

IN THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM THE BEAUFORT COUNTY  
COURT OF COMMON PLEAS

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

**RECEIVED**

JUN 20 2017

**SC Court of Appeals**

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CASE NO.: 2014-CP-07-1402

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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 DENISE 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

Defendants

OF WHOM

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, 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 DENISE DOMINGUEZ, PAULA CHRISTINE WRIGHT, SHIRLEY A. SNYDER, BENJAMIN J. KILEY, BENJAMIN KOLB, WILLIAM MARK FRY, ELIZABETH ANN FRY, MARK A. COOK, and ROSE M. COOK are

Respondents.

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

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The Respondents Ralph Ray Kearns, Jr. and Cheryl Lynn J. Kearns, in their Initial Brief, have argued that certain matters are not preserved for appeal. As a result, the Appellant hereby designates the following additional matter to be included in the Record on Appeal:

1. Plaintiff's Post Trial Memorandum dated September 18, 2015.

MOSS, KUHN & FLEMING, P.A.

By: 

H. Fred Kuhn, Jr.  
1501 North Street  
Post Office Drawer 507  
Beaufort, South Carolina 29901  
(843)524-3373  
(843)524-1302 – facsimile

Beaufort, South Carolina  
June 15, 2017

Attorneys for the Appellant

CERTIFICATE OF SERVICE

Undersigned certifies that the Appellant's Designation of Additional 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:

Kenneth L. Tootle, Esquire  
Attorney at Law  
Post Office Box 1321  
Beaufort, South Carolina 29901

Mr. Willie J. Drains  
Mrs. Symatha Drains  
Post Office Box 771  
Beaufort, South Carolina 29906

Mr. Gary W. Taylor  
6805 Oakmont Drive  
Beaufort, South Carolina 29906

Mr. Henry James Van Dam  
Mrs. Theresa D. Van Dam  
691 Summer Drive  
Burton, South Carolina 29902

Mr. John W. Westmoreland  
Mrs. Phyllis B. Westmoreland  
105 Waters View Road  
Hampton, South Carolina 29924

Midwest Concepts Corporation  
Post Office Box 540951  
Omaha, Nebraska 68154

Mr. Barry L. Reese  
Mr. Gregory L. Pook  
6811 Oakmont Drive  
Beaufort, South Carolina 29906

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**SC Court of Appeals**

Ms. Judith Athey  
91 Village Greenway  
Flat Rock, North Carolina 28731

Mr. Richard A. Galgano  
6817 Oakmont Drive  
Beaufort, South Carolina 29906

Mr. Raymond F. Mathis  
Mrs. Maxine L. Mathis  
6821 Oakmont Drive  
Beaufort, South Carolina 29906

Mr. Bernard McIntyre  
6823 Oakmont Drive  
Beaufort, South Carolina 29906

Mr. Guy S. Richardson  
Mrs. Linda Sue Richardson  
6817 Elderberry Drive  
Beaufort, South Carolina 29906

Ms. Dianna P. Huston  
6818 Elderberry Drive  
Beaufort, South Carolina 29906

Mr. Daniel R. Morgan  
Mrs. Michelle J. Morgan  
6816 Elderberry Drive  
Beaufort, South Carolina 29906

Shaky Pond, LLC  
6812 Oakmont Drive  
Beaufort, South Carolina 29906

Mr. Benjamin Kolb  
6808 Oakmont Drive  
Beaufort, South Carolina 29906

Mr. Mark A. Cook  
Mrs. Rose M. Cook  
6812 Oakmont Drive  
Beaufort, South Carolina 29906

Mr. Larry Merrifield  
Mrs. Eileen M. Merrifield  
6814 Elderberry Drive  
Beaufort, South Carolina 29902

Mr. Florian Davadi  
Ms. Maria Outeiral  
6802 Oakmont Drive  
Beaufort, South Carolina 29906

Catherine A. Davis  
800 Broad River Boulevard  
Beaufort, South Carolina 29902

Mr. Anthony Gomez, III  
Mrs. Mary E. Gomez  
806 Broad River Boulevard  
Beaufort, South Carolina 29902

Mr. Travis Hutchings  
Mrs. Amy J. Hutchings  
810 Broad River Boulevard  
Beaufort, South Carolina 29906

Mr. Bruce K. Parker, Sr.  
Mrs. Mary Parker  
814 Broad River Boulevard  
Beaufort, South Carolina 29906

Mr. Albert L. Keeton  
Mrs. Donna Keeton  
790 Broad River Boulevard  
Beaufort, South Carolina 29906

