

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

Case No.: 2014-CP-07-02670  
Appellate Court Case No. 2016-001113

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SEP 01 2017

SC Court of Appeals

Benjamin C. Gecy, River City Developers, LLC and River City Real Estate, LLC .....Appellants,

v.

Somerset Point at Lady's Island Homeowners Association, Inc., f/k/a Coosaw River Estates Homeowners Association, LLC, Hilton C. Smith, Jr., Coosaw Investments, LLC, Hilton C. Smith, Jr., Inc. of South Carolina, and Manorhouse Builders of South Carolina, LLC .....Defendants,

Of which Hilton C. Smith, Jr., Coosaw Investments, LLC, and Hilton C. Smith, Jr., Inc. of South Carolina are .....Respondents.

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**RESPONDENTS HILTON C. SMITH, JR., COOSAW INVESTMENTS, LLC, AND  
HILTON C. SMITH, JR., INC. OF SOUTH CAROLINA'S DESIGNATION OF MATTER**

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Pursuant to Rule 209, SCACR, Respondents, Hilton C. Smith, Jr., Coosaw Investments, LLC, and Hilton C. Smith, Jr., Inc. of South Carolina, designate the following items for including in the Record on Appeal:

1. Plaintiff's Complaint in *River City Developers, LLC v. Coosaw Investments, LLC, Hilton C. Smith, Jr., and Somerset Point at Lady's Island Homeowners Association, Inc. f/n/a Coosaw River Estates Homeowners Association, LLC*, Case No.: 2011-CP-07-03945, filed September 20, 2011.
2. Defendants' Answer and Somerset Point at Ladies Island Homeowners Association, Inc.'s Counterclaim, and Cross-Claim in *River City Developers, LLC v. Coosaw Investments, LLC, Hilton C. Smith, Jr., and Somerset Point at Lady's Island Homeowners Association, Inc. f/n/a Coosaw River Estates Homeowners Association, LLC*, Case No.: 2011-CP-07-03945, filed October 24, 2011.

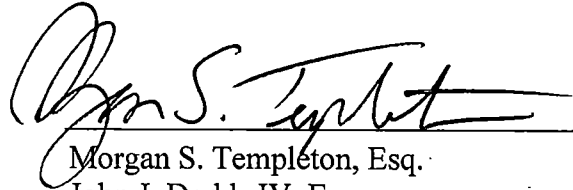
3. Notice and Certificate of Lien, filed by Somerset Point at Lady's Island Homeowners Association, Inc. on February 10, 2012.
4. Order of the Honorable Marvin H. Dukes, III Granting Motion to Strike Lis Pendens, filed February 15, 2012.
5. Somerset Point at Lady's Island Homeowners Association, Inc.'s Notice of Motion and Motion to Reconsider, filed February 17, 2012.
6. River City Developers, LLC's Motion to Strike Certificate of Lien, filed February 17, 2012.
7. Order of the Honorable Marvin H. Dukes, III Denying Motion to Strike Lien and Motion to Reconsider, filed April 6, 2012.
8. Coosaw Investments, LLC, Hilton C. Smith, Jr., and Somerset Point at Lady's Island Homeowners Association, Inc.'s Notice of Appeal, filed July 2, 2012.
9. Coosaw Investments, LLC, Hilton C. Smith, Jr. and Somerset Point at Lady's Island Homeowners Association, Inc.'s Motion to Withdraw Appeal, filed August 8, 2013.
10. Order of the South Carolina Court of Appeals Dismissing Appeal, filed August 12, 2013.
11. Plaintiffs' Complaint in *Benjamin C. Gecy, River City Developers, LLC, and River City Real Estate, LLC v. Somerset Point at Lady's Island Homeowners Association, Inc., f/k/a Coosaw River Estates Homeowners Association, LLC, Hilton C. Smith, Jr., Coosaw Investments, LLC, Hilton C. Smith, Jr., Inc. of South Carolina, and Manorhouse Builders of South Carolina, LLC*, Case No.: 2014-CP-07-02670, filed October 23, 2014.
12. Hilton C. Smith, Jr., Coosaw Investments, LLC, and Hilton C. Smith, Jr., Inc. of South Carolina's Partial Motion for Summary Judgment as to Malicious Prosecution and in the Alternative, a Motion to Stay and Amend, filed March 30, 2015.
13. Order of the Honorable Carmen T. Mullen Granting Hilton C. Smith, Jr., Coosaw Investments, LLC, and Hilton C. Smith, Jr., Inc. of South Carolina's Motion for Summary Judgment as to Malicious Prosecution, filed November 12, 2015.
14. Transcript of Hearing on Plaintiffs' Motion to Reconsider, March 31, 2016.
15. Form Four Order of the Honorable Carmen T. Mullen Denying Benjamin C. Gecy, River City Developers, LLC, and River City Real Estate, LLC's Motion to Reconsider, filed April 22, 2016.

