

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Deadra L. Jefferson, Circuit Court Judge
The Honorable Kristi Lea Harrington, Circuit Court Judge

Lower Court Case No. 2016-CP-10-1355
Court of Appeals Case No. 2017-001479

RECEIVED
MAR 07 2018
SC Court of Appeals

Carolina Construction Solutions,

Respondent,

v.

Eagles Landing Properties, LLC, Myron L. Hyman, Jr.,
Individually, and as Trustee of The Myron L. Hyman, Jr., - 1998
Trust, Under Agreement Dated June 30, 1998 As Amended, Eagles
Landing Restaurants, LLC, Eagles Landing International, LLC,
Elite Construction Company, and Vincent C. Carter,

Defendants,

Of Whom, Myron L. Hyman, Jr., Individually, and as
Trustee of The Myron L. Hyman, Jr., - 1998 Trust, Under
Agreement Dated June 30, 1998 As Amended,

Appellants.

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

The Respondent, Carolina Construction Solutions (hereinafter "CCS"), proposes the
following to be included in the Record on Appeal:

1. Notice of Appeal (Filed June 29, 2017);
2. Mechanic's Lien (Filed/Recorded January 7, 2016);
3. Summons and Complaint (Filed March 17, 2016);
4. Affidavit of Service on Defendants Eagles Landing Properties, LLC, Myron L. Hyman, Jr., Individually, and as Trustee of The Myron L. Hyman, Jr., - 1998 Trust, Under Agreement Dated June 30, 1998 As Amended, Eagles Landing Restaurants, LLC and Eagles Landing International, LLC (Filed April 22, 2016);

5. Correspondence to Hyman serving Affidavit of Default as to Defendants Myron L. Hyman, Jr., Individually, and as Trustee of The Myron L. Hyman, Jr., - 1998 Trust, Under Agreement Dated June 30, 1998 As Amended (Dated June 17, 2016);
6. Affidavit of Default as to Defendants Myron L. Hyman, Jr., Individually, and as Trustee of The Myron L. Hyman, Jr., - 1998 Trust, Under Agreement Dated June 30, 1998 As Amended (Filed June 20, 2016);
7. Motion for Entry of Default Judgment Against Defendants Myron L. Hyman, Jr., Individually, and as Trustee of The Myron L. Hyman, Jr., - 1998 Trust, Under Agreement Dated June 30, 1998 As Amended, Affidavit of Attorney Fees, updated Affidavit of Default, Form 4 and proposed Order of Default, and Rule 55(b)(3) SCRCP Certificate of Service (Filed March 15, 2017);
8. Certificate of Service (Motion for Entry of Default Judgment) (Filed March 20, 2017);
9. Eagles Landing's Motion to Dissolve Mechanic's Lien and Opposition to Motion for Default Judgment (Filed March 30, 2017);
10. Order of Default Judgment (Entered April 3, 2017);
11. Eagles Landing's Motion to Reconsider Order of Default (Filed April 17, 2017);
12. Motion to Set Aside Default and Motion to Dismiss (Filed May 17, 2017);
13. Memorandum in Support of Eagles Landing's Motion to Dissolve the Lien, Opposition to Motion for Default Judgment and Motion to Reconsider (Filed May 17, 2017);
14. CCS' Partial Response to Eagles Landing's Motion to Dissolve the Mechanic's Lien, Opposition to Motion for Default Judgment and Motion to Reconsider (Filed May 15, 2017);
15. May 17, 2017 motions hearing transcript;
16. Form 4 Order denying Hyman's and Eagles Landing's Motion to Reconsider Order of Default and Motion to Dissolve Mechanic's Lien (Entered June 2, 2017);
17. CCS' Proposed Order of Reference (Filed October 24, 2017);
18. Order of Reference (Entered November 9, 2017);
19. Hyman's Motion to Reconsider (Filed November 20, 2017);
20. Order denying Hyman's Motion to Reconsider (Entered February 8, 2018).

21. The Respondent designates the entire May 17, 2017 motions hearing transcript and all exhibits introduced and admitted at the hearings, and all motions, not otherwise identified above, but only insofar as the Court deems it necessary to inquire therein.

22. The Respondent designates all pleadings and motions of record in this matter filed with the Charleston County Court of Common Pleas and Court of Appeals.

