

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Brooks P. Goldsmith, Circuit Court Judge

Civil Action No.: 2012-CP-07-2169

RECEIVED

SEP 26 2016

SC Court of Appeals

Lake Estates Property Owners Association, Inc.,.....Appellant

v.

Lake Estates, LLC; Estate Builders, Inc.; Estate Home Builders, LLC; Arkiteknic, Inc.; David Sladek Engineering Company; Jenkins Plumbing Company, LC; American Paving Design, LLC; American Paving Design, Inc.; Miller Construction of the Low Country, Inc.; Whitaker Laboratory, Inc.; Heritage Plastering & Stucco, LLC; CMC Steel Works, Inc.; Savannah Hardscapes, Inc.; Superior Heating & Air, Inc.; Michael Stoghill d/b/a Advanced Residential Plumbing; Warren Flick Associates, LLC; Warren Flick; Russell Miller; Russell Miller, Jr.; and Robert Miller,.....Defendants

Of Defendants, Lake Estates, LLC; Estate Builders, Inc.; and Miller Construction of the Low Country, Inc.,.....Respondents

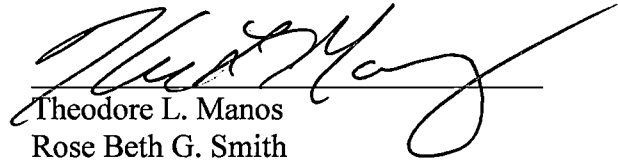
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Respondent Miller Construction of the Low Country, Inc. proposes the following be included in the Record on Appeal:

1. Lake Estates Property Owners Association, Inc.'s Second Amended Complaint
2. Miller Construction of the Low Country, Inc.'s Answer to the Second Amended Complaint
3. Lake Estates, LLC's Answer to the Second Amended Complaint
4. Estate Builders, Inc.'s Answer to the Second Amended Complaint
5. Transcript of Proceedings pp. 271-274; 277-281; 285-288; 293-304; 319-325; 334; 336-343; 352; 358-369; 372-373; 380; 384-390; 400-403; 405-407; 415-418; 427-428; 432; 444-449; 451; 459-464; 466-471; 475-477; 479; 483-488; 492-503; 505-517; 519-522; 534; 537-571; 722; 921
6. Plaintiff's Exhibit 8

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

September 23, 2016



Theodore L. Manos
Rose Beth G. Smith
Robertson Hollingsworth & Flynn, LLC
Wells Fargo Center
177 Meeting Street, Suite 300
Charleston, South Carolina 29401
(843) 723-6470
**Attorneys for Respondent Miller
Construction of the Low Country, Inc.**

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Brooks P. Goldsmith, Circuit Court Judge

Case No.: 2012-CP-07-2169

RECEIVED
SEP 26 2016
SC Court of Appeals

Lake Estates Property Owners Association, Inc.,.....Appellant

v.

Lake Estates, LLC; Estate Builders, Inc.; Estate Home Builders, LLC; Arkiteknic, Inc.; David Sladek Engineering Company; Jenkins Plumbing Company, LC; American Paving Design, LLC; American Paving Design, Inc.; Miller Construction of the Low Country, Inc.; Whitaker Laboratory, Inc.; Heritage Plastering & Stucco, LLC; CMC Steel Works, Inc.; Savannah Hardscapes, Inc.; Superior Heating & Air, Inc.; Michael Stoghill d/b/a Advanced Residential Plumbing; Warren Flick Associates, LLC; Warren Flick; Russell Miller; Russell Miller, Jr.; and Robert Miller,.....Defendants

Of Defendants, Lake Estates, LLC; Estate Builders, Inc.; and Miller Construction of the Low Country, Inc.,.....Respondents

PROOF OF SERVICE

This hereby certifies that Respondent Miller Construction of the Low Country, Inc.'s Initial Brief and Designation of Matter to be Included in the Record on Appeal has been served via US Regular Mail upon all parties listed below on this the 23rd day of September, 2016:

Andrew S. Platte, Esquire
Gibson Solomons, III, Esquire
Speights & Runyan
2015 Boundary Street, Suite239
Beaufort, SC 29902
Counsel for Lake Estates Property Owners Association, Inc.

O. Edworth Liipfert, III, Esquire
Griffith, Sadler & Sharp, PA
P.O. Drawer 570
Beaufort, SC 29901

Attorneys for Estate Builders, Inc., Russell Miller, and Russell Miller Jr.

W. James Flynn, Esquire
Goodman McGuffey Lindsey & Johnson, LLP
147 Wappoo Creek Drive, Suite 204
Charleston, SC 29412

Attorneys for Lake Estates, LLC and Warren Flick

By:

A handwritten signature in black ink, appearing to read "E. Lisse", written over a horizontal line.

