

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM Horry COUNTY  
Court of Common Pleas  
Larry B. Hyman, Jr., Circuit Court Judge

Appellate Case No. 2017-001272  
Trial Court Case Nos. 2009-CP-26-10053 & 2009-CP-26-11862

Harleysville Group Insurance, a Pennsylvania corporation, ..... Appellant,

v.

Heritage Communities, Inc., a South Carolina corporation; Heritage Riverwalk, a South Carolina corporation; Buildstar Corporation, a South Carolina corporation; Riverwalk at Arrowhead Country Club Horizontal Property Regime; Riverwalk at Arrowhead Country Club Property Owners Association, Inc., a South Carolina corporation; National Surety Corp., and Tony L. Pope and Lynn Pope, individually and representing as a class all unit owners at Riverwalk at Arrowhead Country Club Horizontal Property Regime, ..... Defendants,

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SC Court of Appeals

Of whom Riverwalk at Arrowhead Country Club Horizontal Property Regime; Riverwalk at Arrowhead Country Club Property Owners Association, Inc., a South Carolina corporation; and Tony L. Pope and Lynn Pope, individually and representing as a class all unit owners at Riverwalk at Arrowhead Country Club Horizontal Property Regime, are, ..... Respondents.

Harleysville Group Insurance, a Pennsylvania corporation, ..... Appellant,

v.

Heritage Communities, Inc., a South Carolina corporation; Heritage Magnolia North, Inc., a South Carolina corporation; Buildstar Corporation, a South Carolina corporation; Magnolia North Horizontal Property Regime; Magnolia North Property Owners

Association, Inc., a South Carolina corporation, and  
National Surety Corp., ..... Defendants,

Of whom Magnolia North Horizontal Property Regime;  
and Magnolia North Property Owners Association, Inc.,  
a South Carolina corporation are, ..... Respondents.

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**Appellant's Designation of Matter for the Record on Appeal**

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Pursuant to Rule 209, SCACR, Appellant Harleysville Group Insurance designates the following material for inclusion in the record on appeal. Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to the appeal:

**ORDERS**

1. Orders denying leave to deposit funds pursuant to Rule 67, filed April 26, 2017 (filed in both 2009-CP-26-10053 – Riverwalk and 2009-CP-26-11862 - Magnolia North).
2. Amended Order denying Harleysville's Motion to deposit funds under Rule 67, SCRCR, filed May 31, 2017 (filed in 2009-CP-26-11862 - Magnolia North).
3. Amended Order denying Harleysville's Motion to deposit funds under Rule 67, SCRCR, filed June 7, 2017 (filed in 2009-CP-26-10053 - Riverwalk).
4. Final Order in 2009-CP-26-10053 (Riverwalk), filed March 5, 2013.
5. Final Order in 2009-CP-26-11862 (Magnolia North), filed March 5, 2013.
6. Order Denying Defendants' Post-Trial Motions and Granting Setoff in Riverwalk Actions, filed April 14, 2009.
7. Order Granting Defendants' Motion for Set Off in Magnolia North Action, filed December 1, 2009.

**VERDICT FORMS**

8. Verdict Forms in Riverwalk Actions, dated January 22, 2009.
9. Verdict Form in Magnolia North Action, dated May 20, 2009.

## **TRANSCRIPTS**

10. Hearing Transcript of March 28, 2017.
11. Hearing Transcript of May 25, 2017.

## **MOTIONS**

12. Motion for Leave to Deposit Judgment Amounts with the Court, filed March 7, 2017.
13. Memorandum in Opposition to Motion for Leave to Deposit Judgment Amounts with the Court, filed March 22, 2017.
14. Reply in Support of Motion for Leave to Deposit Judgment Amounts with the Court, filed March 27, 2017.
15. Motion to Alter or Amend the Order Denying Leave to Deposit Funds Pursuant to Rule 67, filed April 27, 2017.
16. Response to Motion to Alter of Amend the Order Denying Leave to Deposit Funds Pursuant to Rule 67 and Rule 59(e) Motion by the Judgment Creditors, filed May 1, 2017.

