

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

BURTON FIRE DISTRICT

Respondent,

vs.

CITY OF BEAUFORT

Appellant.

And

BURTON FIRE DISTRICT

Respondent,

vs.

TOWN OF PORT ROYAL

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AUG 28 2017

SC Court of Appeals Appellant.

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

The Respondent proposes 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 - Civil Action No.: 2013-CP-07-1463
5. Summons and Complaint - Civil Action No.: 2013-CP-07-1464
6. Summons and Complaint - Civil Action No.: 2009-CP-07-3020
7. City of Beaufort's Answer dated July 8, 2013
8. Town of Port Royal's Answer dated July 11, 2013

9. City of Beaufort's Motion for Summary Judgment dated October 15, 2013
10. Town of Port Royal's Motion for Summary Judgment dated October 16, 2013
11. Motion for Reconsideration dated November 3, 2016
12. Trial Transcript – January 26, 2016, with Exhibits
13. Trial Transcript – January 27, 2016, with Exhibits
14. Transcript of Hearing on Motion to Reconsider – December 9, 2016
15. Settlement Agreement, with Exhibits
16. Town of Port Royal Annexed Properties
17. City of Beaufort Annexed Properties
18. Email dated 03/10/10
19. Email dated 04/05/10
20. Email dated 04/10/10
21. Email dated 06/28/10
22. Letter dated 06/29/12
23. Payment Record
24. MCAS Tax Bill
25. Beaufort County Tax Bills
26. Financial Report – 06/30/11

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

Respectfully submitted,

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
August 23, 2017

Attorneys for the Respondent


CERTIFICATE OF SERVICE

Undersigned certifies that the Designation of 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, certified mail or by depositing a copy of same, enclosed in a first class, postpaid wrapper properly addressed to the attorney(s) of record:

Mary Bass Lohr, Esquire
Howell, Gibson & Hughes, P.A.
Post Office Box 40
Beaufort, South Carolina 29901

in a post office or official depository under the exclusive care and custody of the United States Postal Service, on August 24, 2017.

MOSS, KUHN & FLEMING, P.A.

By:  _____
Sue Radford

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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

August 24, 2017

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

RE: Burton Fire District v. City of Beaufort and Town of Port Royal
Appellate Case No.: 2017-000620

Dear Mrs. Kitchings:

Enclosed please find the original and one (1) copy of the Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal with regard to the above-referenced matter. I would appreciate your filing the same and returning a filed copy to me in the enclosed self-addressed stamped envelope.

With kindest regards, I am

Very truly yours,

MOSS, KUHN & FLEMING, P.A.



H. Fred Kuhn, Jr.

HFKjr:sr

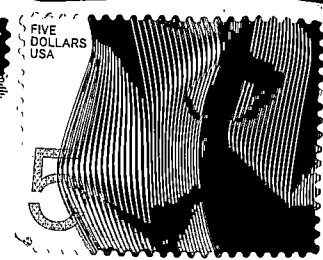
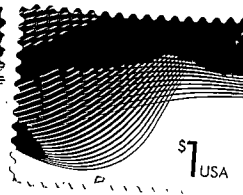
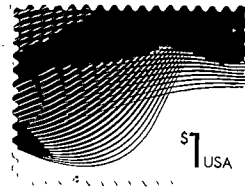
Enclosures

cc: Mary Bass Lohr, Esquire (w/enclosure)

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MOSS, KUHN & FLEMING, P.A.

ATTORNEYS AT LAW

1501 North Street

P.O. Drawer 507

Beaufort, SC 29901-0507

(843) 524-3373

HAN
Burtonfire

To:

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

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