

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

AUG 17 2018

SC Court of Appeals

Clifton B. Newman, Circuit Court Judge

Case No. 2014-CP-26-08136  
Appellate Case No. 2018-000597

The Greenbriar Condominium Association, Appellant-Respondent,

v.

Centex Homes, a Nevada General Partnership, Centex Construction Company, Inc., Centex Construction, LLC, Centex-Rooney Construction Co., Inc., Centex-Rodgers, Inc., Balfour Beatty Construction, LLC f/k/a Centex Construction, LLC, Right Way Construction, Inc., Right Way Group, Inc., RWG, Inc., RWGR, Inc., Craftmaster Manufacturing, Inc. d/b/a CMI, Martin Masonry, Inc., Gary Hunnell d/b/a Grand Strand Roofing, Stock Building Supply, LLC f/k/a Stock Building Supply, Inc., Stock Building Supply, LLC, f/k/a Carolina Builders Corporations, Morningstar Consultants, Inc., LPM Enterprises, Inc. f/k/a Loss Prevention Management, Inc. a/k/a Loss Prevention Managed Home Inspections, Inc., Jeld-Wen, Inc., successor to and/or merger with Craftmaster Manufacturing, Inc. d/b/a CMI, Elite Exteriors, LLC, and South Strand Landscaping, Respondents,

v.

Centex Homes, A Nevada General Partnership, Respondent-Appellants,

v.

Michael Dawson d/b/a Michael Dawson Construction, Inc., General Landscape Maintenance, LLC, Universal Forest Products Shoffner, LLC, Universal Forest Products, Inc., Universal Forest Products Eastern Division, Inc. n/k/a UFP Eastern Division, Inc., Weather Protection Systems, Inc., Grand Strand Roofing & Siding, Carolina Drywall & Interiors, Inc. a/k/a Carolina Drywall Contractors, Inc., Tri-City Insulation and Building Products of Myrtle Beach, Inc., American Residential Services, LLC, Thomas Heating & Cooling, Inc., JS Elite Flooring Company a/k/a JS Elite Tile Company, John Doe, Vance Johnson Plumbing Co., Inc., RJM Plumbing, Inc., Rice Planters Carpets, Inc. n/k/a Creative Touch Interiors, Inc., Floors, Inc. successor by merger to Rice Planter Carpets, Inc., The Martin Architectural Group, P.C., The Harman Group, Inc., f/k/a Cagley Harman & Association, Inc., Sunland Fire Protection, Inc., Cohen's Drywall Company,

Inc., Right Way Construction, Inc. a/k/a RWG, Inc. a/k/a Right Way Group, Inc. a/k/a RWGR, Inc., Builders FirstSource-Southeast Group, LLC, and Georgetown Construction Services, Inc., Respondents,

Of which Centex Homes, a Nevada General Partnership, Centex Construction Company, Inc., Centex Construction, LLC, Centex-Rooney Construction Co., Inc., Centex-Rodgers, Inc., Balfour Beatty Construction, LLC f/k/a Centex Construction, LLC are the Respondent/Appellants.

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**RESPONDENT-APPELLANTS' DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL**

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Thomas C. Hildebrand, Jr., Esquire  
William G. DesChamps, IV, Esquire  
Parker Poe Adams & Bernstein LLP  
200 Meeting St., Suite 301  
Charleston, SC 29401  
(843) 727-2650  
[tomhildebrand@parkerpoe.com](mailto:tomhildebrand@parkerpoe.com)  
[willedschamps@parkerpoe.com](mailto:willedschamps@parkerpoe.com)

Katon E. Dawson, Jr., Esquire  
Parker Poe Adams & Bernstein LLP  
1221 Main Street, Suite 1100  
Columbia, SC 29201  
(803) 253-6854  
[katondawson@parkerpoe.com](mailto:katondawson@parkerpoe.com)

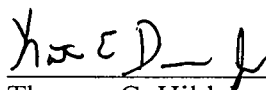
*Attorneys for Respondent-Appellants*

Centex Homes, a Nevada General Partnership, Centex Construction Company, Inc., Centex Construction, LLC, Centex-Rooney Construction Co., Inc., Centex-Rodgers, Inc., Balfour Beatty Construction, LLC f/k/a Centex Construction, LLC (collectively "Centex") by and through its undersigned counsel, propose the following be included in the Record on Appeal:

1. Order Denying Centex's Motion to Reduce the Verdict, Filed April 3, 2018;
2. Jury Verdict Form and Form 4 Order, Filed February 14, 2018;
3. Summons and Complaint, Filed December 9, 2014;
4. Centex's Answer, Cross-Claims and Third-Party Complaint, Filed January 26, 2015;
5. Transcript of the February 5-9, 2018 Trial;
6. Transcript of the March 6, 2018 Post-Trial Motions Hearing;
7. Centex's Motion to Reduce Judgment Based on Statute of Repose, Filed February 19, 2018;
8. Centex's Memorandum in Support of its Motion to Reduce Judgment based on Statute of Repose, Filed March 9, 2018;
9. Building Permits, Plaintiff's Exhibits 1-4;
10. Plaintiff's Repair Estimate, Plaintiff's Exhibit 9;
11. Centex's Expert Repair Estimates, Defendants' Exhibits 16-18;
12. The Certificate of Occupancy, dated September 22, 2005, Court Exhibit 1; and
13. The Certificate of Authenticity, dated September 22, 2005, Court Exhibit 2.