## **MISCELLANEOUS**

17. Harleysville's Proposed Order Granting Leave to Deposit Funds with the Trial Court, submitted April 3, 2017
18. Trial Exhibit 12 – Commercial General Liability Insurance Policies issued by Harleysville to Insureds.
19. Trial Exhibit 19 – Harleysville Four Policy Forms

***SIGNATURE PAGE ATTACHED***

Respectfully submitted,

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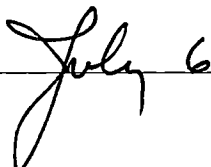
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*Attorneys for Appellant Harleysville Group Insurance*

Columbia, South Carolina

 July 6, 2017

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM Horry COUNTY  
Court of Common Pleas  
Larry B. Hyman, Jr., Circuit Court Judge

Appellate Case No. 2017-001272  
Trial Court Case Nos. 2009-CP-26-10053 & 2009-CP-26-11862

Harleysville Group Insurance, a Pennsylvania  
corporation,.....

Appellant,

v.

Heritage Communities, Inc., a South Carolina  
corporation; Heritage Riverwalk, a South Carolina  
corporation; Buildstar Corporation, a South Carolina  
corporation; Riverwalk at Arrowhead Country Club  
Horizontal Property Regime; Riverwalk at Arrowhead  
Country Club Property Owners Association, Inc., a  
South Carolina corporation; National Surety Corp., and  
Tony L. Pope and Lynn Pope, individually and  
representing as a class all unit owners at Riverwalk at  
Arrowhead Country Club Horizontal Property  
Regime, .....

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Defendants,

Of whom Riverwalk at Arrowhead Country Club  
Horizontal Property Regime; Riverwalk at Arrowhead  
Country Club Property Owners Association, Inc., a  
South Carolina corporation; and Tony L. Pope and  
Lynn Pope, individually and representing as a class all  
unit owners at Riverwalk at Arrowhead Country Club  
Horizontal Property Regime, are, .....

Respondents.

Harleysville Group Insurance, a Pennsylvania  
corporation,.....

Appellant,

v.

Heritage Communities, Inc., a South Carolina  
corporation; Heritage Magnolia North, Inc., a South  
Carolina corporation; Buildstar Corporation, a South  
Carolina corporation; Magnolia North Horizontal

Property Regime; Magnolia North Property Owners Association, Inc., a South Carolina corporation, and National Surety Corp., ..... Defendants,

Of whom Magnolia North Horizontal Property Regime; and Magnolia North Property Owners Association, Inc., a South Carolina corporation are, ..... Respondents.

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PROOF OF SERVICE

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I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Harleysville Group Insurance, a Pennsylvania corporation, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

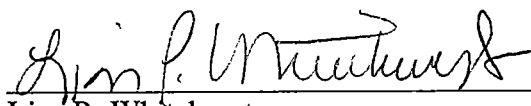
Pleadings:

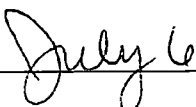
Appellant's Designation of Matter for the Record on Appeal

Counsel Served:

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\_\_\_\_\_  
Lisa P. Whitehurst  
Administrative Assistant

, 2017

# Nelson Mullins

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July 6, 2017

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
P.O. Box 11629  
Columbia SC 29211

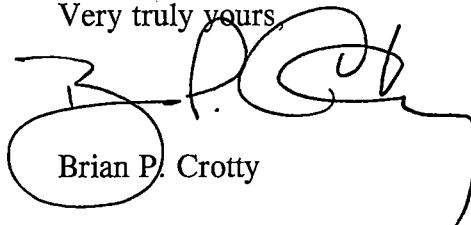
RE: Harleystown v. Heritage (Arrowhead)  
Appellate Case No. 2017-001272

Dear Ms. Kitchings:

Enclosed please find the original and one copy each of Appellant's Initial Brief and Appellant's Designation of Matter for the Record on Appeal in regard to the above-referenced matter. We would ask that you file the originals and return clocked-in copies to us via our courier.

By copy of this letter to counsel of record, we are serving them with copies of the brief and designation.

Very truly yours,



Brian P. Crotty

BPC:lpw

Enclosures

cc: John P. Henry, Esquire  
Philip C. Thompson, Esquire  
Laura Johnson Evans, Esquire