

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Marvin H. Dukes, III, Master-In-Equity

Civil Action No. 2007-CP-07-3212  
**Appellate Case No.: 2016-001277**

**RECEIVED**

DEC 02 2016

**SC Court of Appeals**

H. Marshall Hoyler.....Appellant,

v.

The State of South Carolina, Merry Land Properties, LLC,  
Sherbert Living Trust, Supan Living Trust, Elizabeth R. Levin,  
Edward McCray Wise Revoc. Living Trust,  
Carol Ann Devries Wise Revoc. Living Trust,  
Amelie Cromer, Philip Cromer, Robert Chiavello, Tocharoen Living Trust,  
Helen M. Olesak, Lesley Anne Glick a/k/a Lesley Anne Glick,  
Shirley G. Lackey, Patricia Banfield, Bertrand Cooper, Jr.,  
NHP SH South Carolina I, LLC n/k/a CCP Bayview 7176 LLC,  
Oyster Cove Homeowners Assn., Shirley Ann Moyer,  
Barry D. Malphrus, Garry D. Malphrus, Donnie Malphrus,  
Rita Brown, Houston Family Partnership, Joan Taylor Trustee,  
Michael Bull, Nancy Bull, Marny H. VonHarten, Dianne M. Donaldson,  
Brian R. Evans, Stephen Durbin, Valerie Durbin, Phillip Marti,  
Jane Marti, Michael Woodworth, Georgiana M. Cooke, Daniel B. Walsh,  
Janet E. Walsh.....Respondents.

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

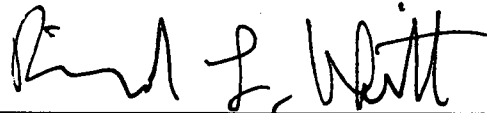
3 ORIGINAL

Appellant proposes the following is to be included in the Record on Appeal:

1. Appellant's Deed, dated July 27, 1891;
2. Appellant's Plat depicting 95 acres;
3. Appellant's Complaint, filed November 8, 2007;
4. Correspondence from Court of Appeals, dated November 9, 2016;
5. Appellant's Motion to Dismiss Intervention/Counterclaims filed December 26, 2011;
6. Order allowing Intervention;
7. Appellant's Reply to Counterclaim;
8. Appellant's Motion filed pursuant to Rule 52(b) and Rule 59(e), filed \_\_\_\_\_
9. Appellant's Motion filed pursuant to Rule 52(b) and Rule 59(e), filed 6/9/16
10. Notice of Appeal, filed November 16, 2016;
11. Addendum to Notice of Appeal;
12. S.C. Ct. App. Order filed September 26, 2011;
13. S.C. Ct. of App. Order filed August 20, 2013;
14. Lower Court Order for Joinder, 2011;
15. Lower Court Order filed May 19, 2016;
16. Lower Court Order filed May 27, 2016;
17. Lower Court Order filed October 26, 2016;
18. **2011**, Hearing Transcript, pages, 5, 6, 15, 16, 13, 14, 19, 20, 21, 33, 34, 54;
19. **2015**, Hearing Transcript, pages, 69, 70, 71, 72, 73, 76, 77, 78, 79, 80, 81, 82, 85, 86, 87, 88, 89, 135, 152, 162, 163, 174, 175, 176, 177, 178, 259, 260, 263, 264, 298, 299, 300,301,302,303,304, 305,306, 307, 308, 309, 310, 311, 312,313,314,315
20. Appellant's Exhibits, 2, 2 A, 3, 4;
21. Gardner Deposition Transcript, pages, 8, 14,15, 16, 17, 26, 27, 30, 42, 43, 48, 49;
22. Cook Deposition Transcript, pages, 259, 260, 261, 264, 265, 268, 269.

Appellant's counsel hereby certifies that the Designation of Matter, contains no matter which is irrelevant to the Appeal.

**AUSTIN & ROGERS, P.A.**

By: 

Richard L. Whitt, S.C. Bar #: 62895,  
Jefferson D. Griffith, III,  
508 Hampton Street, Suite 300  
P.O. Box 15907  
Columbia, South Carolina 29211  
Phone: (803) 256-4000  
Fax: (803) 252-3679  
**Attorneys for Appellant.**

December 2, 2016  
Columbia, South Carolina

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**PROOF OF SERVICE**

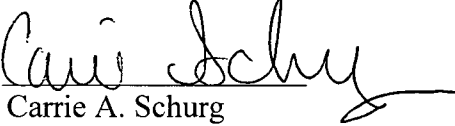
I, Carrie A. Schurg, an employee of Austin & Rogers, P.A., certify that I have caused Appellant's Initial Brief, Designation of Matter to be Included in the Record on Appeal and this Proof of Service, to be served via U.S. Mail, on December 2, 2016, as addressed on the following page.

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Proof of Service  
December 2, 2016  
Page 2 of 2

J. Emory Smith, Jr., Esquire  
S.C. Attorney General's Office  
1000 Assembly Street  
Columbia, South Carolina 29201

Mary D. Shahid, Esquire  
Nexsen Pruet  
P.O. Box 486  
Charleston, South Carolina 29402

  
Carrie A. Schurg

December 2, 2016  
Columbia, South Carolina