

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Horry County
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No. 2011-CP-26-08314

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DEC 30 2016

SC Court of Appeals

Chester S. Hejna and Mary Ann Henja, Individually and
Representing as a class, All Unit Owners of Magnolia
North Horizontal Regime as that class is defined below,

Respondents,

v.

Heritage Communities,nc., Heritage Magnolia North, Inc.
and Buildstar Corporation,

Appellants.

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

YOUNG CLEMENT RIVERS LLP
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Attorneys for Appellants

The Appellants propose the following to be included in the Record on Appeal:

Orders, Judgments, Decrees, or Decisions

1. Order filed March 28, 2006;
2. Order filed September 22, 2009;
3. Orders dated February 22, 2010;
4. Order dated March 28, 2011;
5. Order dated August 20 2013;
6. Consent Order dated January 6, 2016;
7. Order dated March 16, 2016;
8. Order dated May 16, 2016;

Pleadings

9. Complaint filed May 28, 2003 (2003-CP-26-3230);
10. Eighth Amended Complaint dated February 24, 2009 (2003-CP-26-3230);
11. Complaint filed January 5, 2005;
12. Fifth Amended Complaint dated January 6, 2010;

Transcripts

Trial

13. Trial Transcript pp. 119–148, 581, 657–685, 883–916

Hearings

14. Hearing Transcript February 16, 2016;

Other Material or Documents

Motions, Memoranda, and Discovery Responses

15. Motion to Amend dated January 6, 2010;
16. Motion for Summary Judgment dated Nov. 17, 2015;
17. Memorandum in Support of Motion for Summary Judgment dated February 2, 2016;
18. Response in Opposition dated February 5, 2016;
19. Motion to Alter/Amend dated April 15, 2016;

Documents

20. Verdict Form dated May 20, 2009 (2003-CP-26-3230).

I certify that this Designation of Matter contains no matter which is irrelevant to this appeal.

Respectfully Submitted,

YOUNG CLEMENT RIVERS LLP

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Attorneys for the Appellants

Charleston, South Carolina

Dated: 12/29/2016

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PROOF OF SERVICE

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I, Marry S. Willis, of Young Clement Rivers, LLP, counsel for the Appellants above named, do hereby certify that I have served the **Initial Brief of Appellants** and the corresponding **Designation of Matter to be Included in the Record on Appeal** on the above-named Respondents by depositing a copy of the same in the United States Mail, postage prepaid, on December 28, 2016, addressed as follows to all counsel of record:

Philip C. Thompson, Esquire
John P. Henry, Esquire
Thompson & Henry, PA
P.O. Box 1740
Conway, SC 29528-1740

YOUNG CLEMENT RIVERS, LLP

By: Mary Willis
Mary S. Willis

Charleston, South Carolina

Dated: 12/28/2016