September 23, 2016
Charleston, South Carolina

ROBERTSON HOLLINGSWORTH & FLYNN, LLC
ATTORNEYS AT LAW

177 MEETING STREET, SUITE 300
CHARLESTON, SOUTH CAROLINA 29401
(843) 723-6470 • Fax (843) 853-9045
Email: info@roblaw.net
www.rhflawfirm.com

Claron A. Robertson
Of Counsel

Dunn D. Hollingsworth
R. Patrick Flynn
Theodore L. Manos
Paul R. Rahn
Michael E. Wright
Christopher M. Ramsey (SC, GA)
S. Wallace Carnwath, III (SC, NC)
Rose Beth Grossman

September 23, 2016

VIA FEDERAL EXPRESS AIR BILL NO.: 8103 0240 3699

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

RECEIVED
SEP 26 2016
SC Court of Appeals

RE: Appellate Case No.: 201-000247
Lake Estates Property Owners Association, Inc., Appellant,

v.

Lake Estates, LLC; Estate Builders, Inc.; Estate Home Builders, LLC; Arkiteknic, Inc.; David Sladek Engineering Company; Jenkins Plumbing Company, LC; American Paving Design, LLC; American Paving Design, Inc.; Miller Construction of the Low Country, Inc.; Whitaker Laboratory, Inc.; Heritage Plastering & Stucco, LLC; CMC Steel Works, Inc.; Savannah Hardscapes, Inc.; Superior Heating & Air, Inc.; Michael Stoghill d/b/a Advanced Residential Plumbing; Warren Flick Associates, LLC; Warren Flick; Russell Miller; Russell Miller, Jr., and Robert Miller, Defendants,

Of Whom Lake Estates, LLC; Estate Builders, Inc.; Miller Construction of the Low Country, Inc., Warren Flick and Russell Miller are the Respondents.

Dear Ms. Kitchings:

Please find enclosed for filing Respondent Miller Construction of the Low Country, Inc.'s Initial Brief and Designation of Matter to be Included in the Record on Appeal. By copy of this correspondence and enclosure to counsel for all parties to this appeal, we are providing them with same. We have also enclosed an extra copy and request that you please return the same after filing in the prepaid postage, self-addressed envelope also enclosed herein.

Respectfully,


Theodore L. Manos

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
September 23, 2016
Page 2

TLM/ej
Enclosures

cc: Andrew S. Platte, Esquire
O. Edward Liipfert, III, Esquire
W. Gary, Flynn, Esquire

00047

00052

FedEx Express Package **US Airbill**

FedEx Tracking Number

8103 0240 3699

Form ID No. 0215

Charleston, SC

1 From Date 9/23/2016

Sender's Name Elissa Jones Phone 843 723-6470

Company ROBERTSON & HOLLINGSWORTH

Address 177 MEETING ST STE 300

Dept./Floor/Suite/Room

City CHARLESTON State SC ZIP 29401-3204

2 Your Internal Billing Reference

3 To Recipient's Name Jenny Abbott Kitchings Phone 803-734-1890

Company Clerk of Court, SC Court of Appeals

Address 1220 Senate Street

Hold Weekday FedEx location address REQUIRED. NOT available for FedEx First Overnight.

Address Use this line for the HOLD location address or for continuation of your shipping address.

Hold Saturday FedEx location address REQUIRED. Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations.

City Columbia State SC ZIP 29201

0123682592



8103 0240 3699

4 Express Package Service

* To most locations.

Packages up to 150 lbs. For packages over 150 lbs, use the FedEx Express Freight US Airbill.

Next Business Day

2 or 3 Business Days

FedEx First Overnight Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless Saturday Delivery is selected.

RECEIVED FedEx 2Day AM Selected business morning Saturday Delivery NOT available.

FedEx Priority Overnight Next business morning. Friday shipments will be delivered on Monday unless Saturday Delivery is selected.

RECEIVED FedEx 2Day Selected business afternoon. Thursday shipments will be delivered on Monday unless Saturday Delivery is selected.

FedEx Standard Overnight Next business afternoon. Saturday Delivery NOT available.

RECEIVED FedEx Express Saver Third business day. Saturday Delivery NOT available.

5 Packaging * Declared value limit \$500.

FedEx Envelope* FedEx Pak* FedEx Box FedEx Tube Other

6 Special Handling and Delivery Signature Options Fees may apply. See the FedEx Service Guide.

Saturday Delivery NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

No Signature Required Package may be left without obtaining a signature for delivery. Direct Signature Someone at recipient's address may sign for delivery. Indirect Signature If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only.

Does this shipment contain dangerous goods? One box must be checked. No Yes As per attached Shipper's Declaration. Yes Shipper's Declaration not required. Dry Ice Dry Ice, 9, UN 1845 _____ x _____ kg

Restrictions apply for dangerous goods — see the current FedEx Service Guide. Cargo Aircraft Only

7 Payment Bill to:

Sender Acct. No. in Section 1 will be billed. Recipient Third Party Credit Card Cash/Check

Total Packages Total Weight Credit Card Auth. lbs.

*Our liability is limited to US\$100 unless you declare a higher value. See the current FedEx Service Guide for details.

611

fedex.com 1800.GoFedEx 1.800.463.3339

fedex.com 1800.GoFedEx 1.800.463.3339