

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From York County  
Court of Common Pleas, as an Appellate Court

R. Scott Sprouse, Circuit Court Judge

Circuit Court Case No. 2015-CP-46-00466  
On Appeal From the York County Probate Court

Appellate Case No. 2016-000096

**RECEIVED**

JUL 22 2016

**SC Court of Appeals**

Mary Jean Tucker Swiger, by and through  
her Attorney-in-Fact, Carol DeHaven ..... Appellant,

v.

Ben R. Smith and Margaret P. Kelly, as  
Personal Representatives of the Estate  
of Vinton Willis Tucker ..... Respondents.

Respondents' Designation of Matter to  
be Included in the Record on Appeal

Pursuant to Rule 209, SCACR, Respondents designate the following to be included in the Circuit Court Record on Appeal:

1. Appellant's Petition for Formal Testacy and Appointment dated May 10, 2013.
2. Respondents' Answer and Counterclaim dated May 30, 2013.
3. Appellant's Reply dated June 28, 2013.

4. Last Will dated January 14, 2012.
5. Respondents' Amended Motion for Summary Judgment dated November 3, 2014.
6. Order Granting Respondents' Motion for Summary Judgment dated February 2, 2015.
7. Power of Attorney dated November 17, 2011 (Exhibit 3 to Ben Smith deposition).
8. Jane Bondurant deposition, p. 8, l. 13 to p. 12, l. 19., and pp. 18 - 19.
9. Jason Ratterree, MD deposition, p.5, l. 7-13, and pp. 8-14.
10. Magdalene Marfo, MD deposition, pp. 12 - 20.
11. James Jewell, MD deposition, pp. 28 - 34.
12. Marcy Thomas deposition, pp. 13 - 17; 28 - 32; 36 - 37; Exhibit 1; Exhibit 3.
13. Margaret Kelly deposition, pp. 12 - 16; 29 - 30; 40 - 45; 50 - 51; 53 - 54; 70 - 71.
14. Steve Kelly deposition, p. 6; 25 - 27.
15. Danny Kelly deposition, p. 6.
16. Elizabeth Haigler MD deposition, pp. 11 - 13.
17. Allison Matthews Affidavit dated December 18, 2014.
18. Respondents' Memorandum of Law in Support of Motion for Summary Judgment dated December 22, 2014.
19. Summary Judgment hearing transcript.
19. Circuit Court Order dated December 22, 2015 Affirming Probate Court.
20. Circuit Court appeal hearing transcript.
21. Appellant's Notice of Appeal served January 15, 2016.
22. Motion to Dismiss Appeal dated February 1, 2016.
23. Order denying motion to dismiss appeal dated April 1, 2016.

24. Motion to Dismiss Appeal dated May 4, 2016.
25. Order denying motion to dismiss appeal dated July 1, 2016.
26. Attorney Anderson's Notice of Appearance, dated April 28, 2016.
27. Appellant's Return to Motion to Dismiss Appeal filed February 12, 2016.
28. Mary Swiger's power of attorney.
29. Respondents' Motion for Summary Judgment dated September 23, 2014.
30. Page 1 (Statement of Issues on Appeal) from Appellant's Brief to the Circuit Court.

A handwritten signature in black ink, appearing to read "B. Michael Brackett", written over a horizontal line.

B. Michael Brackett  
Adam T. Silvernail  
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Attorneys for Respondents

July 21, 2016

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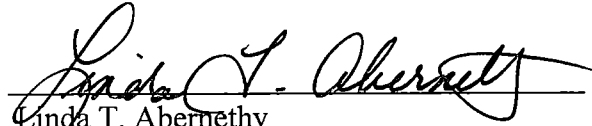
v.

Ben R. Smith and Margaret P. Kelly, as  
Personal Representatives of the Estate  
of Vinton Willis Tucker ..... Respondents.

Respondent's Certificate of Service

I, Linda T. Abernethy, Legal Assistant to B. Michael Brackett, Esquire, attorney for the Respondents  
in the above-captioned matter, do hereby certify that I have served Attorney for Appellant with  
copies of **Respondents' Initial Brief and Designation of Matter to be Included in the Record  
on Appeal** by United States Mail, postage prepaid and return address clearly indicated on said  
envelope, on this 21<sup>st</sup> day of July, 2016 at the following address:

Syretta R. Anderson, Esquire  
124 Oakland Avenue  
Rock Hill, SC 29730  
Attorney for Appellant

  
Linda T. Abernethy