

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Karl A. Folkens, Special Referee
Fifteenth Judicial Circuit

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FEB 01 2018
SC Court of Appeals

Case Nos. 2015-CP-26-1084 / 2013-CP-26-5530 (combined)
Appellate Case No. 2017-001646

Jericho State Capital Corp. of Florida,..... Plaintiff

v.

Chicago Title Insurance Company,.....Defendant

AND

Lynx Jericho Partners, LLC,..... Plaintiff

v.

Chicago Title Insurance Company,.....Defendant

Of whom Jericho State Capital Corp. of Florida and Lynx Jericho Partners, LLC
are the Appellants

and Chicago Title Insurance Company is theRespondent.

**RESPONDENT'S DESIGNATION OF MATTERS
TO BE INCLUDED IN THE RECORD ON APPEAL**

Respondent hereby designates the following matters to be included in the Record on
Appeal:

Pleadings, memoranda, briefs, affidavits, etc.

1. Plaintiffs' Motion for Summary Judgment (as to Liability Only) filed 5/19/2016.

2. Plaintiffs' Memorandum in Support of Plaintiffs' Motion for Summary Judgment (as to Liability Only) filed 5/19/2016.
3. Chicago Title Insurance Company's Memorandum of Law in Opposition to Plaintiffs' Motion for Summary Judgment (as to Liability Only) filed 7/11/2016.
4. Plaintiffs' Reply Memorandum dated 7/29/2016.
5. Chicago Title Insurance Company's Motion for Summary Judgment filed 8/23/2016.
6. Chicago Title Insurance Company's Memorandum of Law in Support of its Motion for Summary Judgment filed 8/23/2016.
7. Plaintiffs' Response to Chicago Title Insurance Company's Motion for Summary Judgment dated 8/28/2016.
8. Chicago Title Insurance Company's Reply Memorandum of Law in Support of its Motion for Summary Judgment filed 10/4/2016.

Chicago Title Insurance Company's Exhibits to Motions for Summary Judgment:

9. Exhibit 1: Plat (Book 215 at 81).
10. Exhibit 2: Deposition Transcript of David C. Turner of 7/14/2014.
11. Exhibit 3: Revised Preliminary Closing Checklist.
12. Exhibit 4: Zoning Verification Letter and Fax.
13. Exhibit 5: Foreclosure Complaint filed 6/8/2007 (Case No. 2007-CP-26-3579).
14. Exhibit 6: Hearing Transcript of 11/7/2007 related to foreclosure action; Case No. 2007-CP-26-3579); *Jericho All Weather Opportunity Fund, L.P., et al. vs. T & J Development of NMB, LLC, et al.*
15. Exhibit 7: Stipulation of Dismissal of Zoning Rescission Action filed 3/18/2010 (Case No. 2009-CP-26-9968).
16. Exhibit 8: Bankruptcy Court Order filed 2/3/2012 (Case No. 11-49803).
17. Exhibit 9: Engagement Agreement dated 10/22/2012.
18. Exhibit 10: Condemnation Notice and Amended Condemnation Notice (Case No. 2009-CP-26-11956).
19. Exhibit 11: Landowner's Responses to Condemnor's First Request to Admit dated 10/30/2012.
20. Exhibit 12: Hearing Transcript of 11/17/2014 related to condemnation action; Case No. 2009-CP-26-11956; *South Carolina Department of Transportation vs. Jericho State Capital Corporation of Florida, et al.*
21. Exhibit 13: Condemnation Judgment.
22. Exhibit 14: Jericho State Claim Letter dated 2/26/2009.
23. Exhibit 15: Lynx Jericho Claim Letter dated 6/21/2013.
24. Exhibit 16: Lynx Jericho First Supplemental Responses to Defendant's First Set of Interrogatories dated 10/22/2015 (2015-CP-26-1084).
25. Exhibit 17: Jayroe Appraisal of 6/9/2015.
26. Exhibit 18: Affidavit of J. Bushnell Nielsen dated 8/15/2014 with Exhibits 1-11 (Case No. 2011-CP-26-6449).
27. Exhibit 19: Affidavit of J. Bushnell Nielsen dated 2/1/2016 with Exhibits 1-13 (Case No. 2015-CP-26-1084).

28. Exhibit 20: Lyons v. Fidelity, et al. – motion to vacate opinion & order vacating opinion; Appellate Case No. 2016-000304.

Plaintiffs' Exhibits to Motions for Summary Judgment:

