

IN THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

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Case No. 2014-CP-26-7264  
Appellate Case No. 2017-000471

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**RECEIVED**  
JUN 29 2017  
SC Court of Appeals

Gregory Duerk, Donald L. Duerk, Jr. and Deborah Duerk Tiller,.....Appellants,

v.

Geoffrey Duerk, Kristen Duerk and James M. Stewart,.....Respondents.

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

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Appellants Gregory Duerk, Donald L. Duerk, Jr. and Deborah Duerk Tiller hereby designate the following matter:

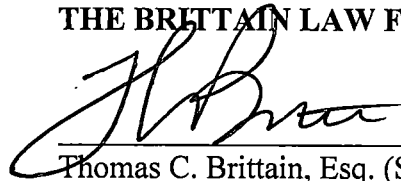
1. Appellants' Motion to Enjoin Transfer of Assets dated October 31, 2014.
2. Appellants' Motion to Join Additional Parties dated September 9, 2015.
3. Appellants' Motion to Enforce Agreement (Sanctions) dated November 2, 2015.
4. Appellants' Motion to Join Additional Parties dated January 19, 2016.
5. Appellants' Memorandum in Support of Motion to Join Additional Parties dated January 19, 2016.

6. Respondent James Stewart's Motion to Dismiss dated June 10, 2016.
7. Respondent James Stewart's Memorandum of Law in Support of Motion to Dismiss dated June 10, 2016.
8. Appellants' Memorandum in Opposition to Respondent James Stewart's Motion to Dismiss dated July 12, 2016.
9. Appellants' Motion to Reconsider Order of Dismissal as to James Stewart dated November 22, 2016.
10. Form 4 Order showing Motion to Enjoin resolved dated May 5, 2015.
11. Bench Order Denying without prejudice Appellants' Motion to Join Additional Party dated October 26, 2015.
12. Form 4 Order continuing Motion to Enforce Settlement dated January 25, 2016.
13. Form 4 Order Granting Appellants' Motion to Join Additional Parties dated February 22, 2016.
14. Form 4 Order Granting Motion to Dismiss by James Stewart dated November 9, 2016.
15. Form 4 Order Denying Appellants' Motion to Reconsider Order of Dismissal as to James Stewart dated January 10, 2017.
16. Summons and Complaint dated October 31, 2014.
17. Amended Summons and Complaint dated March 22, 2016.
18. Transcript of Record, Common Pleas Court, dated June 7, 2016.
19. Transcript of Record, Common Pleas Court, dated November 8, 2016.
20. Deposition Transcript of James Stewart dated December 1, 2015.  
p. 4 ll. 16-23; p. 5 ll. 3-21; p. 8 l. 11-p. 9 l. 2; p. 9 ll. 12-15; p. 10 l. 21-p. 11 l. 18; p. 14 l. 12-p. 15 l. 8; p. 16 ll. 9-13; p. 17 ll. 14-17; p. 21 l. 21-p. 22 l. 20
21. Affidavit of Expert Witness Clifford H. Tall dated July 10, 2016.
22. Email from office of Appellants' counsel to court dated May 5, 2015.
23. Correspondence from counsel for Appellant to counsel for Respondent Geoffrey Duerk dated May 15, 2015.

24. Email from office of Appellants' counsel to office of Respondent Geoffrey Duerk's counsel with proposed consent order dated June 16, 2015.
25. Email from office of Respondent Geoffrey Duerk's counsel to office of Appellants' counsel dated June 18, 2015.
26. Email from office of Appellants' counsel to office of Respondent Geoffrey Duerk's counsel dated August 6, 2015.

Respectfully submitted,

**THE BRITTAIN LAW FIRM, P.A.**



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Thomas C. Brittain, Esq. (SC Bar #893)  
4614 Oleander Drive  
Myrtle Beach, SC 29577  
843-449-8562 Telephone  
843-497-6124 Facsimile  
Attorney for Appellants

June 28, 2017  
Myrtle Beach, South Carolina

IN THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

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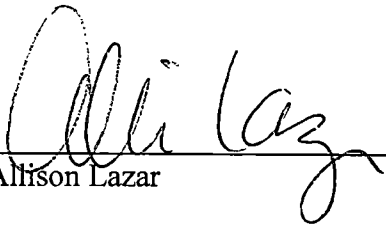
PROOF OF SERVICE

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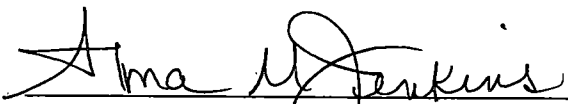
I, Allison Lazar, do hereby certify that I am an employee of THE BRITAIN LAW FIRM, P.A., attorneys for the Appellants Gregory Duerk, Donald L. Duerk, Jr. and Deborah Duerk Tiller in the above-entitled action, and that I have this 28<sup>th</sup> day of June, 2017, caused to be served upon the following parties **Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal** by depositing a copy of same in the United States Mail, with sufficient first class postage affixed thereto, addressed as follows:

William A. Bryan, Jr.  
Collins & Lacy, P.C.  
11945 Grandhaven Drive, Suite D  
Murrells Inlet, SC 29576

Jay M. Bultz  
Bultz Law Offices, PA  
417 79<sup>th</sup> Avenue North, Suite A  
Myrtle Beach, SC 29572

  
Allison Lazar

**SWORN AND SUBSCRIBED** before me  
this 28<sup>th</sup> day of June, 2017.

  
**NOTARY PUBLIC FOR SOUTH CAROLINA**  
My Commission Expires 5/2/2021

THE BRITTAIN LAW FIRM, P.A.

ATTORNEYS AT LAW  
4614 OLEANDER DRIVE  
MYRTLE BEACH, SOUTH CAROLINA 29577

THOMAS C. BRITTAIN  
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843-449-8562  
FAX 843-497-6124  
www.brittainlawfirm.com

June 28, 2017

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JUN 29 2017

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201


Re: Gregory Duerk, Donald L. Duerk, Jr. and Deborah Duerk Tiller v. Geoffrey Duerk,  
Kristen Duerk and James M. Stewart  
Appellate Case No. 2017-000471

Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of Appellants' Initial Brief, Designation of Matter to be Included in the Record on Appeal and Proof of Service in the above-referenced matter.

With warm regards, I am  
Yours truly,

THE BRITTAIN LAW FIRM, P.A.



Thomas C. Brittain  
TCB/all

cc: William A. Bryan, Jr., Esquire  
Jay M. Bultz, Esquire

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