

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Willard D. Hanna, Jr., Special Referee

Case No. 2006-CP-22-422

Leon P. Butler, Jr. Respondent,

v.

William L. Wilson, a/k/a Billy Wilson Appellant.

AMENDED DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Howell V. Bellamy, Jr.
George W. Redman, III
**BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.**
1000 29th Avenue North
Post Office Box 357
Myrtle Beach, SC 29578-0357
(843) 448-2400
Attorneys of Record for Appellant

Other Counsel of Record:

Neil D. Wright, Esquire
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1304-B Azalea Court
Myrtle Beach, SC 29577
Telephone: (843-449-0781
Attorney for Respondent

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SC Court of Appeals

Appellant proposes the following be included in the Record on Appeal:

1. Consent Order for Change of Venue, April 18, 2006;
2. Consent Order of Reference to Special Referee with Authority to Enter Final Judgment, dated October 25, 2007;
3. Final Order Ending Action, filed April 1, 2009;
4. Order Granting Plaintiff's Motion to Alter or Amend Final Order Pursuant to Rule 60(A) SCRCF to Identify the Defendant as William L. Wilson a/k/a Billy Wilson and Denying Plaintiff's Motion to Reconsider and Alter or Amend Pursuant to Rules 52(B) and 59(E) SCRCF and Denying Defendant's Motion for Reconsideration Pursuant to Rule 59(E) SCRCF and Granting Defendant's Motion for Deposit of Funds with Clerk, filed August 23, 2011;
5. Complaint filed May 13, 2005;
6. Answer and Counterclaim of Defendant, filed June 7, 2006;
7. Plaintiff's Reply to Defendant's Counterclaim, filed July 7, 2006;
8. Deposition of Charley Ray, dated October 18, 2007, pp. 6, 9, 11, 12-13, 29-30 (*See* Trial Transcript, pp.28-35; 47-49);
9. Deposition of William L. Wilson, pp. 78, 86-90 (*See* Trial Transcript, p. 5);
10. Defendant's Trial Brief, dated October 25, 2007 (Trial Court's Exhibit 3);
11. Trial Transcript, dated October 26, 2007;
12. All Trial Exhibits from October 26, 2007 trial referenced in the Parties' briefs (chronologically ordered):
 - a. Buyer's Agent Disclosure, dated 5/24/96 (Defendant's Exhibit 2);
 - b. Ray Realty Multiple Listing Service data entry form, dated 5/24/96 (Defendant's Exhibit 9);
 - c. Survey dated February 24, 1998, and proposed letter of intent dated February 25, 1998 (Plaintiff's Exhibit 1);

- d. Documents concerning lease negotiations (Plaintiff's Exhibits 3, 4, 5, 6, 7, 8, 9, 10, and 11);
- e. Ground Lease Agreement, dated 5/15/98 (Plaintiff's Exhibit 12);
- f. Fax from Coffey, Chandler & Johnson to Ray Realty dated May 20, 1998 (Plaintiff's Exhibit 14);
- g. Coffey, Chandler & Johnson Invoice dated June 2, 1998 (Plaintiff's Exhibit 13);
- h. Tax payment invoice letter from Ray Realty, Inc. to Billy Wilson dated October 20, 1998 (Defendant's Exhibit 10);
- i. Rent invoice letter from Ray Realty to Kathy Powell, dated 5/1/00 (Plaintiff's Exhibit 15);
- j. Rent invoice letter from Ray Realty to Kathy Powell, dated 4/16/01 (Plaintiff's Exhibit 15);
- k. Horton Homes' check no. 3789 to Ray Realty in the amount of \$26,500.00, dated May 17, 2001 (Defendant's Exhibit 4);
- l. Modification letter from Ray Realty to Kathy Powell regarding payment, dated 5/22/01 (Plaintiff's Exhibit 5);
- m. Ray Realty check no. 1217 to Leon Butler for \$25,175.00, dated 5/22/01 (Defendant's Exhibit 6);
- n. Ray Realty rent invoice for \$25,000.00, dated 9/17/2001 (Plaintiff's Exhibit 30);
- o. Zoning permits for replacement sales office, dated 9/25/2001 (Plaintiff's Exhibit 18);
- p. Santee Cooper Reconnect Service Order, dated 09/26/2001 (Plaintiff's Exhibit 17);
- q. Horton Homes' check no. 4278 to Ray Realty in the amount of \$12,500.00, dated November 16, 2001 (Defendant's Exhibit 4);
- r. Horton Homes' check no. 4288 to Ray Realty in the amount of \$12,500.00, dated November 20, 2001 (Defendant's Exhibit 4);