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

Dated this 31<sup>st</sup> day of August, 2017.

Respectfully submitted,

WALL TEMPLETON & HALDRUP, P.A.

A handwritten signature in black ink, appearing to read "Morgan S. Templeton", written over a horizontal line.

Morgan S. Templeton, Esq.

John J. Dodds IV, Esq.

145 King Street (29401)

Post Office Box 1200

Charleston, South Carolina 29402

(843) 329-9500

***Attorneys for Respondents Hilton C. Smith,  
Jr.,***

***Coosaw Investments, LLC, and***

***Hilton C. Smith, Jr., Inc. of South Carolina***

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Of which Hilton C. Smith, Jr., Coosaw Investments, LLC, and Hilton C. Smith, Jr., Inc. of South Carolina are .....Respondents.

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**PROOF OF SERVICE**

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I, Morgan S. Templeton, of Wall Templeton & Haldrup, do hereby certify that I have served the Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal on counsel for Appellant, by depositing the same in the United States Mail, properly posted on August 21, 2017 addressed as follows to counsel of record:

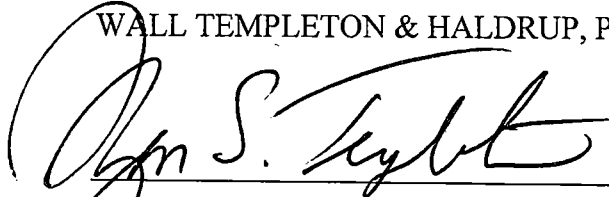
William G. Jenkins, Jr.  
Jenkins, Esquivel & Fuentes, PA  
Post Office Box 21307  
Hilton Head Island, South Carolina 29925  
[william@jenkins-esquivel.com](mailto:william@jenkins-esquivel.com)

Duke R. Highfield  
Young Clement Rivers  
25 Calhoun Street, Ste. 400  
Charleston, South Carolina 29401  
[dhighfield@yrcrlaw.com](mailto:dhighfield@yrcrlaw.com)

E. Mitchell Griffith  
Griffith Sharp & Liipfert, LLC  
Post Office Box 570  
Beaufort, South Carolina 29901  
[mgriffith@griffithsharp.com](mailto:mgriffith@griffithsharp.com)

Respectfully submitted,

WALL TEMPLETON & HALDRUP, P.A.

A handwritten signature in black ink, appearing to read "Morgan S. Templeton". The signature is written in a cursive style with a large initial "M".

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Morgan S. Templeton, Esq.

John J. Dodds IV, Esq.

145 King Street (29401)

Post Office Box 1200

Charleston, South Carolina 29402

(843) 329-9500

*Attorneys for Respondents Hilton C. Smith, Jr.,  
Coosaw Investments, LLC, and  
Hilton C. Smith, Jr., Inc. of South Carolina*



**Wall Templeton**  
ATTORNEYS

Morgan S. Templeton  
Telephone: 843.329.9500 Ext. 209  
Facsimile: 843.329.9501  
Morgan.Templeton@WallTempleton.com

August 31, 2017

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

Re: *Benjamin C. Gecy v. Somerset Point at Lady's Island HOA, et al*  
Civil Action No.: 2015-001238

Dear Madam Clerk:

Enclosed for filing, please find an original and two copies of Respondent's Initial Brief, along with Proof of Service and Respondent's Designation of Matter to be Included in the Record on Appeal. Please return a file-stamped copy to this office in the enclosed, self-addressed, stamped envelope.

Thank you for your assistance.

Sincerely,

WALL TEMPLETON & HALDRUP, P.A.

Morgan S. Templeton

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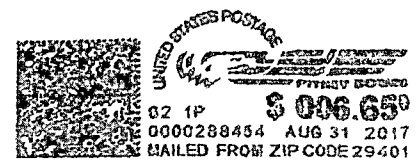
SEP 01 2017

**SC Court of Appeals**

MST/sjs

Enclosures

cc: William G. Jenkins, Jr., Esquire (w/ encl)  
Duke R. Highfield, Esquire (w/ encl)  
E. Mitchell Griffith, Esquire (w/ encl)



**FIRST CLASS MAIL**



**Wall Templeton**  
ATTORNEYS

145 King Street, Suite 300 (29401)  
Post Office Box 1200  
Charleston, South Carolina 29402

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