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October 30, 2018

Jenny Abbott Kitchings
The SC Court of Appeals
PO Box 11629
Columbia, SC 29211

South Carolina Office of Court Administration
1220 Senate Street, Ste. 201
Columbia, SC 29201

RE: Stacy Singletary, individually and as Personal Representative of Sheldon Singletary vs. Kelvin Shuler
Appellate Case No. 2018-001386

Dear Ms. Kitchings:

Please find enclosed an original and two copies of the following documents:

1. Initial Brief of Appellant;
2. Proof of Service of Initial Brief of Appellant;
3. Certificate of Counsel;
4. Appellant's Designation of Matter to be Included in the Record on Appeal; and
5. Proof of Service of Designation of Matter to be Included in the Record on Appeal.

Please file the original and return the clocked copies to me in the self address stamped envelope provided.

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

Sincerely,

Eduardo K. Curry

The Curry Law Firm, LLC
Eduardo K. Curry, Esquire

EKC/jld

cc: Marvin Oberman, Esq.

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY

Court of Common Pleas

The Honorable Diane S. Goodstein, Circuit Court Judge

Appellate Case No. 2018-001372

Common Pleas Case No.: 2016-CP-18-2123

Mary Greene Mackey.....Appellant

vs.

David Bevins .....Respondent

INITIAL BRIEF OF APPELLANT

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Attorney for Appellant

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Case Law

South Carolina Code of Laws

STATEMENT OF ISSUES ON APPEAL

A. Did the Court err by ruling in favor of Respondent's recent and disputed survey and not considering the eldest plat and survey?

B. Did the Court err as a matter of law by awarding attorney's fees and punitive damages as Respondent failed to prove by clear and convincing evidence that Appellant recklessly, willfully, or intentionally invaded Respondent's rights.

PROCEDURAL HISTORY

This action involves a dispute between the parties as to the correct boundary line between their neighboring properties. The appeal is from an Order dated June 15, 2018 and entered on June 21, 2018 of the lower court ruling in favor of the Respondent (ROA 2). Appellant received the Order on Monday, June 25, 2018.

The action was commenced in the Dorchester County Court of Common Pleas by the filing of Appellant's Summons and Complaint on November 4, 2016 and service upon the Respondent. (ROA 3). The Respondent filed an Answer and Counterclaim on January 30, 2017. (ROA 4). On March 2, 2017, the Appellant filed an Answer to Respondent's Counterclaim. (ROA 5). On February 5, 2018, a non-jury trial was held before the Honorable Diane S. Goodstein. An Order is issued on June 15, 2018 denying Motion for Summary Judgment, dismissing Appellant's causes of action with prejudice and granting judgment for Respondent against the Appellant in the sum of $18,925.00 and confirming the survey presented by Respondent as correct and binding. On July 23, 2018, Appellant filed a Notice of Appeal with the South Carolina Court of Appeals.

STATEMENT OF FACTS

The parties in this matter are neighbors and own adjacent tracts of land in a developed neighborhood known as Moss Pointe Subdivision. Appellant Mary Greene-Mackey, is a homeowner of real property located at 117 Robert Drive, Ladson, SC. Respondent David Bevins, is a neighboring homeowner of 113 Robert Drive, Ladson, SC. Both properties are located in Dorchester County, State of South Carolina.

On November 17, 1982, during the development stage of the neighborhood, which is now known as Moss Pointe Subdivision, Phase 3 of the newly developed subdivision was surveyed by Engineers of E.M. Seabrook, Jr., Inc., which was approved by the Dorchester County Planning Commission, and a plat of the neighborhood for Phase 3 was filed with the Dorchester County Register of Deeds Office on January 6, 1983, Plat Book D, Page 245. (ROA 6).

On November 18, 1982, Phase 4 of the newly developed subdivision was surveyed by the same Engineers of E.M. Seabrook, Jr., Inc., which was approved by the Dorchester County Planning Commission, and a plat of the neighborhood for Phase 4 was filed with the Dorchester County Register of Deeds Office on March 21, 1983, Plat Book D, Page 267. (ROA 7). Both plats identified the meets and bounds of each property in the neighborhood.