- s. Ray Realty rent check #1272 to Leon Butler for \$23,750.00, dated 11/26/2001 (Plaintiff's Exhibit 31);
 - t. Horton Homes Inventory January 2002 (Defendant's Exhibit 11);
 - u. Santee Cooper Security Lighting Agreement, dated 02/12/2002 (Plaintiff's Exhibit 17);
 - v. Ray Realty rent invoice for \$50,000.00, dated 4/16/2002 (Plaintiff's Exhibit 21);
 - w. Billboard rents received July - December 2001 and January 2002 - June 2002 (Plaintiff's Exhibits 19 and 20);
 - x. Letter from Ray to Wilson, Demand to Vacate, dated 6/3/02 (Plaintiff's Exhibit 22);
 - y. Detail of Monthly Expenditures, all ending July 2002 (Defendant's Exhibit 3);
 - z. Santee Cooper Turn-Off Notice, dated 07/19/2002 (Plaintiff's Exhibit 17);
 - aa. Inetba Phone Service Invoice to Horton Homes, service ending July 2002 (Plaintiff's Exhibit 36);
 - bb. Letter from Wright to Wilson, notice of default, dated 10/26/02 (Plaintiff's Exhibit 24);
 - cc. Letter from Durant to Wright, confirmation of January non-renewal notice dated 10/31/02 (Plaintiff's Exhibit 23);
 - dd. Photographs of November 19, 2002 (Plaintiff's Exhibits 26-29);
- 13. Plaintiff's Post Trial Motions, November 2, 2007;
 - 14. Plaintiff's Trial Brief, November 2, 2007;
 - 15. Defendant's Post Trial Motions, _____, 2007;
 - 16. Defendant's Reply Brief, November 9, 2007;
 - 17. Plaintiff's Reply Brief, November 21, 2007;

18. Plaintiff's Rule 59 and Rule 60 Motion, _____;
19. Letter from Robert W. Maring to Special Referee Willard D. Hanna, Jr., dated February 18, 2009;
20. Email dated February 19, 2009 from Special Referee to counsel;
21. Transcript of Hearings of Post-Judgment Motions, dated June 2, 2009, pp. 10, 22-23, and 36-51;
 - a. Letter from Maring to Wright dated October 25, 2007 (*See* Transcript, pp. 22-23);
 - b. Plaintiff's initial draft of Proposed Final Order (Plaintiff's Hearing Exhibit 5);
22. Motion for Reconsideration, filed April 7, 2009.

Pursuant to Rule 209(c) of the *South Carolina Appellate Court Rules*, the undersigned certifies that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,

**BELLAMY, RUTENBERG, COPELAND,
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May 14, 2012

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v.

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PROOF OF SERVICE

I certify that I have served the **Amended Designation of Matter to be Included in the Record on Appeal** on the Respondent by depositing a copy of it in the United States Mail, postage prepaid, on May 14, 2012, addressed to his attorney of record, Neil D. Wright, Esquire, Barnett & Wright, P.A., 1304-B Azalea Court, Myrtle Beach, SC 29577.

**BELLAMY, RUTENERG, COPELAND,
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Dated: May 14, 2012

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**ALSO MEMBER OF NORTH CAROLINA BAR
***CERTIFIED MEDIATOR

May 14, 2012

VIA U.S. MAIL

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Leon P. Butler, Jr. V. William L. Wilson, a/k/a Billy Wilson
Appeal from Georgetown County; C/A No. 2006-CP-22-422
Case Tracking Number: 2011198586

Dear Ms. Kitchings:

We hope this letter finds you well. Enclosed for filing please find the originals one copy each of Amended Designation of Matter to be Included in the Record and Proof of Service, as well as a copy of the Proof Service, in the above-described matter. It would be appreciated if you would return a clocked copy of the Amended Designation of Matter to be Included in the Record on Appeal and Proof of Service to this office in the enclosed self-addressed, stamped envelope.

Should you have any questions, comments, or concerns, please do not hesitate to call.

With kindest regards, we are

Yours truly,

BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.



Howell V. Bellamy, Jr.
George W. Redman, III

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GWR:pk
Enclosures, as stated
cc: Neil D. Wright, Esquire
Client