

IN THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

JAN 24 2017

SC Court of Appeals

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2015-CP-26-8179  
Appellate Case No. 2016-002175

Robert DeCiero, a resident of Long Bay Estates Subdivision,  
Myrtle Beach, South Carolina .....Appellant,

v.

Horry County, State of South Carolina.....Respondent.

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

Appellant Robert DeCiero, a resident of Long Bay Estates Subdivision, Myrtle Beach, South Carolina hereby designates the following matter:

1. Respondent's Motion to Dismiss under Rule 12(b)(6) and for Summary Judgment Under Rule 56 dated April 14, 2016.
2. Respondent's Memorandum in Support of Motion to Dismiss/Motion for Summary Judgment dated April 14, 2016.
3. Appellant's Memorandum in Opposition to Motion to Dismiss/Motion for Summary Judgment dated May 19, 2016.
4. Appellant's Motion to Reconsider Order of Dismissal dated July 26, 2016.

5. Order of Dismissal (Rule 12(b)(6) S.C.R.C.P.) dated June 22, 2016.
6. Order Denying Motion to Reconsider dated September 16, 2016.
7. Summons and Complaint dated November 12, 2015.
8. Transcript of Record, Common Pleas Court, dated June 1, 2016.
9. Correspondence addressed to Janet Carter and Arrigo Carotti, Esq. from Thomas C. Brittain, Esq. dated June 2, 2015.
10. Correspondence addressed to Thomas C. Brittain, Esq. from Janet Carter dated June 12, 2015.
11. Memorandum addressed to Horry County Zoning from Thomas C. Brittain, Esq. dated August 17, 2015.
12. Correspondence addressed to Janet Carter and Arrigo Carotti, Esq. dated September 17, 2015.
13. Correspondence addressed to Thomas C. Brittain, Esq. from Janet Carter dated September 21, 2015.

Respectfully submitted,

**THE BRITAIN LAW FIRM, P.A.**



Thomas C. Brittain, Esquire  
Mary Madison Brittain Langway, Esquire  
4614 Oleander Drive  
Myrtle Beach, SC 29577  
843-449-8562 Telephone  
843-497-6124 Facsimile  
**ATTORNEYS FOR APPELLANT**

January 23, 2017  
Myrtle Beach, South Carolina

IN THE STATE OF SOUTH CAROLINA  
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Robert DeCiero, a resident of Long Bay Estates Subdivision,  
Myrtle Beach, South Carolina .....Appellant,

v.

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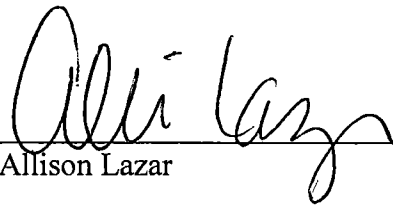
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PROOF OF SERVICE


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I, Allison Lazar, do hereby certify that I am an employee of THE BRITAIN LAW FIRM, P.A., attorneys for the Appellant in the above-entitled action, and that I have this 23<sup>rd</sup> day of January 2017, caused to be served upon the following parties the **Initial Brief of Appellant and Designation of Matter to Be Included in the Record on Appeal** by depositing a copy of same in the United States Mail, with sufficient first class postage affixed thereto, addressed as follows:

Elise F. Crosby, Esquire  
Crosby Law Firm, LLC  
405 Dozier Street  
Georgetown, SC 29440

  
Allison Lazar

**SWORN AND SUBSCRIBED** before me  
this 23<sup>rd</sup> day of January, 2017.

  
**NOTARY PUBLIC FOR SOUTH CAROLINA**  
My Commission Expires: 6/2/2021

THE BRITTAIN LAW FIRM, P.A.

ATTORNEYS AT LAW  
4614 OLEANDER DRIVE  
MYRTLE BEACH, SOUTH CAROLINA 29577

THOMAS C. BRITTAIN  
MARY MADISON BRITTAIN LANGWAY  
A. PRESTON BRITTAIN  
T. CASE BRITTAIN, JR.

843-449-8562  
FAX 843-497-6124  
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January 23, 2017

Via FedEx

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

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JAN 24 2017

SC Court of Appeals

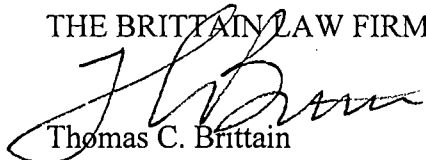
Re: Robert DeCiero, a resident of Long Bay Estates Subdivision, Myrtle Beach, South Carolina v. Horry County, State of South Carolina  
Appellate Case No. 2016-002175

Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of Appellant's Initial Brief, Designation of Matter to be Included in the Record on Appeal and Proof of Service in the above-referenced matter.

With warm regards, I am  
Yours truly,

THE BRITTAIN LAW FIRM, P.A.



Thomas C. Brittain  
Mary Madison Brittain Langway  
TCB/MMBL/all

cc: Elise F. Crosby, Esq.

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UNITED STATES US

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