The Respondent purchased his property by deed on August 28, 2003, located at 113 Robert Drive, Summerville, SC, was developed during Phase 3 and identified by deed and plat as Lot 207, Moss Pointe, Phase 3, (ROA 6).

The Appellant purchased her property by deed from her daughter on January 22, 2015 located at 117 Robert Drive, Summerville, SC, which was developed during Phase 4 and identified by deed and plat as Lot 208. (ROA 7).

Those meets and bounds according to the original plats of the neighborhood have not been changed in the deeds records for the Dorchester County RMC office. At the time of purchase,

Appellant had a reasonable expectation that those meets and bounds would be the same as the original plat filed by the developer with the Dorchester County RMC office. (ROA 1 – Trial Transcript Pages 33 and 34).

Appellant also sought declaratory judgment against Respondent challenging the location of the property line between the Appellant's property and that of Respondent.

On January 30, 2017, Respondent filed an Answer and Counterclaim denying the Appellant's allegations and asserting that Appellant has trespassed upon Respondent's property. Respondent also seeks declaratory judgment against Appellant as to the location of the property lines.

In the lawsuit filed in this action, Appellant asserted that Respondent encroached and trespassed upon her property by constructing a fence beyond his meets and bounds and within the Appellant's property causing damage and alteration to her property.

Respondent alleges that Appellant encroached and trespassed upon his property by removing trees that he alleged were a part of his property.

Each party hired their own surveyor to review and measure the meets and bounds of their respective properties. (ROA 8 and 9). However, the new surveys failed to reflect the same meets and bounds as the original plat and deeds creating a disparity in the evidence.

On December 7, 2015, Respondent retained Associated Survey to measure and complete a survey of his property. In comparing the original plat filed November 17, 1982 to the survey of December 7, 2015, the discrepancies in the property lines were measured as follows:

	Subdivision Plat – Phase 3 November 17, 1982	Survey dated December 7, 2015 of David Bevins' Property (Lot 207)
Front of house – Road from Left to Right	**45.60' and 44.40'**	**45.27' and 44.40'**
Left Side	**110.98'**	**111.04'**
Right Side	**101.59'**	**101.54**
Back of house – Left to Right	**20.00'**	**19.96'**

(See ROA 6 and 8)

On September 6, 2017, Appellant retained Ashley Land Surveying to measure and complete a survey of her property. In comparing the original plat filed November 18, 1982 to the survey of September 6, 2017, the discrepancies in the property lines were measured as follows:

	Original Subdivision Plat – Phase 4 Filed March 21, 1983	Survey dated September 6, 2017
Front of house – Road from Left to Right	**55.00'**	**55.00'**
Left Side	**139.37' (this distance extends the property of Lot 207 and 205)**	**138.99'**
Right Side	**138.64'**	**138.32'**
Back of house – Left to Right	**55.00'**	**55.00'**

(See ROA 7 and 9).

In a bench trial held before this court on February 5, 2018, the parties presented evidence and testimony in support of their claims.

Appellant has testified and provided evidence that according to the original plats which were surveyed in 1982 and filed in 1983. In addition, both parties' Title to Property identifies the original plats in the legal descriptions which were filed and recorded upon purchase of their respective properties. (ROA 10 and 11). The deeds identify the original plats in the legal descriptions which were filed and recorded upon purchase of their respective properties.

Appellant attempted to enter her survey into evidence, however, Respondent argued that it had not been previously disclosed in discovery. Despite the objection, Respondent's counsel was given the opportunity to refer to, review, and question the survey during Appellant's testimony. (ROA 1, Trial Transcript Pages 30-33, 35-38, 44-45, 50-59). Therefore, the survey should have been allowed into evidence.

