

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM HORRY COUNTY
Court of Common Pleas

AUG 22 2018

The Honorable Cynthia Graham Howe
Master-in-Equity, Fifteenth Judicial Circuit

SC Court of Appeals

Case No.: 2009-CP-26-620
Appellate Case No.: 2016-001075

Ellis E. Smith, individually and on behalf of A&E Constructors and Consultants, Inc., a South Carolina Corporation Plaintiffs

v.

Arthur Wayne Vereen , Park Place Properties of Myrtle Beach, LLC, Parkway Offices, LLC, Arthur Vereen Construction, Inc., Linda C. Vereen, Arthur W. Vereen, as Trustee of the Arthur W. Vereen Residence Trust, and Linda C. Vereen, as Trustee of the Linda C. Vereen Residence Trust, Defendants

And

Arthur Wayne Vereen, individually and on behalf of A&E Constructors and Consultants, Inc. and 29th Place Developers, Inc., Third-Party Plaintiffs

v.

E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc. and Ellis E. Smith, individually Third-Party Defendants

Of Whom Arthur Wayne Vereen, individually and on behalf of A&E Constructors and Consultants, Inc., Park Place Properties of Myrtle Beach, LLC, Parkway Offices, LLC, Arthur Vereen Construction Company, Inc., Linda C. Vereen, Arthur W. Vereen, as Trustee of the Arthur W. Vereen Residence Trust, Linda C. Vereen, as Trustee of the Linda C. Vereen Residence Trust and 29th Place Developers, Inc. Appellants

And

Ellis E. Smith, individually and on behalf of A&E Constructors and Consultants, Inc., a South Carolina Corporation and E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc. and Ellis E. Smith, individually Respondents.


**RESPONDENTS/THIRD-PARTY DEFENDANTS
E. SMITH AND SONS CONSTRUCTION, LLC,
EES CONSTRUCTION AND CONSULTING, INC.
AND ELLIS E. SMITH, INDIVIDUALLY'S
DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL**

Respondents/Third-Party Defendants propose the following to be included in the Record on Appeal.

1. Order of Master in Equity Cynthia Graham Howe dated March 23, 2015 – Judgment Against the Defendants Arthur W. Vereen, Individually and as Trustee of the Arthur W. Vereen Residence Trust, Linda C. Vereen, Individually, and as Trustee of the Linda C. Vereen Residence Trust, Park Place Properties of Myrtle Beach, LLC, Parkway Offices, LLC, and Arthur Vereen Construction Company, Inc., Jointly and Severally
2. Reply of Third-Party Defendants E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc. and Ellis E. Smith, Individually to Third-Party Complaint and Counterclaims dated August 24, 2009
3. Answer and Counterclaim of Defendants, Arthur Wayne Vereen, Park Place Properties of Myrtle Beach, LLC, Parkway Offices, LLC, Arthur Vereen Construction, Inc., and Linda C. Vereen dated March 12, 2009

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

August 22, 2018



THOMAS & BRITTAIN, P.A.
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Defendants*

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v.

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And

Arthur Wayne Vereen, individually and on behalf of A&E Constructors and Consultants, Inc. and 29th Place Developers, Inc., Third-Party Plaintiffs

v.

E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc. and Ellis E. Smith, individually Third-Party Defendants

Of Whom Arthur Wayne Vereen, individually and on behalf of A&E Constructors and Consultants, Inc., Park Place Properties of Myrtle Beach, LLC, Parkway Offices, LLC, Arthur Vereen Construction Company, Inc., Linda C. Vereen, Arthur W. Vereen, as Trustee of the Arthur W. Vereen Residence Trust, Linda C. Vereen, as Trustee of the Linda C. Vereen Residence Trust and 29th Place Developers, Inc. Appellants

And

Ellis E. Smith, individually and on behalf of A&E Constructors and Consultants, Inc., a South Carolina Corporation and E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc. and Ellis E. Smith, individually Respondents.

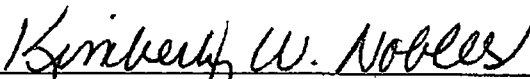
**RESPONDENTS/THIRD-PARTY DEFENDANTS
E. SMITH AND SONS CONSTRUCTION, LLC,
EES CONSTRUCTION AND CONSULTING, INC.
AND ELLIS E. SMITH, INDIVIDUALLY'S
PROOF OF SERVICE**

I, Kimberly W. Nobles, an employee of Thomas & Brittain, P.A., certify that I have served all counsel of record with a copy of the Respondents/Third-Party Defendants E Smith and Sons Construction, LLC, EES Construction and Consulting, Inc. and Ellis E. Smith, Individually's Designation of Matter to be Included in the Record on Appeal in the above-referenced matter by depositing a copy in the United States Mail, first class postage pre-paid on August 22, 2018.

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August 22, 2018



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August 22, 2018

VIA HAND DELIVERY AND FAX TRANSMISSIONThe Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211**RECEIVED**
AUG 22 2018
SC Court of AppealsRe: Appellate Case No.: 2016-001075
Ellis Smith v. Arthur Vereen, et al.

Dear Ms. Kitchings:

Please find enclosed for filing the following documents in the above-referenced matter:

1. Initial Brief of Respondents/Third-Party Defendants E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc. and Ellis E. Smith, Individually
2. Proof of Service for the Initial Brief
3. Respondents/Third-Party Defendants E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc. and Ellis E. Smith, Individually's Designation of Matter to be Included in the Record on Appeal
4. Proof of Service for the Designation of Matter.

Please return a clocked copy of the documents to our office in the enclosed self-addressed stamped envelope. Please do not hesitate to contact our office if you have any questions or require additional information.

Sincerely yours,

THOMAS & BRITTAIN, P.A.



J. Jackson Thomas

JJT/kwn

cc: Frank H. DuRant, Esquire
Julian W. DuRant, Esquire
Henrietta U. Golding, Esquire
James K. Gilliam, Esquire

Thomas & Brittain, P.A. **RECEIVED**

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AUG 22 2018
SC Court of Appeals

Fax Cover Sheet

From the Office of J. Jackson Thomas, Esquire

DATE: August 22, 2018
TO: Honorable Jenny Abbott Kitchings
Clerk for the S.C. Court of Appeals
FAX: (803) 734-1839
RE: Ellis Smith v. Arthur Vereen, et al.
Appellate Case No.: 2016-001075
Pages: 15 (including cover sheet)

MESSAGE:

Attached please find the Initial Brief of Respondents/Third-Party Defendants E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc. and Ellis E. Smith, Individually; Proof of Service for the Initial Brief; Respondents/Third-Party Defendants E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc. and Ellis E. Smith, Individually's Designation of Matter to be Included in the Record on Appeal; and Proof of Service for the Designation of Matter. The original documents are being hand-delivered to you today.

The information contained in this facsimile message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.