

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

Case No. 2017-002095

RECEIVED
DEC 13 2017
SC Court of Appeals

Elizabeth Earley, John Earley, Lloyd Wilkins,
Henry Kerns, Margie Mills Kerns, Donna Pearson,
and Bruce Pearson,

Appellants,

v.

The City of Woodruff, SC, and the Terraces at
Woodruff, a South Carolina Limited Liability Company,
Respondents.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

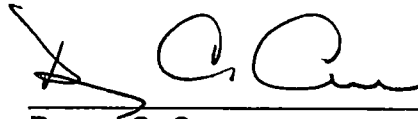
Respondents OBJECT to the inclusion in the Record of the Affidavits/Exhibits, including these that were excluded by the circuit court from its consideration. Respondents also OBJECT to the inclusion in the Record of the designated Zoning Ordinance excerpts, some of which were not filed with the circuit court or presented to the circuit court.

With the exception of those matters, Respondents designate, in addition to the other matter designated by Appellants, the following additional matter for inclusion in the Record on Appeal:

1. The Circuit Court Form 4C Order dated 2/24/17, pp. 1-2.
2. January 15, 2017 Hearing Transcript, pp. 1-23.

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

December 13, 2017



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PROOF OF SERVICE

I certify that I have served the Initial Brief of Respondents and the Designation of Matter to be Included in the Record on Appeal on all parties by causing a copy of it to be deposited in the United States Mail, postage prepaid, on December 13, 2017, addressed to all counsel of record, Nathan A. Earle, Esquire, 1541 Wade Hampton Boulevard, Suite E, Greenville, South Carolina 29609, and Michael A. Graham, Esquire, P.O. Box 433, Columbia, South Carolina 29202.

December 13, 2017



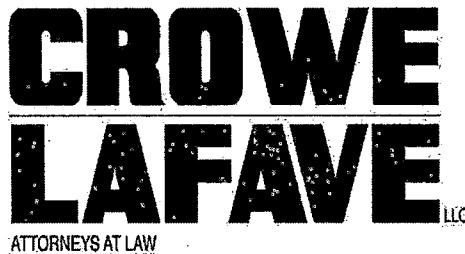
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Via Hand Delivery

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

RE: Elizabeth Earley, et al. v. The City of Woodruff, SC, et al.
Case No. 2017-002095

Dear Ms. Kitchings:

Please find enclosed for filing an original and one copy of the Initial Brief of Respondents, the Respondents' Designation of Matter to be Included in the Record on Appeal, and the Respondents' Proof of Service in the above-captioned matter. Once filing is complete, please return the clocked copies to the individual presenting them for filing.

By copy of this correspondence, I am hereby serving a copy of the Initial Brief of Respondents and the Designation of Matter to be Included in the Record on Appeal on all counsel.

With kind regards, I am

Sincerely yours,

Danny C. Crowe

DCC/dmb
Enclosures

cc: Nathan A. Earle, Esquire
Michael A. Graham, Esquire
Terry F. Clark, Esquire