It is undisputed by both parties' testimony that the Appellant's survey was completed, that they both spoke with the surveyor, and that they were both informed by this surveyor that the rebars had been moved, thereby creating a discrepancy in the new measurements from the original plats filed in 1982 and 1983. (ROA 1, Trial Testimony Pages 52, 122).

During Respondent's testimony, his survey was entered into evidence, but he failed to provide expert testimony to show that the legal meets and bounds have been changed, provide written explanation, lawsuits, and/or testimony by any experts.

The Respondent failed to provide evidence and/or testimony to refute or explain any discrepancy of the surveys or the location of the trees. The Respondent failed to provide the surveyor who completed the survey of his property. The Respondent failed to provide documentation or expert testimony to identify any diminution in value of the land or the trees, the cost and the work and what he paid for the trees. Respondent gave an "estimate" of the damage to trees but no evidence of actual damages was submitted in trial. (ROA 1, Trial Transcript Pages 107-108).

Respondent also testified about making payments for attorney fees, but did not provide proof of payments, itemized statement, or an affidavit of attorney fees during his testimony or prior to the close of the trial.

The final ruling by the circuit court awarded the portion of the property in dispute to Respondent and a judgment to be paid by Appellant in the amount of Eighteen Thousand Nine Hundred Twenty-Five ($18,925.00) Dollars, of which includes damages as follows:

A. Replacement of fence $ 575.00

B. Replacement of three (3) trees, grind stumps and removal of debris of three (3) trees cut down $ 2,500.00

C. Cost of Surveys and Plats $ 350.00

D. Attorney Fees and Costs $14,500.00

E. Punitive Damages $ 1,000.00

(See ROA 2 – Order of June 15, 2018)

Appellant is seeking the judgment to be overturned and that an order be entered that due to the inconsistencies between the original plats and deeds and the more recent surveys, that the original plats filed in 1983 identifying the meets and bounds of the parties' properties are the proper identifications of the boundary lines.

In addition, based upon the elder plats, testimony and evidence, the trees and property that are the subject of the dispute are uncontrovertibly located inside of the meets bounds and legal description of Appellant. Appellant has made a prima-facie showing that the trees were on her property and that her property lines should be undisturbed pursuant to the original plats and descriptions from the deeds filed by the developer with the Dorchester County Register of Deeds,

on January 6, 1983, Plat Book D, Page 245 for Phase 3, and on March 21, 1983, Plat Book D, Page 267 for Phase 4.

LEGAL ARGUMENT

A. Did the Court err by ruling in favor of Respondent's recent and disputed survey and not considering the eldest plat and survey?

A boundary dispute is an action at law. Clements v. Young, 310 S.C. 73, 425 S.E.2d 63 (Ct. App. 1992), and the location of a disputed boundary line is a question of fact. Saluda Land & Lumber Co. v. Fortner, 162 S.C. 246, 160 S.E. 594 (1931). Because this question essentially determines the exact boundaries of these two properties and the land contained therein, the question naturally raises issues as to title and ownership, and therefore the question is legal in nature. Van Every v. Chinquapin Hollow, Inc., 265 S.C. 474, 219 S.E.2d 909 (1975). In an action at law, on appeal of a case tried without a jury, the findings of fact of the judge will not be disturbed unless found to be without evidence which reasonably supports the judge's findings. Townes Assocs. Ltd. V. City of Greenville, 266 S.C. 81, 221 S.E.2d 773 (1976); Bodiford v. Spanish Oaks Farms, Inc., 317 S.C. 539, 455 S.E. 2d 194 (S.C. App., 1995).

In every neighborhood development, a survey is completed and filed with the local Register of Deeds office. The developer of the neighborhood separates the property for development into lots which is approved by the local planning commission. The plats define and set apart the meets and bounds of each different parcels of land.

In this case, as evidenced by the original developer's plats, the tract of land was purchased by a real estate developer and divided for the purpose of developing a subdivision to be known as Moss Pointe. The development was divided into multiple phases, plots of land along with the

meets and bounds for each plot were identified. The plats were filed with the Dorchester County Record of Deeds Clerk. (ROA 6 and 7).

