

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
APPEAL FROM CHARLESTON COUNTY  
COURT OF COMMON PLEAS

**RECEIVED**  
APR 10 2018  
SC Court of Appeals

THE HONORABLE BROOKS P. GOLDSMITH, CIRCUIT JUDGE

\_\_\_\_\_  
Case No. 2017-001775  
\_\_\_\_\_

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.

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

Pursuant to Rule 209, South Carolina Rules of Appellate Procedure, Respondent Mikell R. Scarborough, individually and as Personal Representative of the Estate of Mary Ross Hanahan, 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 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;

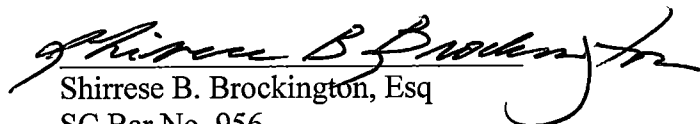
3. Petition for Formal Testacy; to Try Title to Real Estate; for Removal and Accounting of Personal Representative and/or Appointment of Special Administrator; for Accounting by Former Attorney-in-Fact; and for Other Relief, filed September 2, 2015;
4. Answer of Mikell Scarborough Individually and Counterclaim filed October 30, 2015;
5. Answer of Mikell Scarborough as Personal Representative for the Estate of Mary Ross Hanahan and Counterclaim filed October 30, 2015;
6. Respondent's Notice of Motion and Motion for Summary Judgment, filed September 13, 2016;
7. Memorandum Submitted on Behalf of Respondent in Support of Motions for Summary Judgment, with Attachments, filed April 19, 2017;
8. Supplemental Memorandum Submitted on Behalf of Respondent in Support of Motion for Summary Judgment as to Creation of MRH Family LLC and Related Documents, with Exhibits, filed May 16, 2017;
9. Transcript of Record of Hearing before the Honorable Brooks Goldsmith, May 18, 2017;
10. Transcript of the deposition of Mikell M. Henderson, with Exhibits, taken April 18, 2017
11. Transcript of the deposition of Mikell Scarborough, with Exhibits, taken April 17, 2017
12. Transcript of the deposition of Howard Christopher Moss, with Exhibits, taken May 5, 2017

13. Transcript of the deposition of Joseph Howard Yates, with Exhibits, taken May 5,  
2017

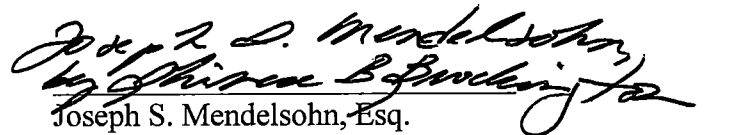
14. Last Will and Testament of Mary Ross Hanahan dated November 2, 1998

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

This 9th day of April, 2018

  
Shirrese B. Brockington, Esq  
SC Bar No. 956  
Attorney for Respondent, Individually

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 9, 2018, I emailed or mailed with first class postage affixed, or mailed by certified mail, return receipt requested, with first class postage affixed or by Federal Express, the **Designation of Matter to be Included in the Record on Appeal of Respondent Mikell R. Scarborough, individually and as Personal Representative of the Estate of Mary Ross Hanahan** to the below listed:

David M. Burkoff, Esq.  
Kate L. Smith, Esq.  
Attorneys for Appellant Mikell M. Henderson

Adam T. Silvernail, Esq.  
Attorney for Appellant Mikell M. Henderson

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SHIRRESE B. BROCKINGTON, ESQ.  
Attorney for Respondent Mikell R. Scarborough,  
Individually

and

JOSEPH S. MENDELSON, ESQ.  
Attorney for Respondent as Personal Representative  
for the Estate of Mary Ross Hanahan

Charleston, South Carolina  
Dated: April 9, 2018

SHIRRESE B. BROCKINGTON, ESQ.  
ATTORNEY AT LAW  
CERTIFIED MEDIATOR

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April 9, 2018

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The South Carolina Court of Appeals  
1220 Senate St.  
Columbia, SC 29201

Re: **MIKELL M. HENDERSON v. MIKELL R. SCARBOROUGH, et al.**  
**Appellate Case No. 2017-001775**

Dear Clerk:

Enclosed is the following:

- ✓ *Original & 1 copy of the Brief of Respondent Mikell R. Scarborough*
- ✓ *Original & 1 copy of the Designation of Matter to be Included in Record on Appeal*
- ✓ *Certificate of Service*

Please file the same and return clocked copies to me. Thank you.

Very truly yours,



Shirrese B. Brockington

SBB/loh

Enclosure(s)

cc: Mikell R. Scarborough  
David M. Burkoff, Esq.; Kate Lawson Smith, Esq.  
Adam T. Silvernail, Esq.  
Joseph S. Mendelsohn, Esq.