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

Respectfully Submitted,



Thomas C. Hildebrand, Jr., Esquire  
William G. DesChamps, IV, Esquire  
Parker Poe Adams & Bernstein LLP  
200 Meeting St., Suite 301  
Charleston, SC 29401  
(843) 727-2650  
[tomhildebrand@parkerpoe.com](mailto:tomhildebrand@parkerpoe.com)  
[willedschamps@parkerpoe.com](mailto:willedschamps@parkerpoe.com)

Katon E. Dawson, Jr., Esquire  
Parker Poe Adams & Bernstein LLP  
1221 Main Street, Suite 1100  
Columbia, SC 29201  
(803) 253-6854  
[katondawson@parkerpoe.com](mailto:katondawson@parkerpoe.com)

*Attorneys for Respondent-Appellants*

August 17, 2018

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v.

Michael Dawson d/b/a Michael Dawson Construction, Inc., General Landscape Maintenance, LLC, Universal Forest Products Shoffner, LLC, Universal Forest Products, Inc., Universal Forest Products Eastern Division, Inc. n/k/a UFP Eastern Division, Inc., Weather Protection Systems, Inc., Grand Strand Roofing & Siding, Carolina Drywall & Interiors, Inc. a/k/a Carolina Drywall Contractors, Inc., Tri-City Insulation and Building Products of Myrtle Beach, Inc., American Residential Services, LLC, Thomas Heating & Cooling, Inc., JS Elite Flooring Company a/k/a JS Elite Tile Company, John Doe, Vance Johnson Plumbing Co., Inc., RJM Plumbing, Inc., Rice Planters Carpets, Inc. n/k/a Creative Touch Interiors, Inc., Floors, Inc. successor by merger to Rice Planter Carpets, Inc., The Martin Architectural

Group, P.C., The Harman Group, Inc., f/k/a Cagley Harman & Association, Inc., Sunland Fire Protection, Inc., Cohen's Drywall Company, Inc., Right Way Construction, Inc. a/k/a RWG, Inc. a/k/a Right Way Group, Inc. a/k/a RWGR, Inc., Builders FirstSource-Southeast Group, LLC, and Georgetown Construction Services, Inc.

Of which Centex Homes, a Nevada General Partnership, Centex Construction Company, Inc., Centex Construction, LLC, Centex-Rooney Construction Co., Inc., Centex-Rodgers, Inc., Balfour Beatty Construction, LLC f/k/a Centex Construction, LLC are:

Respondent-Appellants.

PROOF OF SERVICE

I certify that I have served the **Respondent-Appellants' Designation of Matter to be Included in the Record on Appeal** by depositing a copy of same in the United States Mail, postage prepaid, on August 17, 2018, addressed to the following:

<p>Phillip W. Segui, Jr. Amanda M. Blundy SEGUI LAW FIRM, PC 864 Lowcountry Blvd., Suite A Mt. Pleasant, SC 29464 (843) 884-1865 Attorney for Appellant-Respondent</p>	<p>John T. Chakeris M. Abigail Young THE CHAKERIS LAW FIRM 231 Calhoun Street Charleston, SC 29401 (843) 853-5678 Attorney for Appellant-Respondent</p>
<p>Shaun W. Cranford CRANFORD LAW P.O. Box 50684 Columbia, SC 29250 (803) 779-6444 Attorney for Appellant-Respondent</p>	<p>Steven A. Meckler, Esquire Christian H. Staples, Esquire Shumaker, Loop &amp; Kendrick, LLP 101 S. Tryon Street, Suite 2200 Charlotte, NC 28280 (704) 945-2187 Attorney for Craftmaster Manufacturing, Inc. d/b/a CMI and Jeld-Wen, Inc., successor to and/or merger with Craftmaster Manufacturing, Inc. d/b/a CMI</p>