Therefore, the eldest title record filed with the clerk should remain as the true identity of the property lines. Reliance on an incorrect plat and survey as presented in this case by the Respondent cannot serve as a basis for gaining title to land under the law of South Carolina. See Marsh Plywood Corp. vs. Graham, 240 S.C. 486, 126 S.E.2d 510 (1962); 28 C.J.S., Ejectment, § 23, p. 877; Carr v. Mouzon, 86 S.C. 461, 68 S.E. 661 (1910).

In Marsh, the court held that, when both parties claim title under a common source, in so far as record title is concerned, the elder or better title will prevail. Marsh Plywood Corp. vs. Graham,126 S.E.2d 510 (S.C. 1962). In other words, the oldest deed, plat, or survey recorded is the controlling document. Although the defendants claimed they gained their land by adverse possession, based upon an erroneous plat recorded later in the title history. Subsequent plats carried the error forward into the title record. Upon appeal, the court held that the plaintiffs were, in fact, the owners of title because their title was based upon the most senior recorded title, i.e., the oldest plat on record. That plat revealed their property lines to be the correct ones and showed the subsequent plat of 1925 to be in error.

The pleadings placed in issue the title to the disputed area and the burden was upon the plaintiff to prove paramount title to the land. The action is one of trespass to try title and the plaintiff must recover, if at all, on the strength of his own title. Lynch v. Lynch, 236 S.C. 612, 115 S.E.2d 301 (1960).

At the trial of this case at hand, both parties testified as to their privately obtained suveys. Respondent did not offer an expert witness or certified surveyor to confirm the accuracy of the survey. In addition, both parties testified that the surveyor hired by Appellant stated that the rebars

had been moved and that there was a discrepancy between the original plats and his measurements. (ROA 1 – Trial Transcript Pages 52, 122).

In the alternative, should the court question even the earliest plat, the Court then has the discretion to order a new survey by an Engineer to remove any doubt of the property lines. Moreover, S.C. Code Ann. § 27-1-20 states that if any cause be pending in any circuit court or within its jurisdiction wherein the title or boundaries of lands shall be brought into dispute, the judge of the court shall appoint surveyors at the nomination of the parties, to survey such lands, at the charge of such parties, and to return such survey, on oath, at the next sitting of the court. S.C. Code Ann. § 27-1-20. In case either of the parties shall refuse to nominate a surveyor duly sworn and qualified, the court shall proceed to nominate two or more such surveyors, as it shall think fit, in order for the better finding out and discovering the truth of the matter in difference. S.C. Code Ann. § 27-1-30. If the court shall acquiesce in the return of the surveyors so given in on oath as aforesaid it shall be allowed as evidence. Id.

Nevertheless, the Court's error would reasonably be deemed harmless if the Court had followed the law in accordance to S.C. Code Ann. § 27-1-30, by appointing at least two surveyors who would testify on oath, in order for the survey to be entered into evidence. However, the Court failed immeasurably by permitting Respondent's survey to be entered into evidence without having the surveyor who conducted the survey testify on oath to the evidence presented as required by law. Here, the court heavily relied and accepted testimony from Respondent, who openly admitted to the Court that he was not a professional to answer the questions regarding the survey he had performed. (ROA 1, Trial Transcript Page 128). Thus, the evidence should not have been allowed into evidence. However, because Respondent's survey was permitted to be entered into evidence, the evidence relied upon by the Court should be constituted as some influence outside the evidence, since the Court's heavily relied on Respondent's survey before issuing a final ruling.

To add, because the Court disallowed Appellant's survey from being entered into evidence, the final ruling can reasonably be found to be prejudicial to Appellant. Therefore, by the court permitting Respondent's survey to be entered into evidence without having the surveyor who conducted the survey testify on oath S.C. Code Ann. § 27-1-30 was violated.

