

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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DEC 29 2016

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court Of Common Pleas
Marvin H. Dukes, III, Master-In-Equity

Appellate Case No. 2016-001277

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 Ann 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

STATE'S DESIGNATION OF MATTERS FOR RECORD

The State designates the following matters for the Record in addition to those designated
by Appellant:

1. Answer of the State
2. Complete Gardner deposition
3. Complete transcript of 2011 and 2015 hearings / trial.

4. Post-trial memoranda of the State, March 25, 2016 and April 11, 2016 (Reply)

Respectfully submitted,

ALAN WILSON
Attorney General

ROBERT D. COOK
Solicitor General
S.C. Bar No. 1373

J. EMORY SMITH, JR.
Deputy Solicitor General
S.C. Bar No. 5262

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BY:




ATTORNEYS FOR RESPONDENT STATE

December 29, 2016

CERTIFICATE OF COMPLIANCE WITH RULE 209(c), SCACR

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

BY:



J. EMORY SMITH, JR.
Deputy Solicitor General

December 29, 2016

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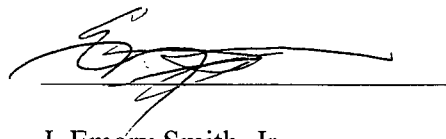
CERTIFICATE OF SERVICE

I certify that I have served the Initial Brief and Designation of the State upon the other parties by mailing copies to their counsel at the addresses below via the United States Mail this December 29, 2016:

Mary D. Shahid, Esquire
Nexsen Pruet, LLC
PO Box 486
Charleston, SC 29402

Certificate of Service
December 29, 2016
Page 2

Jefferson D. Griffith, III, Esquire
Richard L. Whitt, Esquire
Austin & Rogers, PA
PO Box 11716
Columbia, SC 29211

A handwritten signature in black ink, appearing to read "J. Emory Smith, Jr.", is written over a horizontal line.

J. Emory Smith, Jr.
Deputy Solicitor General



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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

December 29, 2016

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
HAND DELIVERED

Re: Hoyer v. State of SC, et al et al Appellate Case No. 2016-001277

Dear Ms. Kitchings:

Enclosed for filing with your Office are the State's Initial Brief, Designation of Matters for the Record including a Rule 209(c) Certificate and a Certificate of Service. Please stamp the extra copy of the Brief and Return it via our couriers. Thank you for your assistance.

Respectfully submitted,

J. Emory Smith, Jr.
Deputy Solicitor General
Counsel for the State

cc: Jefferson D. Griffith, III, Esquire
Richard L. Whitt, Esquire
Mary D. Shahid, Esquire
Stephen P. Groves, Sr., Esquire