

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM LANCASTER COUNTY

Court of Common Pleas

Deandrea G. Benjamin Circuit Court Judge

RECEIVED

AUG 12 2016

SC Court of Appeals

Case No. 2014-CP-29-00442

Josh Hammond..... Respondent,

v.

Richard Tod Hammond Appellant,

v.

Titan Logging, LLC..... Third Party Defendant.

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

Appellant propose the following be included in the Record on Appeal:

1. Respondent's Motion for Summary Judgment filed with no attachments.
2. Appellant's Affidavit in response to Respondent's Motion for Summary

Judgement with supporting documents filed August 18, 2015.

SUPPORTING DOCUMENTS:

- A. 1994 Mack 600 RD Title – VIN# 1M2P267Y5RM020690;
- B. 1998 Evans Trailer HI16 – VIN# 1J9G142B8W1003415;
- C. 1999 Evans Trailer HI16 – VIN# 1J9G142B2X1003489;

- D. 1989 Truck 1TKJ – VIN# 1TKJ04227KM064213'
- E. Tidewater Equipment Contract of Sale dated June 3, 2009 for 2004 TigerCat 720D S/N 7203890;
- F. Tidewater Equipment Contract of Sale dated June 11, 2009 for 2004 TigerCat 720D S/N 7203890;
- G. Tidewater Equipmet Offer to Purchase dated December 6, 2011 for used 2004 724D TigerCat with 5702 sawhead S/N 7240651;
- H. Tidewater Equipment Contract of Sale dated June 18, 2010 for 2004 TigerCat 620C Skidder S/N 6200569;
- I. Tidewater Equipment Contract of Sale dated February 12, 2009 for used 1999 630 TigerCat Skidder S/N 6300524;
- J. 2009 – 1099 form from Carolina Timberlands, Inc.;
- K. 2009 – 1099 form from Williams Forest Products, Inc.;
- L. 2010 – 1099 form from C.R. Jackson, Inc.;
- M. 2010 – 1099 form from Williams Forest Products, Inc.;
- N. 2010 – 1099 form from Frazier Land & Timber, Inc.;
- O. 2011 – 1099 form from Williams Forest Products, Inc.;
- P. 2011 – 1099 form from Canal Wood LLC;
- Q. 2011 – 1099 form from Frazier Land & Timber, Inc.;
- R. 2013 – 1099 form from Griggs Forestry Services, LLC;
- S. 2009 Richard Tod Hammond Tax Return;
- T. 2010 Richard Tod Hammond Tax Return ;
- U. 2011 Richard Tod Hammond Tax Return;
- V. 2012 Richard Tod Hammond Tax Return;
- W. 2013 Richard Tod Hammond Tax Return;
- X. Certificate of Mailing Affidavit of Richard Tod Hammond to Attorney Ryan P. Crompton dated August 18, 2015.

3. Respondent's Memorandum with attached supporting documents filed August 24, 2015.

- A. Plaintiff's Exhibit 1 - Answer and Counterclaim of Defendant Richard Tod Hammond and Third Party Complaint filed May 8, 2014;
- B. Plaintiff's Exhibit 2 - Defendant/Third Party Plaintiff, Richard Tod Hammond's Responses to Plaintiff, Josh Hammond's Second Set of Request for Production;
- C. Plaintiff's Exhibit 3 - Tidewater Equipment Contract of Sale dated June 11, 2009 for 2004 TigerCat 720D S/N 7203890;
- D. Plaintiff's Exhibit 4 - First Citizens Promissory Note with Loan Date 06-11-2009 / Borrowers: Josh T. Hammond and Nancy B. Hinson;