Normally, an action to determine a property line is at action at law. Coker v. Cummings, 381 S.C. 45, 671 S.E.2d 383 (Ct. App. 2008). However, a court may act in equity to settle and fix a boundary line between adjoining landowners when there is an inadequate remedy of law and when there is confusion or alteration alleged with regard to the boundary line. Little v. Little 223 S.C. 332, 75 S.E.2d 871 (1953); Knotts v. Knotts, 191 S.C. 253, 1 S.E.2d 809 (1939). The trial court failed to consider all evidence, including the eldest plats which were presented by both parties and failed to provide just and fair ruling to both sides.

Under state law, it is the legal responsibility of both property owners to ensure that their property lines follow the actual demarcations expressly stated in their respective deeds and legal papers. A reliance on an incorrect plat and survey cannot serve as a basis for gaining title to land under the law of South Carolina.

When both parties claim title under a common source, in so far as record title is concerned, the elder or better title will prevail. See Marsh Plywood Corp. vs. Graham, 126 S.E.2d 510 (S.C. 1962).

In this instance, the trial court abused its discretion by failing to adhere to the governing laws that applied to case at hand, in order for the better finding out and discovering the truth of the matter in difference. To begin, premised on S.C. Code Ann. § 27-11-20 the lower court erred by disregarding Appellant's registered tax deed, which by law permitted Appellant to quietly and peaceably have, hold, use, occupy, possess and enjoy her property. Because State law honors and acknowledges Appellant's original deed, the lower court erred because the Appellant's registered

deed should have taken precedent to Respondent's unregistered survey. However, the Court allowed Respondent's unverified survey supersede in this matter. Additionally, on cross-examination Respondent stated that he too received the deed which was identical to the deed he originally received upon purchasing his property in 2003. (ROA 1 - Trial Transcript p.114) Therefore, because Appellant and Respondent both received and relied on the same deed upon purchasing their respected properties, the trial court erred as a matter of law since Respondent's unregistered survey controlled the Court's decision.

Therefore, this Court erred by failing to rely upon the original plats filed in 1983 identifying the meets and bounds of the parties' properties. It is clear based on testimony and the original plats filed with the RMC Office by the developer of the neighborhood, the trees and property that are the subject of the dispute are uncontrovertibly located inside of the meets bounds and legal description of Appellant. Appellant has made a prima-facie showing that the trees were on her property and that her property lines should be undisturbed pursuant to the original plats and descriptions from the deeds filed by the developer with the Dorchester County Register of Deeds, on January 6, 1983, Plat Book D, Page 245 for Phase 3, and on March 21, 1983, Plat Book D, Page 267 for Phase 4. (ROA 6 and 7).

B. Did the Court err as a matter of law by awarding attorney's fees and punitive damages as Respondent failed to prove by clear and convincing evidence that Appellant recklessly, willfully, or intentionally invaded Respondent's rights.

Punitive damages and attorney fees may be awarded for trespass when a defendant's acts have been willful, wanton or in reckless disregard of the rights of another. Wimberly v. Barr, 359 S.C. 414, 423, 597 S.E.2d 853, 858 (Ct. App. 2004). The measurement of punitive damages necessarily depends on the jury's view of the facts giving rise to liability. Stroud v. Elliott, 316 S.C. 242, 449 S.E.2d 261 (Ct. App. 1994). It requires the jury to assess the quality of the acts

creating liability and the degree to which those acts are culpable. Id. Common questions of fact underlie both the liability and the damages aspects of a case. Id.

In Stroud, the landowners sought damages against the trespassers for timber cut and removed from property to which both parties claimed title. On trial, the jury returned a verdict for the landowners and awarded them actual and punitive damages. However, on appeal, the Court reversed the decision because the jury's actual damages award was contrary to the evidence of actual damages. There, because the only evidence before the jury concerning the damages caused by the alleged trespass was the testimony of a consulting forester and rural appraiser, who testified that the value of the timber removed from the property was $ 25,000 less than the amount of the jury's award.

