSON, LLC



W. Taylor Stanley

WTS/kam
Enclosures
cc: (w/ encl.) James Randall Davis, Esquire
Michael W. Tighe, Esquire
Hamilton Duncan