

THE STATE OF SOUTH CAROLINA  
South Carolina Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Honorable Marvin H. Dukes, III

Appellate Case No.: 2017-000620

**RECEIVED**  
MAY 26 2017  
SC Court of Appeals

BURTON FIRE DISTRICT.....Respondent,

vs.

CITY OF BEAUFORT.....Appellant.

And

BURTON FIRE DISTRICT.....Respondent,

vs.

TOWN OF PORT ROYAL.....Appellant.

DESIGNATION OF MATTER

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

1. Order of Judge Dukes dated February 9, 2015
2. Order of Judge Dukes dated October 24, 2016
3. Order of Judge Dukes dated March 8, 2017
4. Summons and Complaint dated June 4, 2013
5. City of Beaufort's Answer dated July 8, 2013
6. Town of Port Royal's Answer dated July 11, 2013
7. City of Beaufort's Motion for Summary Judgment dated October 15, 2013
8. Town of Port Royal's Motion for Summary Judgment dated October 16, 2013
9. Motion for Reconsideration dated November 3, 2016

10. Day 1 of Trial Transcript, pages 49, 118-123, 132-133, 143-152, 157-158
11. Day 2 of Trial Transcript, pages 8-15, 65-77, 83-87, 133-136
12. Settlement Agreement
13. Town of Port Royal Annexed Properties
14. City of Beaufort Annexed Properties
15. Email dated 3/10/10
16. Email dated 4/5/10
17. Email dated 4/10/10
18. Email Dated 6/28/10
19. Letter dated 6/29/12
20. Payment Record
21. MCAS Tax Bill
22. Beaufort County Tax Bills
23. 6/30/11 Financial Report
24. Enabling Act #566, 1973

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

HOWELL, GIBSON & HUGHES, P.A.

By: 

Mary Bass Lohr  
Post Office Box 40  
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(843) 522-2400  
Attorney for Appellant

Beaufort, South Carolina

May 24, 2017

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South Carolina Court of Appeals

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PROOF OF SERVICE

The undersigned counsel hereby certifies that she has served the foregoing Initial Brief of Appellants and Designation of Matter upon all counsel of record by affixing same with proper postage and placing same with the United States Postal Service on 24th day of May, 2017 addressed to the following:

H. Fred Kuhn, Jr., Esquire  
Moss, Kuhn & Fleming, P.A.  
Post Office Drawer 507  
Beaufort, SC 29901-0507

HOWELL, GIBSON & HUGHES, P.A.

By: 

Mary Bass Lohr

Post Office Box 40

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Attorney for Appellants

Beaufort, South Carolina

May 24, 2017

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JAMES S. GIBSON, JR \*  
Of Counsel

\* Certified Mediator

May 24, 2017

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(Via U.S. Mail and Facsimile: 803-734-1839)

MAY 26 2017

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

SC Court of Appeals

Re: Burton Fire District vs. Town of Port Royal and City of Beaufort  
Civil Action No.: Appellate Case No.: 2017-000620  
Our File No: 11279 MBL

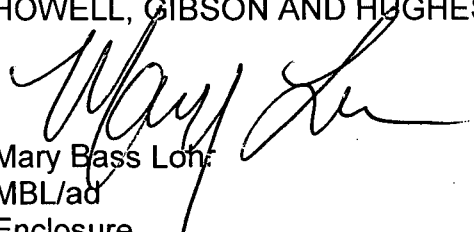
Dear Ms. Kitchings:

Please find enclosed herewith for filing Initial Brief of Appellants and Designation of Matter with regard to the above referenced matter. I would appreciate your filing the same and returning a filed clocked copy to me in the enclosed self-addressed, stamped envelope provided for your convenience.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.

  
Mary Bass Lohr  
MBL/ad  
Enclosure

cc: H. Fred Kuhn, Jr. (via U.S. Mail)



CHARLESTON SC 294  
WED 24 MAY 2017 PM

**HOWELL, GIBSON & HUGHES, P.A.**  
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**TO:**

Hon. Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
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**SC Court of Appeals**