

THE STATE OF SOUTH CAROLINA
In the Court of Appeal

APPEAL FROM HORRY COUNTY
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

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APR 04 2018

SC Court of Appeals

Case No. 2016-CP-26-00674
Case No. 2016-CP-26-00743
Case No. 2016-CP-26-00744
Appellate Case No. 2018-000041

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, Errol Dos Santos, and Jeffrey Richardson, on behalf of themselves and all other similarly situated, Plaintiffs,

v.

The Myrtle Beach resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Walter Jordan, Wayne Urban, Ken Perkins, and John Doe past board directors of The Myrtle Beach Resort Homeowners Association, Inc., Defendants;

And

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, and Errol Dos Santos, and Jeffrey Richardson, on behalf of themselves and all other similarly situated, Plaintiffs,

v.

K.A. Diehl and Associates, Inc., The Myrtle Beach resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Wayne Urban, Walter Jordan, Ken Perkins, and John Doe past board directors of The Myrtle Beach Resort Homeowners Association, Inc., Defendants,

And

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, Errol Dos Santos, and Jeffrey Richardson, individually in their capacity as derivative shareholders of Ocean Front Spa Horizontal Property Regime, Inc., Plaintiffs,

v.

Ocean Front Spa Horizontal Property Regime, Inc., Walter Jordan, Ralph Jump, Ray Coghill, John Doe past board directors of Ocean Front Spa Horizontal Regime, Inc., The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Wayne Urban, Ken Perkins, John Doe past board directors of the Myrtle Beach Resort Homeowners Association, Inc. and K.A. Diehl and Associates, Inc., Defendants,

Of whom Mark Dos Santos is the Appellant,

And

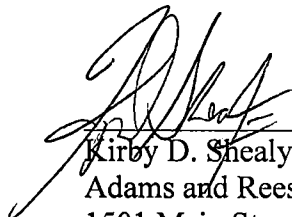
Ocean Front Spa Horizontal Property Regime, Inc., Walter Jordan, Ralph Jump, Ray Coghill, John Doe past board directors of Ocean Front Spa Horizontal Regime, Inc., The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Wayne Urban, Ken Perkins, John Doe past board directors of the Myrtle Beach Resort Homeowners Association, Inc. and K.A. Diehl and Associates, Inc. are the Respondents.

APPELLANT'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant proposes that the following be included in the Record on Appeal:

1. Complaints (all cases)
2. Defendants' Consolidated Motion for Preliminary Approval of Settlement Agreement filed July 3, 2017 (all cases);
3. Plaintiffs' Memorandum of Law in Opposition of Defendants' Consolidated Motion to Enforce Settlement/Motion for Preliminary Approval of Settlement Agreement filed July 26, 2017 (all cases);
4. Reply in Support of Defendants' Consolidated Motion for Preliminary Approval of Settlement Agreement filed August 7, 2017 (all cases);
5. Plaintiffs' Amended/Supplemental Memorandum of Law in Opposition of Defendants' Consolidated Motion to Enforce Settlement / Motion for Preliminary Approval of Settlement Agreement filed August 15, 2017 (all cases);
6. Order Granting Defendants' Motion to Enforce Settlement Agreement (all cases);
7. Plaintiffs' Motion to Reconsider the Order and Final Judgment filed September 29, 2017 (all cases);
8. Plaintiffs' Amended Motion to Reconsider the Order and Final Judgment filed October 2, 2017 (all cases);
9. Order Denying Plaintiffs' Motions to Reconsider entered by the trial court on December 7, 2017 (all cases);
10. Transcript of Hearing on Motion to Enforce Settlement, August 22, 2017.

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



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Attorneys for Appellant

April 4, 2018.

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And

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v.

K.A. Diehl and Associates, Inc., The Myrtle Beach resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Wayne Urban, Walter Jordan, Ken Perkins, and John Doe past board directors of The Myrtle Beach Resort Homeowners Association, Inc., Defendants,

And

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, Errol Dos Santos, and Jeffrey Richardson, individually in their capacity as derivative shareholders of Ocean Front Spa Horizontal Property Regime, Inc., Plaintiffs,

v.

Ocean Front Spa Horizontal Property Regime, Inc., Walter Jordan, Ralph Jump, Ray Coghill, John Doe past board directors of Ocean Front Spa Horizontal Regime, Inc., The Myrtle Beach

Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Wayne Urban, Ken Perkins, John Doe past board directors of the Myrtle Beach Resort Homeowners Association, Inc. and K.A. Diehl and Associates, Inc., Defendants,

Of whom Mark Dos Santos is the Appellant,

And

Ocean Front Spa Horizontal Property Regime, Inc., Walter Jordan, Ralph Jump, Ray Coghill, John Doe past board directors of Ocean Front Spa Horizontal Regime, Inc., The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Wayne Urban, Ken Perkins, John Doe past board directors of the Myrtle Beach Resort Homeowners Association, Inc. and K.A. Diehl and Associates, Inc. are the Respondents.

PROOF OF SERVICE

I certify that I have served the **Initial Brief of Appellant** and **Designation of Matter to be Included in the Record on Appeal** on Respondents by depositing a copy of said documents in the United States Mail, postage prepaid, on April 3, 2018, addressed to Respondents' attorneys of record as follows:

Philip A. Kilgore, Esq.
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Victoria Cordoni – Paralegal

April 4, 2018.

April 4, 2018

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VIA HAND DELIVERY

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

RE: *Jim Perkins, et. al., v. Ocean Front Spa Horizontal Property Regime, Inc., et. al.*
Appellate Case No.: 2018-000041

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter are the original and one copy of the Appellant's Initial Brief and Designation of Matter to Be Included in the Record on Appeal. Please file the originals and return the clocked-in copies to my courier delivering same. By copy of this letter, I am serving all counsel of record with the brief and designation of matter as set forth in the enclosed Proof of Service. Please call me if you have questions.

Sincerely,


Kirby D. Shealy III

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SC Court of Appeals

KDS/vmc
Enclosures

cc: Phillip Arthur Kilgore, Esq.
Lucas James Asper, Esq.
Henrietta U. Golding, Esq.
Andrew Preston Brittain, Esq.