Turning to the case at hand, in order for a party to recover punitive damages for trespass under State law there first must be a conviction against the party whom the claim is asserted against. Here, the trial record makes clear that the police were called out to the parties' separate residents on four different occasions expressly for trespassing, but at no point was either party ever arrested. As both parties affirmed, upon officers arriving to their respected residence, Appellant presented the tax deed and plat which she received upon purchasing the property from her daughter. (ROA 1, Trial Transcript Page 100, 111).

Premised on Appellant's registered tax deed and plat, the police lacked grounding to arrest Appellant for cutting down trees, which based on Appellant's evidence, depicted that the trees belonged to Appellant. Thus, because S.C. Code Ann. § 17-13-30 expressly grants police the right to arrest a person who commits trespass after notice in the officer's presence, but no arrests were made, it cannot be supported that Appellant's acts comported to be either willful, wanton or in reckless disregard of the rights of another, which is necessary to support an award for punitive damages.

Furthermore, in reliance of the Appellate Court's decision rendered in Stroud, this Court should overturn and reverse the trial court's decision, because like in Stroud, Respondent's actual damages award was contrary to the evidence of actual damages. In trial, the Court heavily relied on the testimony provided by Respondent to affirm the estimates for punitive damages, as no corroborating testimony or additional evidence to show forth actual damages outside of pictures was rendered to the Court.

In detail, Respondent stated that the estimate to repair the fence was approximately $575, but then testified that he only paid $85 in actual cost for the repairs creating a conflict in his own testimony. (ROA 1 - Trial Transcript Pages 117-118)

As to attorney's fees, it was admitted that Respondent was never given an hourly rate for his attorney nor was a statement itemizing the attorney's work on the case ever provided to Respondent or the Court. (ROA - Trial Transcript Page 125). In fact, no evidence of payments, contracts or affidavits as to the attorney fees were submitted into evidence prior to the close of the trial.

The following six factors should be considered when determining reasonable attorney's fees: (1) the nature, extent, and difficulty of a case; (2) the time necessarily devoted to a case; (3) professional standing of counsel; (4) contingency of compensation; (5) beneficial results obtained; and (6) customary legal fees for similar services. Hardaway Concrete Co. v. Hall Contracting Corp., 374 S.C. at 230, 647 S.E.2d at 49 (Ct. App. 2007). "On appeal an award of attorney's fees will be affirmed so long as sufficient evidence in the record supports each factor." Blumberg v. Nealco, 310 S.C. 492, 427 S.E.2d 659 (1993).

This case is one of question for the court as there are discrepancies in the record as to the property lines. Pursuant to the six factors, the Respondent never presented evidence during the trial of the case as to his attorney's time devoted to the case, the attorney's professional standing

of counsel, or his contingency of compensation. In addition, the custom hourly rate for which Respondent's attorney charges for similar services would have been required to be submitted to the Court prior to the close of trial. Thus, by the trial court awarding attorney fees without evidence of each of the six factors, the trial Court inadvertently erred by awarding attorney fees.

To counteract this argument, Respondent may assert that the attorney's fees imputed as punitive damages, was affirmed by testimony from Respondent in which he stated that he paid Attorney Oberman Sixty-Five Hundred ($6500) Dollars but provided no evidence of payments, contracts or agreement. Even then, the argument should fail since Respondent then testified that the new total had potentially accrued up to Eleven Thousand ($11,000) Dollars, although there was no bill or evidence for the services rendered. (ROA 1 - Trial Transcript Page 125). Therefore, because both Respondent and the Court lacked the pertinent information or evidence on the attorney fees, the trial court abused its discretion by awarding attorney's fees imputed as punitive damages to Respondent.

In addition, because Appellant's act of cutting down trees within the meet and bounds of her property as described in the eldest plats and deeds registered in Dorchester County, the trial court superseded governing law and erred by awarding Respondent attorney's fees as punitive damages.

