

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Appellate Case No. 2017-001551
Lower Court Case No. 2008-CP-23-5739

RECEIVED

OCT 02 2017

SC Court of Appeals

Andrew P. Ballard.....Respondent,

v.

Tim Roberson, Rick Thoennes, Rick Thoennes, III,
and Warpath Development, Inc., Defendants,

Of Whom Rick Thoennes, III, is the.....Appellant.

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

Appellant Rick Thoennes, III, requests that the following documents be included in the Record on Appeal:

1. Complaint, July 30, 2008;
2. Answer; August 28, 2008;
3. Amended Complaint, August 25, 2009;
4. Amended Answer and Counterclaims, September 17, 2009;
5. Order of the Honorable Edward W. Miller, May 4, 2010;
6. Voluntary Petition, December 2, 2011;
7. Order of the Honorable Helen E. Burris, March 26, 2012;
8. Order of the Honorable Helen E. Burris, March 28, 2013;

9. Transcript of Valuation Hearing, August 6, 2013;
10. Post-Hearing Memorandum, August 16, 2013;
11. Order of the Honorable Edward W. Miller, October 3, 2013;
12. Motion to Stay Execution, January 9, 2014;
13. Order of the Honorable Edward W. Miller, March 27, 2014;
14. Rule to Show Cause, March 27, 2014;
15. Transcript of Rule to Show Cause Hearing, April 23, 2014;
16. Order Appointing Receiver of the Honorable Edward W. Miller, April 23, 2014;
17. Charging Order of the Honorable Edward W. Miller, April 23, 2014;
18. Complaint to Determine Dischargeability of a Debt, November 17, 2014;
19. Order of the Honorable Helen E. Burris, September 3, 2015;
20. Consent Order, October 28, 2015;
21. Motion to Determine the Portion of the Judgment Amount, September 21, 2016;
22. Transcript of Apportionment Hearing, January 27, 2017;
23. Memorandum in Opposition to Motion to Apportion, February 21, 2017;
24. Affidavit of Rick Thoennes, III, February 21, 2017;
25. Order of the Honorable Edward W. Miller, April 18, 2017;
26. Motion to Alter and/or Amend Judgment, April 28, 2017;
27. Order of the Honorable Edward W. Miller, July 14, 2017; and
28. Notice of Appeal, July 14, 2017.

The undersigned certifies that this designation contains no matter which is irrelevant to this appeal.

September 27, 2017

Respectfully submitted,



Adam C. Bach (SC Bar # 74885)
R. Hudson Smith (SC Bar # 101369)
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Attorneys for Appellant Rick Thoennes, III

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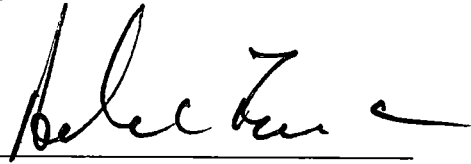
Of Whom Rick Thoennes, III, is the.....Appellant.

PROOF OF SERVICE

I certify that I have served Appellant's initial brief and designation of matter to be included in the record on appeal on the opposing party by depositing a copy of same in the United States Mail, postage prepaid, on this the 28th day of September 2017, addressed to the attorney(s) of record at the address(es) listed below:

Wallace K. Lightsey (S.C. Bar No. 6476)
William M. Wilson, III (S.C. Bar No. 15808)
Amos A. Workman (S.C. Bar No. 6231)
Wyche, P.A.
44 Camperdown Way
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Signature Page Follows



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September 28, 2017

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

OCT 02 2017

SC Court of Appeals

*Re: Andrew P. Ballard vs. Tim Roberson, Rick Thoennes, Rick Thoennes, III, and
Warpath Development, Inc.
Appellate Case No.: 2017-001551
C. A. No. 2008-CP-23-05739*

Dear Ms. Kitchings:

Enclosed please find the original and one copy of appellant's initial brief and designation of matter to be included in the record on appeal in the above-referenced case. Also enclosed is a proof of service for the same. We would appreciate your filing the original and returning a clocked copy to us in the envelope provided.

Thank you for your assistance, and please let us know if we may provide any additional information to you at this time.

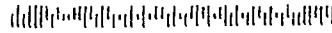
Sincerely,

ELLER TONNSEN BACH, LLC

Adam C. Bach

ACB/amp
Enclosures

cc: Attorneys for Respondents:
Wallace K. Lightsey
William M. Wilson, III
Amos A. Workman



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