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

(Signature appears on succeeding page)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alan Belcher, Jr.", written over a horizontal line.

Alan R. Belcher, Jr., Esquire, Bar No. 71686

111 Coleman Boulevard, Suite 301

Mt. Pleasant, South Carolina 29464

Telephone: (843) 720-3460

abelcher@hallboothsmith.com

*Attorney for Respondent Carolina Construction
Solutions*

Dated: March 6, 2018

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The Honorable Deadra L. Jefferson, Circuit Court Judge
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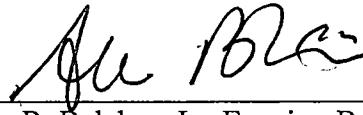
Appellants.

PROOF OF SERVICE

I certify that I have served the Respondent's Designation of Matter to be Included in the Record on Appeal upon Appellant by way of U.S. Mail, stamped First Class delivery, on March 6, 2017, addressed to Appellant's attorneys of record as follows:

Walker H. Willcox, Esquire
Willcox, Buyck & Williams, P.A.
P.O. Box 1909
Florence, South Carolina 29503-1909

(Signature appears on succeeding page)



Alan R. Belcher, Jr., Esquire, Bar No. 71686
Hall Booth Smith, P.C.
111 Coleman Boulevard, Suite 301
Mt. Pleasant, South Carolina 29464
Telephone: (843) 720-3460
abelcher@hallboothsmith.com
*Attorney for Respondent Carolina
Construction Solutions*

Dated: March 6, 2018

Alan Belcher | 111 Coleman Boulevard, Suite 301
P: (843) 720-3478 | Mount Pleasant, SC 29464
E: alan.belcher@hallboothsmith.com | W: www.hallboothsmith.com
P: (843) 720-3460 F: 843-720-3458

March 6, 2018

VIA FEDERAL EXPRESS PRIORITY OVERNIGHT

South Carolina Court of Appeals
Clerk of Court Office
ATTN: SHELBY SPENCER
1220 Senate Street
Columbia, South Carolina 29201

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RE: *Carolina Construction Solutions v. Eagles Landing Properties, LLC, et al.*
Lower Court Case No.: 2016-CP-10-1355
Court of Appeals Case No.: 2017-001479
HBS File No.: 7479.0005

Dear Ms. Spencer:

In accordance with Rule 208(a)(2) of the SCACR, enclosed please find the original and one copy of Initial Brief of Respondent and Designation of Matter to be Included in the Record on Appeal, as well as a Proof of Service for each, with regard to the above-referenced matter. Please file the original and return a clocked copy to our office in the enclosed self-addressed, stamped envelope. By copy of this letter we are serving counsel of record with the same.

Thank you for your assistance in this matter. If you have any questions or concerns, please do not hesitate to contact our office.

Very truly yours,



Alan R Belcher, Jr.

ARB/sb

cc: Walker H. Willcox, Esquire

ORIGIN ID:RBWA (843) 720-3460
JACK GRESH
JACK GRESH
111 COLEMAN BLVD
SUITE 301
MOUNT PLEASANT, SC 29464
UNITED STATES US

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BILL THIRD PARTY

TO **SHELBY SPENCER**
THE SOUTH CAROLINA COURT OF APPEALS
1220 SENATE STREET

COLUMBIA SC 29201

(803) 734-1890

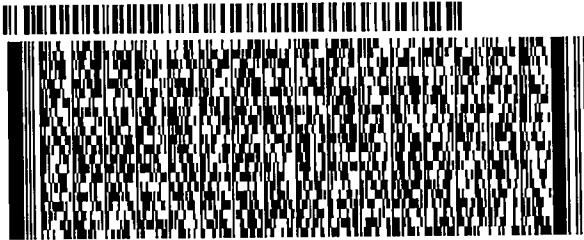
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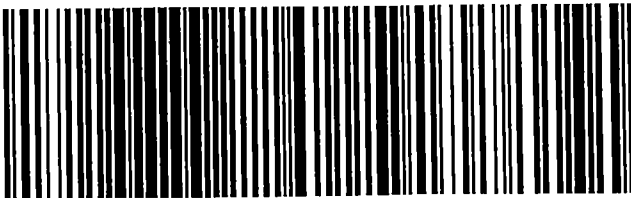
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