- E. Plaintiff's Exhibit 5 - First Citizens Cashier Check No. 4332510 payable to Josh Hammond in the amount of \$50,000.00 dated June 11, 2009;
- F. Plaintiff's Exhibit 6 – Joshua T. Hammond DBA Hammond Land Clearing checks paid to Tidewater Equipment: Check No. 1777, Check No. 1778, Check No. 1779;
- G. Plaintiff's Exhibit 7 – BB&T Resolution and Agreement;
- H. Plaintiff's Exhibit 8 – Tidewater Equipmet Offer to Purchase dated December 6, 2011 for Used 2004 724D TigerCat with 5702 sawhead S/N 7240651;
- I. Plaintiff's Exhibit 9 – First Citizens Promissory Note with Loan Date of 01-12-2012 / Borrower: Josh T. Hammond and Disclosure Statement;
- J. Plaintiff's Exhibit 10 – First Citizens Cashier Check No. 4752039 payable to Josh Hammond in the amount of \$50,000.00 dated January 19, 2012;
- K. Plaintiff's Exhibit 11 – Joshua Tod Hammond DBA Hammond Land Clearing checks paid to Tidewater Equipment: Check No. 2596, Check No. 2597;
- L. Plaintiff's Exhibit 12 – Carolina First Bank Account Agreement dated 10-16-2009;
- M. Plaintiff's Exhibit 13 - Tidewater Equipment Contract of Sale dated June 18, 2010 for 2004 TigerCat 620C Skidder S/N 6200569;
- N. Plaintiff's Exhibit 14 – Promissory Note / Lender: High Tide Two, LLC;
- O. Plaintiff's Exhibit 15 – Joshua Tod Hammond DBA Hammond Land Clearing check copies: Check No. 1266, Check No. 1266 marked NSF, Check No. 1267, Check No. 1362, Check No. 1364, Check No. 1365, Check No. 1366, Check No. 1474, Check No. 1475, Check No. 1476, Check No. 1481, Check No. 1522, Check No. 1523, Check No. 1524, Check No. 1525, Check No. 1627, Check No. 1628, Check No. 1629, Check No. 1630, Check No. 1655, Check No. 1656, Check No. 1657, Check No. 1658, Check No. 1672, Check No. 1673, Check No. 1674, Check No. 1675, Check No. 1688, Check No. 1689, Check No. 1690, Check No. 1691, Check No. 1901, Check No. 1902, Check No. 1903, Check No. 1904, Check No. 2000, Check No. 2002, Check No. 2003, Check No. 2004, Check No. 2103, Check No. 2104, Check No. 2105,

Check No. 2106, Check No. 2384, Check No. 2444, Check No. 2594,
Check No. 2642, Check No. 2687;

- P. Plaintiff's Exhibit 16 – Defendant/Third Party Plaintiff, Richard Tod Hammond's Answers to Plaintiff, Josh Hammond's First Set of Interrogatories, Griggs Forestry Services Check No. 2927, TD Bank Deposit, Griggs Forestry Services Check No. 2933, TD Bank Deposit;
- Q. Plaintiff's Exhibit 17 – Affidavit of Richard Tod Hammond In Opposition to Motion For Summary Judgement.

- 4. Appellant's Memorandum in opposition to Respondent's Motion for Summary Judgement with other supporting documents filed September 3, 2015.

SUPPORTING DOCUMENTS:

- A. Memorandum in Opposition to Motion for Summary Judgment;
- B. Plaintiff's Answer's to Defendant's First Set of Interrogatories (pages 1, 15, 16 & 17);
- C. Second Affidavit of Richard Tod Hammond In Opposition to Motion for Summary Judgement;
- D. Carolina First Bank Sole Proprietorship Resolution of Authority;
- E. Carolina First Bank Business Check Card Request;
- F. Carolina First Bank Account Agreement;
- G. TD Bank Account Agreement;
- H. TD Bank New Business Account and New Business Account Addendum;
- I. TD Bank Business Account Maintenance;
- J. Carolina First / TD Bank - Joshua Tod Hammond DBA Hammond Land Clearing Payroll Account and Joshua Tod Hammond DBA Hammond Land Clearing copies of checks signed by Tod Hammond:
Check No. 1037 paid to First Citizens,
Check No. 1080 paid to First Citizens,
Check No. 1136 paid to First Citizens,
Check No. 1158 paid to First Citizens,
Check No. 1202 paid to First Citizens,
Check No. 1271 paid to First Citizens,
Check No. 1343 paid to First Citizens,
Check No. 1380 paid to First Citizens,
Check No. 1422 paid to First Citizens,
Check No. 1454 paid to First Citizens,
Check No. 1574 paid to First Citizens,
Check No. 1601 paid to Truck Pro,
Check No. 1602 paid to Jeff Stevenson,
Check No. 1979 paid to United States Treasury,
Check No. 1980 paid to Blanchard,
Check No. 2170 paid to TA Power Train,

- Check No. 1689 paid to Phillip Mullis,
- Check No. 1691 paid to Truck Pro,
- Check No. 2002 paid to Cash,
- Check No. 2003 paid to Visa,
- Check No. 1969 paid to Bilo,
- Check No. 1970 paid to Cash-Lindsay Plyler,
- Check No. 1977 paid to Blanchard,
- Check No. 1978 paid to Jamie Taylor;
- K. Affidavit of Timothy Griggs with 1099's;
- L. Affidavit of Danny McKittrick with 1099's;
- M. Certificate of Service of Memorandum In Support of Opposition of Plaintiff's Motion for Summary Judgment mailed to Plaintiff's Attorneys dated September 3, 2015.

