

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
APR 22 2016
SC Court of Appeals

Appeal from Lancaster County
The Honorable H. Clayton Walker, Jr., Special Referee

Evelyn M. Lowery,

RESPONDENT,

V.

Eula M. Daniels, Darrell Waiters, Monique Thompson Phinessa
R. Waiters, Pearl Mahjoub, Tommie Lee James, John
William James, William C. Waiters, Mary L. Bailey, James
C. Bell, William Bailey, Charlie Bascomb, Harold
Bascomb, Nakia Williams, Nerisse Williams, Carlton
McPhaul, Donnell McPhaul, Idell R. Waiters, Ella R.
Waiters, Eddie Waiters, Elizabeth Ann Moore, Donald
Waiters, Brenda Waiters, Glenda Waiters, Wilric Waiters,
Dorothy Johnson, Ruth Jordan, Ronald Sweet, Donald
Johnson, David Lee Richardson, Raymond Richardson,
Lafayette Richardson, Jr., Robert C. Richardson, Bill
Moses, Margaret Jones, Herman Sweet, Jr., Reginal
Coleman, Ronald Coleman, Michael Coleman, Sharon
Coleman, Tammy Coleman, Bridgette Colemann, Delfreda
Coleman, Phillip Hatchet, Iceola Weeks, Charles Burt,
Theodore R. Brewer, Estate of Leola Waiters, Betty J.
Catoe, Carrie Waiters, Ernest L. Waiters, Irene Carr, Janice
Dixon, Donald F. Waiters, Rayford J. Waiters, Carolyn
McKenny, Larry Waiters, Denise Allen, Kevin Waiters,
Ginger Ann Waiters, Harry Waiters, III, Deshone Waiters,
Willie W. Addison, Bessie M. Waiters, Linda D. Addison,
Mary E. Coleman, John C. Waiters, Estate of Anna B.
Waiters, Anna E. Perkins, Willie James Hall, Lena Tibbs,
Levater Hall, Leonard Hall, Leotis Hall, Christine C. Hall,
Alma R. Grant, Pearl Hall, Mary Hall, Mark Hall, Kevin
Hall, Doris Hall, Iris Hall, Lola Hall, Maggie Hall, Jimmy
L. Hall, Jr., Marilyn Hall, Lowarren Hall, Clifton Hall,
Dywayne Hall, Novella Hall, Lenonne Addison, Brendetta
Hall, NaSheqeca Bekia Hall, Marquavious Tramble Hall,
Sabrina McWaters, Renonia Church, Gwen Mc Waters,
Jacqueline Mc Waters, Renee Mc Waters, Connie C. Parker,

APPELLANT.

Alice Truesdale, Eliza C. Truesdale, Roy Caskey, Randy Caskey, Maggie Caskey, Leon Caskey, III, Sharon Harris, Eliza Ferguson, Henry Hall, Oscar Hall, Jr., Laura Mae Hall, Stanford Hall, Anna Hall, Anna Hall, Patricia, H. Bentley, Janie Hall, Janie Douglas, Mary Bradlee, Elizabeth Hall, Teresa Pope, Devron Wright, Dyron J. Hall, Romelle Simpson, Estate of Alma Tilman, Ren Tilman, Chris Waiters, Bennie Evelyn M. Martin, William Martin, Mildred Bell McCray, John Lee Moore, William E. Bell, Minniette Malone Sims, Lorenzo Bell, Blanche B. Bell, Cerento Martin Eccles, Lucinda Bell Miller; and if any of the said Defendants are deceased, then their heirs or devisees at law, and all other persons claiming any right, title, interest in or lien upon the real estate described herein, and any unknown infants or persons in the military service hereby designated as a class John Doe or Jane Roe, (Of Whom Kevan Waiters is Appellant).

APPELLATE CASE NO. 2015-002243

**AMENDED DESIGNATION OF MATTERS
INCLUDED IN RECORD ON APPEAL**

The Appellant proposed the following to be included in the Record on Appeal:

Title Summary detailing the divided tracts of land deeded from the original 140 acre tract

Title Summary detailing the divided tracts of land deeded from the original 140 acre tract

Title Summary detailing the divided tracts of land deeded from the original 140 acre tract

Title Summary detailing the divided tracts of land deeded from the original 140 acre tract


Statement of Plaintiff's Interest showing the heir's interest in the land

Aerial Photo Collage Photograph of the tract of land and timber

Photograph of timber cut from tract of land

Photograph of tractor used to cut timber from land
Map of the approximate 140 acres of land
Check Photocopy showing paying of retainer to Plaintiff's attorney
Timber Cruise Summary showing comparison of value of land compared to similar tract of land
Offer from McKittrick Timber, LLC to purchase timber for \$50,000
Aerial Photograph of tract of land and timber
Savings Book of bank account holding proceeds from cut and sold timber
Savings Book of bank account holding proceeds from cut and sold timber
Bank Statement of John Waiters
Tax Receipts for William C. Waiters and John Waiters
Account Statements showing distributions of proceeds from cut and sold timber
24 Photographs detailing the view of the land and timber from ground
Trial Transcript
Trial Transcript
Lancaster County Deeds:
-Deed Book 0-2 at Page 330
-Deed Book D-6 at Page 6067
-Deed Book W-6 at Page 167
-Deed Book Z-9 at Page 51
-Deed Book 0-9 at Page 125
-Deed Book 51 at Page 329
-Deed Book 139 at Page 82
-Deed Book 198 at Page 214
-Deed Book A at Page 285

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



M. RITA METTS
Attorney for Appellant

April 22, 2016

PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
APR 22 2016
SC Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

H. Clayton Walker, Jr., Special Referee

Case No. 2015-002243

Evelyn Lowery,

Respondent,

v.

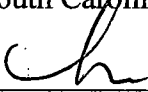
Kevin Waiters, et al.,

Appellant.

PROOF OF SERVICE

I certify that I have served the Amended Designation of Matters Included in Records on Appeal on the attorney of record, Marion H. (Mark) Grier, Jr. by depositing a copy of it in the United States Mail, postage prepaid, on April 22, 2016 addressed to Post Office Box 1809, Lancaster, South Carolina 29721-1809.

April 22, 2016



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Attorney for Appellant

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Certified Family Court Mediator

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April 19, 2016

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

RECEIVED

APR 22 2016

SC Court of Appeals

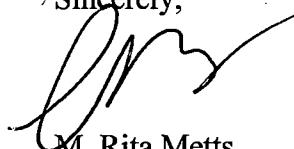
RE: Evelyn Lowery v. Eula M. Daniels, (Kevin Waiters)
Appellate Case No.: 2015-002243

Dear Ms. Kitchings:

Per your recent letter regarding the above-referenced matter, please find enclosed the transcript for the hearing being challenged on appeal.

Thank you for assistance regarding this matter.

Sincerely,



M. Rita Metts
3531 River Drive
Columbia, South Carolina 29201
(803) 929-0577
Attorney for Appellant

Enclosures

c: Mark Grier, Esquire