Mr. Greg Brantley  
Mrs. Kenisah D. Brantley  
786 Broad River Boulevard  
Beaufort, South Carolina 29906

Mr. Emerson Dickson  
Mrs. Evelyn Dickson  
780 Broad River Boulevard  
Beaufort, South Carolina 29906

Mr. William H. Walker, Jr.  
Mrs. Deborah L. Walker  
776 Broad River Boulevard  
Beaufort, South Carolina 29906

Mrs. Linda Gomez  
Post Office Box 8034  
Beaufort, South Carolina 29903

Mr. Charles J. Brace  
Mrs. Meredith N. Brace  
693 Paige Drive  
Beaufort, South Carolina 29902

Mr. Charles E. Horton  
Mrs. Sharon J. Horton  
6803 Oakmont Drive  
Beaufort, South Carolina 29902

Mr. Michael L. Sapp  
Mrs. Marjorie H. Sapp  
694 Paige Drive  
Burton, South Carolina 29906

Mr. William Mark Fry  
Mrs. Elizabeth Ann Fry  
6810 Oakmont Drive  
Beaufort, South Carolina 29906

James F. Bauer Revocable Trust  
6806 Oakmont Drive  
Beaufort, South Carolina 29902

Mr. Benjamin J. Kiley  
Mrs. Rowena S. Kiley  
Post Office Box 45218  
San Diego, California 95145

Ms. Shirley Snyder  
6805 Elderberry Drive  
Beaufort, South Carolina 29906

Ms. Paula Christine Wright  
6807 Elderberry Drive  
Beaufort, South Carolina 29906

Mr. Raul Dominguez  
Mrs. Denise Dominguez  
6809 Elderberry Drive  
Beaufort, South Carolina 29902

Mr. Everett Lennex  
Mrs. Rosita Lennex  
6811 Elderberry Drive  
Beaufort, South Carolina 29902

Mr. John F. Dykeman  
Mrs. Carol F. Dykeman  
6813 Elderberry Drive  
Burton, South Carolina 29902

Mr. Warren J. Disbrow  
684 Royal Drive  
Beaufort, South Carolina 29902

Mrs. Brenda O'Shields  
6810 Elderberry Drive  
Beaufort, South Carolina 29906

Mr. James F. Farmer  
Mrs. Catherine B. Farmer  
6812 Elderberry Drive  
Beaufort, South Carolina 29906

Mr. Edward Canales  
Mrs. Caroline M. Canales  
696 Paige Drive  
Beaufort, South Carolina 29902

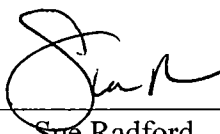
Mr. Clyde A. Sanders  
Mrs. Janet S. Sanders  
682 Royal Drive  
Beaufort, South Carolina 29906

Mr. Timothy D. Brouillette  
Mrs. Julie Lynn Brouillette  
681 Royal Drive  
Beaufort, South Carolina 29906

Mr. Robb B. Alexander  
Mrs. Bonnie M. Alexander  
6806 Elderberry Drive  
Beaufort, South Carolina 29906

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

MOSS, KUHN & FLEMING, P.A.

By:   
\_\_\_\_\_  
Sue Radford

LAW OFFICES

MOSS, KUHN & FLEMING P.A.

JAMES H. MOSS  
H. FRED KUHN, JR.  
CORY H. FLEMING\*

1501 North Street P.O. Drawer 507~Beaufort, South Carolina 29901-0507  
TELEPHONE 843-524-3373  
FAX 843-524-1302

\*ALSO MEMBER OF GA BAR

June 16, 2017

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

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SC Court of Appeals

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 Appellant's Initial Reply Brief and Appellant's Designation of Additional Matter to be Included in 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.



H. Fred Kuhn, Jr.

HFKjr:sr  
Enclosures

cc: Kenneth L. Tootle, Esquire  
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  
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Maxine L. Mathis  
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Linda Sue Richardson  
Dianna Huston  
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Michelle L. 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 Denise Dominquez  
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  
Shaky Pond, LLC

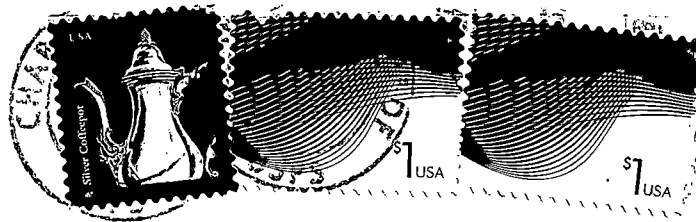
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MOSS, KUHN & FLEMING, P.A.

1501 North Street

P.O. Drawer 507

Beaufort, SC 29901-0507



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