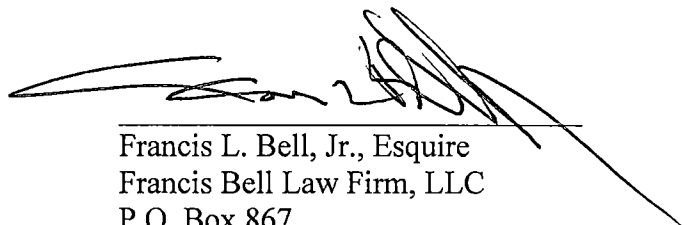
- 5. Respondent's Affidavit and attached supporting documents filed September 8, 2015.
 - A. Affidavit of Josh Hammond;
 - B. Plaintiff's Exhibit 3 - Tidewater Equipment Contract of Sale dated June 11, 2009 for 2004 TigerCat 720D S/N 7203890;
 - C. Plaintiff's Exhibit 4 - First Citizens Promissory Note with Loan Date 06-11-2009 / Borrowers: Josh T. Hammond and Nancy B. Hinson;
 - D. Plaintiff's Exhibit 5 - First Citizens Cashier Check No. 4332510 payable to Josh Hammond in the amount of \$50,000.00 dated June 11, 2009;
 - E. Plaintiff's Exhibit 6 – Joshua T. Hammond DBA Hammond Land Clearing checks paid to Tidewater Equipment: Check No. 1777, Check No. 1778, Check No. 1779;
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- 6. Full transcript of Summary Judgment Hearing.
- 7. Form 4 Order granting Respondent's Motion for Summary Judgment.
- 8. Written Order granting Respondent's Motion for Summary Judgment.

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

August 11, 2016



Francis L. Bell, Jr., Esquire
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Lancaster, SC 29721
(803) 283-8476
Attorney for Respondents

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM LANCASTER COUNTY

Court of Common Pleas

DeAndrea D. Benjamin Circuit Court Judge

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SC Court of Appeals

Trial Case No. 2014-CP-29-00442

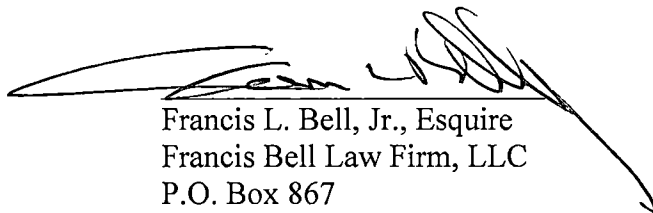
Josh Hammond vs. Richard Tod Hammond vs. Titan Logging, LLC

PROOF OF SERVICE

I certify that I have served the *Amended Designation of Matter to be included in the Record on Appeal*, by depositing copies of same via Federal Express on August 11, 2016, addressed to Respondents' attorneys of record as follows:

Ryan P. Compton
Stephen L. Goldfinch, Jr.
Goldfinch Winslow
PO Box 829
Murrells Inlet, SC 29576

August 11, 2016



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WEST C. BELL
wbell@fbell-law.com

D. GLENN YARBOROUGH
(1919-1979)

August 11, 2016

RECEIVED
AUG 12 2016
SC Court of Appeals

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

Re: *Josh Hammond vs. Richard Tod Hammond vs. Titan Logging, LLC*
Trial Court Case No.: 2014-CP-29-00442
Appellate Case No. 2015-002524

Dear Madam Clerk:

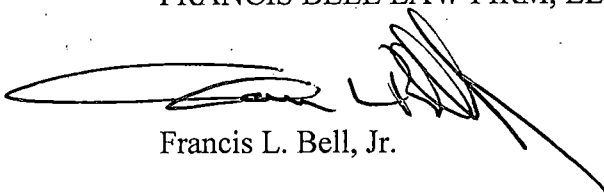
Enclosed for filing in the above matter are:

-original + one copy of *Amended Initial Brief of the Appellant*, together with
Proof of Service on Respondents' attorneys of record;
-original + one copy of *Amended Designation of Matter to be Included in the*
Record on Appeal, together with *Proof of Service* on Respondents' attorneys of record.

I am requesting that you please return clocked copies to my office in the envelope provided.

Very truly yours,

FRANCIS BELL LAW FIRM, LLC


Francis L. Bell, Jr.

FLBjr/jbg

cc: Ryan P. Compton
& Stephen L. Goldfinch, Jr. (w/encs.)