<p>Theodore Parker, III, Esquire  Jacqueline K. Dixon Phillips, Esquire  Carlton Bowers, Esquire  Parker Nelson &amp; Associates, Chtd.  211 King St., Suite 202  Charleston, SC 29401  (843) 727-2500  Attorneys for Stock Building Supply, LLC  f/k/a Carolina Builders Corporation and  Stock Building Supply, LLC f/k/a Stock  Building Supply, Inc.</p>	<p>E. Glenn Elliott, Esquire  Aiken, Bridges, Elliott, Tyler &amp; Saleeby, P.A.  P. O. Drawer 1931  Florence, SC 29503  (843) 669-8787  Attorney for Gary Hunnell d/b/a Grand Strand  Roofing and Grand Strand Roofing and Siding</p>
<p>Theodore L. Manos, Esquire  Michael Wright, Esquire  Robertson Hollingsworth Manos &amp; Rahn  550 King Street, Suite 300  Charleston, SC 29403  (843) 723-6470  Attorneys for Right Way Construction, Inc.,  Right Way Group, Inc., RWG, Inc., and  RWGR, Inc.</p>	<p>Sarah Elizabeth Wetmore, Esquire  Madison Suttie, Esquire  Carlock Copeland &amp; Stair  40 Calhoun St, Suite 400  Charleston, SC 29401  (843) 727-0307  Attorneys for The Harman Group, Inc.  f/k/a Cagley Harman &amp; Association,  Inc. and Weather Protection Systems, Inc.</p>
<p>Sharma Stephens, Esquire  W. Coleman Lawrimore, Esquire  Anderson Reynolds &amp; Stephens LLC  P.O. Box 87  Charleston, SC 29402  (843) 723-0185  Attorneys for Carolina Drywall and Interiors  a/k/a Carolina Drywall Contractors, Inc.</p>	<p>H. Mark Hamlet, Esquire  Nicole Slaughter, Esquire  Hamlet &amp; Associates, PLLC  5215 Junction Park Circle, Suite 202  Wilmington, NC 28412  (910) 777-5995  Attorneys for Vance Johnson Plumbing Co., Inc.</p>
<p>G. Troy Thames, Esquire  Ian Bowers, Esquire  Wilson Jones Carter &amp; Baxley, PA.  421 Wando Park Blvd., Suite 100  Mt. Pleasant, SC 29464  (843) 284-0694  Attorneys for Vance Johnson Plumbing Co., Inc.</p>	<p>David Black, Esquire  Howell, Gibson &amp; Hughes, P.A.  P.O. Box 40  Beaufort, SC 29901  (843) 522-2414  Attorney for Builders FirstSource-  Southeast Group, LLC</p>

<p>Christina A. Bisset, Esquire  McAngus Goudelock &amp; Courie, L.L.C.  P.O. Box 77368  Founders Centre, 2411 N. Oak Street,  Suite 401  Myrtle Beach, SC 29578  (843) 848-6000  Attorney for Sunland Fire Protection Inc.</p>	<p>Reed Teague, Esquire  John Rogers, Esquire  The Ward Law Firm, P.A.  233 South Pine Street  Spartanburg, SC 29302  (864) 573-8500  Attorney for JS Elite Flooring  Company a/k/a JS Elite Tile Company</p>
<p>James M. Saleeby, Jr., Esquire  Preston B. Dawkins, Jr., Esquire  Aiken, Bridges, Elliott, Tyler &amp; Saleeby, P.A.  P.O. Drawer 1931  Florence, SC 29503  (843) 669-8787  Attorneys for Morningstar Consultants, Inc.</p>	<p>Drew Butler, Esquire  John Horton Guerry, Esquire  Richardson Plowden &amp; Robinson, P.A.  40 Calhoun Street, Suite 220  Charleston, SC 29401  (843) 805-6550  Attorney for All Heating and Cooling  Service Corp.</p>
<p>Emily R. Gifford, Esquire  Richardson Plowden  P.O. Box 7788  Columbia, SC 29202  (803) 771-4400  Attorney for The Martin  Architectural Group, P.C.</p>	<p>Joseph S. McCue, Esquire  Collins &amp; Lacy, P.C.  P.O. Box 12487  Columbia, SC 29211  (803) 256-2660  Attorney for Tri-City Insulation and  Building Products of Myrtle Beach, Inc.</p>
<p>David R. Sligh, Esquire  Turner Padget Graham &amp; Laney, P.A.  P.O. Box 2116  Myrtle Beach, SC 29578  (843) 213-5500  Attorney for RJM Plumbing, Inc. and  Third Party Thomas, Inc., Improperly  Designated as Thomas Heating &amp; Cooling,  Inc.</p>	<p>K. Michael Barfield, Esquire  D. Summers Clarke, Esquire  Danyelle Young, Esquire  Barnwell Whaley Patterson &amp; Helms LLC  Post Office Drawer H  Charleston, SC 29402  (843) 577-7700  Attorneys for Georgetown Construction  Services, Inc.</p>
<p>Carrie A. Fox, Esquire  Aiken Bridges  P.O. Drawer 1931  Florence, SC 29503  (843) 669-8787  Attorney for General Landscape Maintenance</p>	<p>Nate Fata, Esquire  Fata Law  P.O. Box 16620  Surfside Beach, SC 29587  (843) 238-2676  Attorney for General Landscape Maintenance</p>