CONCLUSION OF LAW

The evidence and testimony presented in trial do not support the findings as set out in the Order of June 15, 2018. Based upon the conflicting evidence presented, the plats which were filed in the Dorchester County Register of Deeds on January 6, 1983, Plat Book D, Page 245 for Phase 3, and on March 21, 1983, Plat Book D, Page 267 for Phase 4 as referred to in each individual Title to Property should be the controlling documents which properly identifies the meets and

bounds of the parties' respective property lines. The real property and trees in dispute are in fact within the meets and bounds of Appellant's property according to the original plats.

As to punitive damages and attorney fees, Appellant's actions were not willful, wanton or reckless and as such, do not warrant an award of punitive damages. In addition, no evidence with the exception of conflicting testimony by the Respondent was provided to the Court as to Attorney Fees. The Respondent did not move before the Court or provide an Affidavit of Attorney Fees prior to the close of the trial. Therefore, the judgment entered by the lower court should be overturned.

RESPECTFULLY SUBMITTED,

THE CURRY LAW FIRM, LLC
EDUARDO K. CURRY, ESQ.

Eduardo K Curry
Attorney for Appellant
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(843) 767-5286 (Fax)

Dated: 10-30-2018

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
The Honorable Diane S. Goodstein, Circuit Court Judge

Appellate Case No. 2018-001372
Common Pleas Case No.: 2016-CP-18-2123

Mary Greene Mackey.....Appellant

vs.

David Bevins .....Respondent

CERTIFICATE OF COUNSEL

The undersigned certified that this Initial Brief complies with Rule 211(b), SCACR.

October 30, 2018

Eduardo K. Curry
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North Charleston, SC 29423
(843) 767-5284

THE STATE OF SOUTH CAROLINA

In the Court of App

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

The Honorable J. C. Nicholson, Jr., Circuit Court Judge

Appellate Case No. 2018-000513

Common Pleas Case No.: 2013-CP-10-1877

The RMUE through its General Officers Barbara B. Clark, Warren E. Hatcher, Cassie Keeton, Daniel Green, Powell Hampton, Amos Hatcher, Bobby Keeton, James Moseley, and Willie B. Oliver, ...Respondents

vs.

Herman Bolds, Richard Brown Cecil Parker, Theodore Miller, Carl Miller, Joan S. Roper, Martha Mathews, Thomasina G. Walker, Marilyn S. Washington, Jaree R. Stanley, Audrey Wilder, Derrick Lucas, Willie Parker, Jr., James Cromwell, James A. Roper, III, Elizabeth R. Parker, Jacqueline R. Miller, and Payne Church,.....Appellants

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

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

(1) Transcript of Trial pp. 14, 15, 16, 17, 18, 84, 85, 90, 91, 113, 114, 115, 131, 132, 174, 176, 177, 303
(2) Transcript of Motion to Compel Settlement – All Pages
(3) Transcript of April 4, 2018 Motion Hearing – All Pages
(4) Order dated February 10, 2016;
(5) Order dated March 8, 2016
(6) Order dated April 5, 2018
(7) Complaint;
(8) Answer and Counterclaim;

(9) Photograph of Founding Fathers;
(10) Photograph of Founding Mothers;
(11) Property Deeds;
(12) The Doctrines and Discipline of the Reformed Methodist Union Episcopal Church, pp. 32-34
(13) Letter from Bishop Polite to Members of the Church dated December 28, 2012;
(14) Letter from RMUE Church Steward and Trustee Board to RMUE dated November 20, 2012;
(15) Payne Church Notice of Withdrawal dated March 25, 2013;
(16) Payne Church List of Stewart/Trustee Members

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

RESPECTFULLY SUBMITTED,

THE CURRY LAW FIRM, LLC
EDUARDO K. CURRY, ESQ.

Eduardo K. Curry
Attorney for Appellant
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Dated: 10-30-2018

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

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Appellate Case No. 2018-001372
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Mary Greene Mackey.....Appellant

vs.

