

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APPEAL FROM THE BEAUFORT COUNTY
COURT OF COMMON PLEAS

SC Court of Appeals

HONORABLE MARVIN H. DUKES, III
BEAUFORT COUNTY MASTER-IN-EQUITY AND
SPECIAL CIRCUIT COURT JUDGE

CASE NO.: 2014-CP-07-1402

THOMAS J. O'BRIEN,

Appellant,

vs.

HENRY JAMES VAN DAM, THERESA D. VAN DAM, CLYDE A. SANDERS, JANET S. SANDERS, TIMOTHY D. BROUILLETTE, JULIE LYNN BROUILLETTE, ROBB R. ALEXANDER BONNIE M. ALEXANDER, FLORIEN DAVADI, MARIA OUTEIRAL, CATHERINE A. DAVIS, ANTHONY R. GOMEZ, III, MARY E. GOMEZ, TRAVIS HUTCHINGS, AMY J. HUTCHINGS, BRUCE K. PARKER, SR., MARY E. PARKER, ALBERT L. KEETON, DONNA S. KEETON, GREG BRANTLEY, KENISH D. BRANTLEY, EMERSON G. DICKSON, EVELYN DICKSON, WILLIAM H. WALKER, JR., DEBORAH L. WALKER, LINDA J. GOMEZ, CHARLES J. BRACE, MEREDITH N. BRACE, CHARLES E. HORTON, SHARON J. HORTON, EDWARD CANALES, CAROLINE M. CANALES, MICHAEL L. SAPP, MARJORIE H. SAPP, WILLIAM J. DRAINS, SYMATHA DRAINS, GARY W. TAYLOR, JOHN W. WESTMORELAND, PHYLLIS WESTMORELAND, MIDWEST CONCEPTS CORPORATION, BARRY L. REESE, GREGORY C. POOK, JUDITH A. ATHEY, RICHARD A. GALGANO, RAYMOND F. MATHIS, MAXINE L. MATHIS, BERNARD MCINTYRE, RALPH RAY KEARNS, JR., CHERYL LYNN J. KEARNS, GUY SIDNEY RICHARDSON, LINDA SUE RICHARDSON, DIANNA HUSTON, DANIEL B. MORGAN, MICHELLE J. MORGAN, LARRY G. MERRIFIELD, EILEEN MERRIFIELD, JAMES FARMER, CATHERINE B. FARMER, BRENDA O'SHIELDS, WARREN J. DISBROW, JOHN F. DYKEMAN, CAROL W. DYKEMAN, EVERETT R. LENNEX, ROSITA C. LENNEX, RAUL DFNISE

DOMINGUEZ, PAULA CHRISTINE WRIGHT, SHIRLEY A. SNYDER, BENJAMIN J. KILEY, JAMES F. BAUER, REVOCABLE TRUST, BENJAMIN KOLB, WILLIAM MARK FRY, ELIZABETH ANN FRY, MARK A. COOK, ROSE M. COOK AND SHAKY POND, LLC

Respondents.

DESIGNATION OF MATTER TO BE INCLUDED
IN RECORD ON APPEAL

The Appellants hereby designate the following documents to be included in the Record on Appeal:

1. Summons and Complaint filed on June 11, 2014.
2. Answer of Bernard McIntyre filed on June 24, 2014.
3. Answer of Warren J. Disbrow filed on July 7, 2014.
4. Answer of Gary W. Taylor filed July 9, 2014.
5. Answer of Paula C. Wright filed on July 18, 2014.
6. Answer of Michael L. and Marjorie Sapp filed on July 22, 2014.
7. Answer of Ralph Ray Kearns, Jr. and Cheryl Lynn J. Kearns filed on September 9, 2014.
8. Answer of Carol W. Dykeman.
9. Answer of Judith A. Athey dated June 21, 2014.
10. Answer of Raymond F. and Maxine L. Mathis dated June 21, 2014.
11. Answer of Barry L. Reese and Gregory C. Pook dated June 30, 2014.
12. Answer of Shaky Pond, LLC dated June 21, 2014.
13. Order of the Honorable Marvin H. Dukes, III dated May 27, 2016.
14. Appellant's Motion to Alter, Amend or Reconsider Order (Rule 59, SCRCP).

15. Order of the Honorable Marvin H. Dukes, III dated August 15, 2016 denying Appellant's Motion to Alter, Amend or Reconsider.

15. Notice of Appeal.

16. Agreement to Terminate Covenants.

17. Transcript of hearing held on August 4, 2015, with Exhibits.

Respectfully submitted,

MOSS, KUHN & FLEMING, P.A.

By: 

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Beaufort, South Carolina
February 16, 2017

Attorneys for the Appellant

CERTIFICATE OF SERVICE

Undersigned certifies that the Designation of Matter to be Included in Record on Appeal, to which this certificate is affixed, was served upon the party (s) to this action by hand delivery or by depositing a copy of same, enclosed in a first class, postpaid wrapper properly addressed to the attorney(s) of record:

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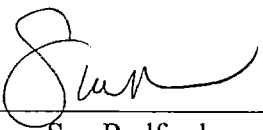
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in a post office or official depository under the exclusive care and custody of the United States Postal
Service, on February 16, 2017.

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By:  _____
Sue Radford

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SC Court of Appeals

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Thomas J. O'Brien v. Henry James Van Dam, et al.
Case No.: 2015-CP-07-1402

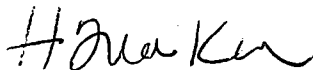
Dear Mrs. Kitchings:

Enclosed please find the Initial Brief of Appellants and Designation of Matter to be Included in the Record on Appeal regarding the above-referenced matter. By copy of this letter and the enclosures I am serving a copy of the same on Respondents.

With kindest regards, I am

Very truly yours,

MOSS, KUHN, FLEMING & SMITH, P.A.



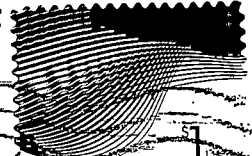
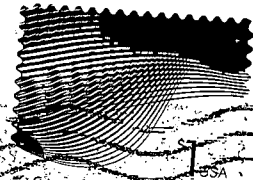
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HFKjr:sr
Enclosures

cc: Kenneth L. Tootle, Esquire
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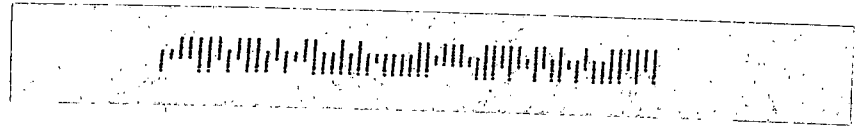
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