

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball, Special Circuit Court Judge

Appellate Case No. 2016-002317

Lloyd C. (Chad) Whitmire Respondent,

v.

Johnny C. (Carl) Hawkensen and
The Commons at Fort Mill, LLC, Appellants.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

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

1. Order on Motion to Appoint Receiver;
2. Order Denying Defendants' Motion to Compel Arbitration;
3. Form 4 Order Denying Defendants' Motion for Reconsideration;
4. Summons;
5. Complaint;
6. Motion to Appoint Receiver;
7. Defendants' Motion to Compel Arbitration, including Exhibit A (Operating Agreement);
8. Answer and Counterclaims;
9. Defendant's Motion to Reconsider Order on Motion to Appoint Receiver;

10. Defendant's Motion to Reconsider Order Denying Motion to Compel Arbitration;
11. Transcript of Hearing (September 15, 2016);
12. Transcript of Rehearing (October 31, 2016);
13. Affidavit of Lloyd C. Whitmire, including Exhibit A (Articles of Organization) but no other Exhibits;
14. Affidavit of Carl Hawkensen;
15. Affidavit of Karen Correll (without Exhibits);
16. Affidavit of Douglas K. Gentile;
17. Affidavit of Matthew Cox;
18. Organizational Chart (Exhibit B to Defendants' Memorandum in Opposition to Plaintiff's Motion to Appoint Receiver);
19. Loan Agreement (Exhibit A to Defendants' Memorandum in Opposition to Plaintiff's Motion to Appoint Receiver);
20. Defendant's Memorandum in Opposition to Plaintiff's Motion to Appoint Receiver (without Exhibits);
21. Defendants' Memorandum in Support of Motion to Compel Arbitration;

I certify that this designation contains no matter which is irrelevant to this appeal.



H. Freeman Belser (SC Bar No. 72403)
William C. Dillard, Jr. (SC Bar No. 78986)
Belser & Belser, P.A.
Post Office Box 96
Columbia, South Carolina 29202
(803) 929-0096
Attorneys for Appellants

Columbia, South Carolina

February 21, 2017

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PROOF OF SERVICE

I certify that I have served the *Initial Brief of Appellants and Designation of Matter to be included in the Record on Appeal* on Respondent by depositing a copy of it in the United States Mail, postage prepaid, on February 21, 2017, addressed to his attorney of record, W. Keith Martens, 130 E. Main Street, Rock Hill, South Carolina, 29730.

February 21, 2017



William C. Dillard, Jr.
Post Office Box 96
Columbia, South Carolina 29202
(803) 929-0096
Attorney for Appellants

C. HEYWARD BELSER, SR.
(1918-1994)

CLINCH H. BELSER, JR.

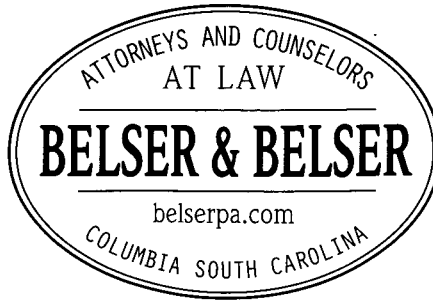
H. FREEMAN BELSER

MICHAEL J. POLK

WILLIAM C. DILLARD, JR.

ROBERT YOUNG, P.A.
OF COUNSEL

CHARLES L. DIBBLE
OF COUNSEL



POST OFFICE BOX 96
COLUMBIA, SC 29202

TELEPHONE 803-929-0096
FACSIMILE 803-929-0196

OFFICE LOCATION
BANK OF AMERICA PLAZA
1901 MAIN STREET, SUITE 1550
COLUMBIA, SC 29201

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Via Courier

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

RE: Loyd Whitmire v. Johnny Hawkensen
Appellate Case No. 2016 - 002317

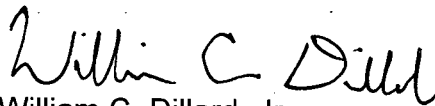
Dear Ms. Kitchings:

Please find enclosed for filing the following documents in the above referenced matter:

- 1.) Initial Brief of Appellants;
- 2.) Designation of Matter to Be Included in the Record on Appeal; and
- 3.) Proof of Service.

Thank you for your attention to this matter. I have served copies of the above referenced documents on counsel for Respondent by copy of this letter.

Sincerely,


William C. Dillard, Jr.

WCD/prd

Enclosures

cc: W. Keith Martens
130 E. Main Street,
Rock Hill, SC 29730

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