David Bevins .....Respondent

PROOF OF SERVICE

I certify that I have served the Appellant's Designation of Matter on Respondent, David Bevins, by depositing a copy of it in the Unites States Mail, postage prepaid, on October 30, 2018, addressed to his attorney of record, Marvin I. Oberman at Oberman & Oberman, 60 Markfield Drive, Ste. 2, Charleston, SC 29407.

October 30, 2018

Eduardo K. Curry

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ATTORNEY FOR APPELLANTS

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
The Honorable Diane S. Goodstein, Circuit Court Judge

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Mary Greene Mackey.....Appellant

vs.

David Bevins .....Respondent

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I certify that I have served the Appellant's Initial Brief on Respondent, David Bevins, by depositing a copy of it in the Unites States Mail, postage prepaid, on October 30, 2018, addressed to his attorney of record, Marvin I. Oberman at Oberman & Oberman, 60 Markfield Drive, Ste. 2, Charleston, SC 29407..

October 30, 2018

Eduardo K. Curry

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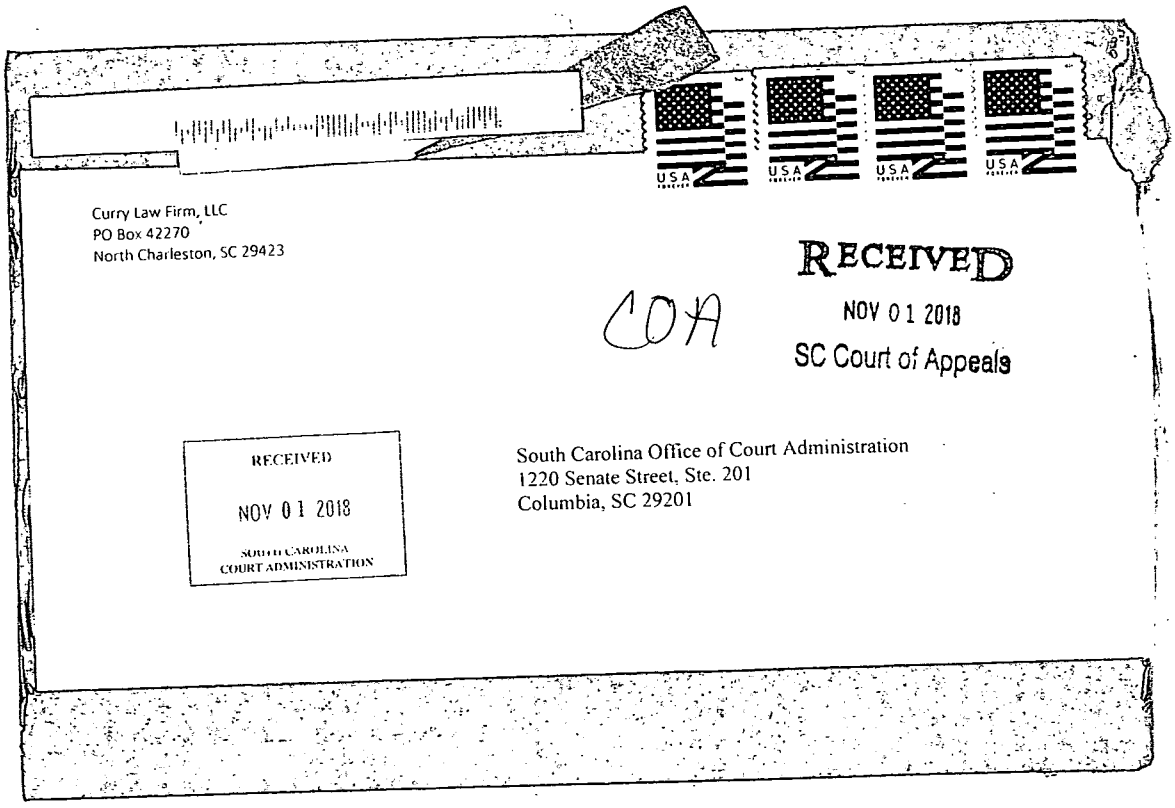

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North Charleston, SC 29423

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