<p>Jeff Ross, Esquire  Philip P. Cristaldi, Esquire  Ross, Cangelosi &amp; Associates  1100 Queensborough Boulevard, Suite 201  Mt. Pleasant, SC 29464  (843) 329-4040  Attorneys for Martin Masonry, Inc.</p>	<p>Eugene P. Corrigan III, Esquire  Law Office of Eugene P. Corrigan, III, LLC  P.O. Box 1702  Charleston, SC 29402  (843) 327-7187  Attorney for Rice Planter Carpets, Inc. n/k/a  Creative Touch Interiors, Inc., Floors, Inc.  successor by merger to Rice Planter Carpets, Inc.</p>
<p>Bonum S. Wilson, III, Esquire  Brandon T. Reeser, Esquire  Wilson &amp; Heyward, LLC  P.O. Box 13177  Charleston, SC 29422  (843) 762-4567  Attorneys for Elite Exteriors, LLC</p>	<p>O. Carlisle Edwards, Esquire  McAngus Goudelock &amp; Courie, LLC  P.O. Box 650007  Mt. Pleasant, SC 29465  (843) 576-2900  Attorney for Cohen's Drywall Company, Inc.</p>
<p>Sarah E. Wetmore, Esquire  Clinton Magill, Esquire  Carlock, Copeland &amp; Stair, LLP  40 Calhoun Street, Suite 400  Charleston, SC 29401  (843) 727-0307  Attorneys for Michael Dawson d/b/a  Michael Dawson Construction, Inc.</p>	<p>James A. Bruorton, IV, Esquire  Timothy J.W. Muller, Esq.  Rosen, Rosen &amp; Hagood, LLC  P.O. Box 893  Charleston SC 29402  (843) 577-6726  Attorney for Universal Forest Products,  Shoffner, LLC, Universal Forest Products,  Inc., and Universal Forest Products Eastern  Division, Inc. n/k/a UFP Eastern Division, Inc.</p>
<p>Michael D. Freeman, Esquire  Griffith, Sharp &amp; Liipfert, LLC  P.O. Drawer 570  Beaufort, SC 29901  (843) 521-8801  Attorney for American Residential  Services, LLC</p>	<p>John K. Toay  215 Sugar Loaf Lane  Murrells Inlet, SC 29576  Pro Se Defendant LPM Enterprises, Inc.  f/k/a Loss Prevention Management, Inc.  a/k/a Loss Prevention Managed  Home Inspections, Inc.</p>

*Kat E D Jr*

Thomas C. Hildebrand, Jr., Esquire  
William G. DesChamps, IV, Esquire  
Parker Poe Adams & Bernstein LLP  
200 Meeting St., Suite 301  
Charleston, SC 29401  
(843) 727-2650  
[tomhildebrand@parkerpoe.com](mailto:tomhildebrand@parkerpoe.com)  
[willdeschamps@parkerpoe.com](mailto:willdeschamps@parkerpoe.com)

Katon E. Dawson, Jr. , Esquire  
Parker Poe Adams & Bernstein LLP  
1221 Main Street, Suite 1100  
Columbia, SC 29201  
(803) 253-6854  
[katondawson@parkerpoe.com](mailto:katondawson@parkerpoe.com)

Attorneys for Respondent-Appellant

August 17, 2018



Katon E. Dawson, Jr.  
Associate  
Telephone: 803.253.6854  
Direct Fax: 803.255.8017  
katondawson@parkerpoe.com

Atlanta, GA  
Charleston, SC  
Charlotte, NC  
Columbia, SC  
Greenville, SC  
Raleigh, NC  
Spartanburg, SC

August 17, 2018

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**Via Hand Delivery**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29211

Re: ***The Greenbrier Condominium Association v. Centex Homes, et. al.;***  
**Appellate Case No. 2018-000597**

Dear Mrs. Kitchings:

Enclosed are an original and one copy of Respondent-Appellants' Initial Brief and Respondent-Appellants' Designation of Matter to Be Included in the Record on Appeal, with Proofs of Service, in the above-referenced lawsuit. Please return file-stamped copies of each to my courier.

By copy of this letter, I am serving counsel for the other parties in the above captioned action with a copy of same.

Thank you for your attention to this request.

Sincerely,

Katon E. Dawson, Jr.

KED:bg  
Enclosures

cc: Counsel of Record

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