29. Exhibit 1: Ordinance 107-98.
30. Exhibit 2: Ordinance 153-99.
31. Exhibit 3: Ordinance 88-202.
32. Exhibit 4: Signed Sales Contract.
33. Exhibit 5: Deed (Deed Book 3132 at 779).
34. Exhibit 6: First Mortgage (Book 4629 at 255).
35. Exhibit 7: Second Mortgage (Book 4629 at 277).
36. Exhibit 8: 1st Loan Title Policy.
37. Exhibit 9: 2nd Loan Title Policy.
38. Exhibit 10: Foreclosure Order filed 11/7/2007 (Case No. 2007-CP-26-3579).
39. Exhibit 11: Master's Deed (Book 3317 at Page 969).
40. Exhibit 12: PPD Lawsuit/Complaint (Case No. 2009-CP-26-9968).
41. Exhibit 13: Condemnation Lawsuit (Case No. 2009-CP-26-11956).
42. Exhibit 14: Jayroe Appraisal as of 12/15/2009.
43. Exhibit 15: Haskall Appraisal as of 12/15/2009.
44. Exhibit 16: 1st Mortgage Assignment/MF08 Bankruptcy (Book 5336 at Page 3001).
45. Exhibit 17: Trustee Notice dated 1/8/2013.
46. Exhibit 18: Order Approving Sale from Bankruptcy Court filed 4/3/2013.
47. Exhibit 19: Operating Agreement of Lynx Jericho Partners dated 4/17/2013.
48. Exhibit 20: 1st Mortgage Assignment to Lynx (Book 5500 at Page 2940).
49. Exhibit 21: Condemnation Judgment, SCDOT Payments on 12/5/2014, and Payment to LAS.
50. Exhibit 22: Denial Letter – Jericho State dated 12/3/2009.
51. Exhibit 23: Denial Letter – Lynx Jericho dated 1/30/2015.
52. Exhibit 24: Deposition Transcript of Glenn Chwatt dated 4/3/2014.
53. Exhibit 25: Deposition Transcript of Scott Skivrsy dated 3/16/2016.
54. Exhibit 26: Gwinn Email dated 7/17/2006.
55. Exhibit 27: Letter from Horry County dated 5/15/2002.
56. Notice of Appeal filed 7/31/2017.

Orders.

57. Order Addressing Motions for Summary Judgment filed 7/10/2017.

Hearing Transcripts.

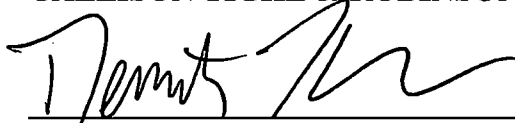
58. Hearing Transcript of 1/26/2017 related to Motions for Summary Judgment Including Exhibits:
Defendant's Exhibit A: Horry County, SC Code or Ordinances

1300. Administration and Enforcement
Plaintiffs' Exhibit A: Photograph
Plaintiffs' Exhibit B: Photograph
Plaintiffs' Exhibit C: Survey – Jericho State Capital of Florida

Rule 209 (c), SCACR Certification

I certify the foregoing Designation of Matters to be included in the Record on Appeal contains no matter which is irrelevant to this appeal.

CALLISON TIGHE & ROBINSON, LLC



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ATTORNEYS FOR RESPONDENT

February 1, 2018

THE STATE OF SOUTH CAROLINA
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APPEAL FROM HORRY COUNTY
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Karl A. Folkens, Special Referee
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Jericho State Capital Corp. of Florida, Plaintiff
v.
Chicago Title Insurance Company,Defendant

AND

Lynx Jericho Partners, LLC, Plaintiff
v.
Chicago Title Insurance Company,Defendant

OF WHOM:

Jericho State Capital Corp. of Florida and Lynx Jericho Partners, LLC
are the APPELLANTS

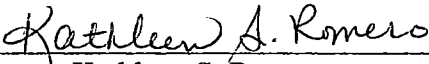
and

Chicago Title Insurance Company is theRESPONDENT.

CERTIFICATE OF SERVICE

I, Kathleen S. Romero, an employee of Callison Tighe & Robinson LLC, Attorneys for the Respondent, do hereby certify that, on this date, I caused to be served a copy of the **Initial Brief of Respondent** and a copy of **Respondent's Designation of Matters to be Included in the Record on Appeal** upon Appellants' counsel, by depositing a copy of the same in the United States mail, with proper first-class postage affixed thereon, addressed as follows:

C. Scott Masel, Esquire
Fred B. Newby, Esquire
Newby, Sartip, Masel & Casper, LLC
4593 Oleander Drive, Suite #100
P. O. Box 808
Myrtle Beach, SC 29578


Kathleen S. Romero

February 1, 2018

1020.566\Appeal\COS-Initial Brief

Demetri "Jim" K. Koutrakos

803.404.6900

JimKoutrakos@callisontighe.com

February 1, 2018

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
P. O. Box 11629
Columbia, SC 29201

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SC Court of Appeals

RE: Jericho State Capital Corp. of Florida vs. Chicago Title Insurance Company
Lynx Jericho Partners, LLC vs. Chicago Title Insurance Company
Appellate Case No. 2017-001646

Dear Ms. Kitchings:

Enclosed herewith please find an original and two (2) copies each of the Initial Brief of Respondent, Respondent's Designation of Matters to be Included in the Record on Appeal, and Certificate of Service in the above-referenced matter. Kindly file the same and return a clocked-in copy of each to the courier.

By copy of this letter, the enclosed Initial Brief, Designation of Matters, and Certificate of Service are being served upon Appellants' counsel.

Please feel free to contact my office with any questions.

With kind regards, I am

Sincerely yours,

CALLISON TIGHE & ROBINSON, LLC



Demetri "Jim" K. Koutrakos

DKK:ksr

Enclosures

cc (w/enc.): C. Scott Masel, Esquire
Fred B. Newby, Esquire

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