

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas
The Honorable S. Jackson Kimball, Master-in-Equity

RECEIVED

APR 24 2017

SC Court of Appeals

Case No.: 2016-CP-46-2458
Appellate Case No.: 2016-002317

Lloyd C. (Chad) Whitmire Respondent,

v.

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

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

Pursuant to Rule 209 S.C. App. Ct. R., Respondents designate the following matter to be included in the record on appeal:

1. Order Denying Defendants' Motion to Compel Arbitration, filed October 5, 2016;
2. Order Denying Plaintiff's Motion for Preliminary Relief filed September 29, 2016;
3. Plaintiff's Complaint and Exhibits, filed August 19, 2016;
4. Plaintiff's Motion to Appoint Receiver, filed August 19, 2016;
5. Defendant's Answer and Counterclaim filed September 29, 2016;
Defendant's Motion to Stay or Dismiss and to Compel Arbitration filed September 6, 2016;
6. Memorandum in Opposition to Motion to Appoint Receiver filed September 13, 2016;
7. Operating Agreement of Parties;
8. Transcript of September 15, 2016 Hearing.

Counsel certifies that this designation contains no matter which is irrelevant to this appeal.

April 21, 2017

W. Keith Martens

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S.C. Bar # 8645

HAMILTON MARTENS, LLC

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ATTORNEYS FOR RESPONDENTS

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PROOF OF SERVICE

The undersigned certifies that she has served this Respondent Designation of Matter to Be Included in the Record on Appeal by depositing a copy of it in the United States Mail, postage prepaid, on April 21, 2017, addressed to its attorney of record, H. Freeman Belser, Post Office Box 96, Columbia, SC 29202.



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April 21, 2017

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

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SC Court of Appeals

RE: *Lloyd C. (Chad) Whitmore vs. Johnny C. (Carl) Hawkensen, et al*
Appellate Case No.: 2016-02317

Dear Ms. Kitchings:

Enclosed for filing in the above-named matter are the original and one copy each of the following:

- 1) Respondent's Initial Appellate Brief, including Proof of Service;
- 2) Respondent's Designation of Matter to be Included in the Record on Appeal, including Proof of Service;

Please file the original documents and return clocked copies of each to me in the envelope that I have provided.

By copy of this letter, I am forwarding copies of Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal.

Please call me if you have any questions or concerns. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Melia Sweatt', written over a horizontal line.

L. Melia Sweatt
Paralegal

/lms

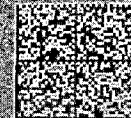
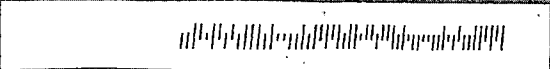
Enclosures

cc: H. Freeman Belser
Post Office Box 96
Columbia, SC 29202.

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*Herbert W. Hamilton, Retired



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