

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY  
COURT OF COMMON PLEAS

**RECEIVED**

MAR 12 2018

SC Court of Appeals

THE HONORABLE BROOKS P. GOLDSMITH, CIRCUIT JUDGE

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Case No. 2017-001775

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Mikell M. Henderson, .....Appellant,

vs.

Mikell R. Scarborough, individually and as Personal Representative of the Estate of Mary Ross Hanahan and Joseph Ross Henderson, ..... Defendants,

Of whom Mikell R. Scarborough, individually and as Personal Representative of the Estate of Mary Ross Hanahan, is the .....Respondent.

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

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Pursuant to Rule 209, South Carolina Rules of Appellate Procedure, Appellant Mikell M. Henderson proposes that the following be included in the Record on Appeal:

1. Order Granting Respondent's Motion for Summary Judgment as to Petitioner's Action to Try Title to Real Estate, dated May 30, 2017, filed June 1, 2017;
2. Order Denying Motion for Summary Judgment, dated May 30, 2017, filed June 1, 2017;
3. Order Denying Motion to Alter, Amend And/Or Reconsider Order Granting Respondent's Motion for Summary Judgment as to Petitioner's Action to Try Title to Real Estate, dated July 17, 2017, filed July 21, 2017;

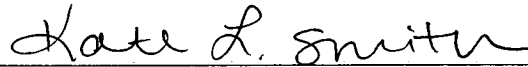
4. Order Granting Mikell R. Scarborough as Personal Representative's Motion for Removal, dated November 9, 2015;
5. Order Granting Mikell R. Scarborough's Motion for Removal, dated November 23, 2015;
6. Petition for Formal Testacy; to Try Title to Real Estate; for Removal and Appointment of Personal Representative and/or Appointment of Special Administrator; for Accounting by Former Attorney-in-Fact; and for Other Relief, filed September 2, 2015;
7. Respondent's Notice of Motion and Motion for Summary Judgment, filed September 13, 2016;
8. Memorandum Submitted on Behalf of Respondent in Support of Motions for Summary Judgment, filed April 19, 2017;
9. Plaintiff's Memorandum in Opposition to Respondents' Motion for Summary Judgment, dated May 16, 2017;
10. Transcript of Record of Hearing before the Honorable Brooks Goldsmith, May 18, 2017;
11. Transcript of the deposition of Mikell Scarborough, taken April 17, 2017;
12. Transcript of the deposition of Howard Christopher Moss, taken May 5, 2017.

*[continued on next page]*

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

This 9th day of March, 2018.

HUNTER, MACLEAN, EXLEY & DUNN, P.C.



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David M. Burkoff  
South Carolina Bar No. 100339  
Kate L. Smith  
South Carolina Bar No. 101959  
Attorneys for Appellant

200 E. Saint Julian Street  
Post Office Box 9848  
Savannah, GA 31412-0048  
(912) 236-0261

**CERTIFICATE OF SERVICE**

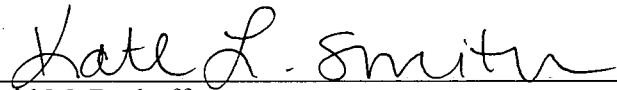
I hereby certify that I have this day served a copy of the within and foregoing  
**Designation of Matter to be Included in the Record on Appeal** upon all parties to this matter  
by depositing a true copy of same in the U.S. Mail, proper postage prepaid, properly addressed to  
the following:

Shirrese Brown Brockington, Esq.  
4 Carriage Ln, Ste. 304  
Charleston, SC 29202

Joseph S. Mendelsohn, Esq.  
P.O. Box 250  
Charleston, SC 29202

This 9th day of March, 2018.

HUNTER, MACLEAN, EXLEY & DUNN, P.C.



David M. Burkoff  
South Carolina Bar No. 100339  
Kate L. Smith  
South Carolina Bar No. 101959  
Attorneys for Appellant Mikell M. Henderson

200 East Saint Julian Street  
Post Office Box 9848  
Savannah, GA 31412  
(912) 236-0261

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**SC Court of Appeals**



HunterMaclean  
Attorneys at Law  
200 E. Saint Julian Street  
Post Office Box 9848  
Savannah, GA 31412-0048

**KATE LAWSON SMITH**  
Phone: 912.236.0261  
Fax: 912.236.4936  
www.huntermaclean.com  
ksmith@huntermaclean.com

March 9, 2018

**VIA FEDEX**

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

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**MAR 12 2018**

**SC Court of Appeals**

RE: *Mikell M. Henderson v. Mikell R. Scarborough, et al.*  
Case No. 2017-001775

Dear Ms. Kitchings:

Enclosed please find Brief of Appellant Mikell M. Henderson and Designation of Matter to be Included in the Record on Appeal. Please file these documents with the court and return file-stamped copies to me in the envelope provided.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Kate Lawson Smith

KLS/kj

Enclosure

cc: All Counsel of Record (via U.S. Mail)

ORIGIN ID: SAVA (912) 236-0261  
KATE L SMITH  
HUNTER MACLEAN EXLEY & DUNN  
200 EAST ST. JULIAN STREET

SAVANNAH, GA 31401  
UNITED STATES US

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TO JENNY ABBOTT KITCHINGS  
S.C. COURT OF APPEALS  
1220 SENATE STREET

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COLUMBIA SC 29201

(803) 734-1890

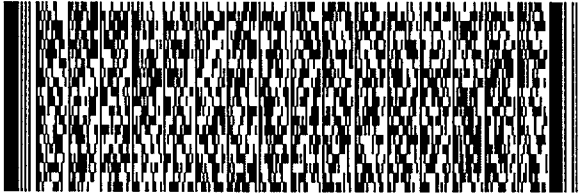
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SC Court of Appeals

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