

STATE OF SOUTH CAROLINA  
In the Court of Common Pleas  
Fifteenth Judicial Circuit

APPEAL FROM HORRY COUNTY  
Circuit Court

The Honorable Thomas W. Cooper, Jr.  
Special Referee

Case No.: 2011-CP-26-00873

**Appellate Case No.: 2018-001199**

**RECEIVED**  
NOV 27 2018  
SC Court of Appeals

I.D. Jeram and Mayur Jeram..... Respondents

v.

Rajendra V. Patel, Bhupendra Patel, and Pankaj Patel ..... Appellants,

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

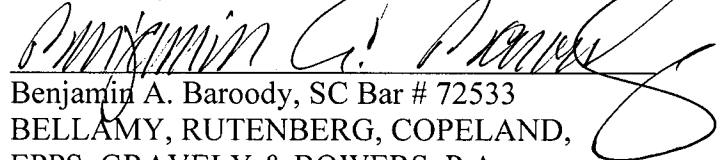
Appellant proposed that the following be included in the Record on Appeal:

1. Summons and Complaint, filed January 1, 2011;
2. Summons and Answer to Complaint and Counterclaims, filed April 15, 2011;
3. Plaintiffs' Reply to Counterclaims, filed May 6, 2011;
4. Amended Answer to Complaint, Counterclaims, and Third Party Complaint, filed July 14, 2011;
5. C&P's Answer to Third Party Complaint, filed September 9, 2011;
6. Trial Transcript (part 1) on February 20, 2013;
7. Trial Transcript (part 2) on February 21, 2013;
8. Trial Exhibits
  - a. Exhibit 1 - Articles of Organization filed 11/22/05
  - b. Exhibit 2 - Operating Agreement of Bayview Resort II, LLC dated 01/16/2006
  - c. Exhibit 3 - Consultant Agreement dated 01/16/2006
  - d. Exhibit 4 - Promissory Note (\$11,452,000.00) dated 01/16/2006
  - e. Exhibit 4c - Loan Modification and Extension Agreement dated 05/\_\_\_/08
  - f. Exhibit 5 - Settlement Statement (\$11,452,000.00) dated 01/16/06
  - g. Exhibit 6 - Mortgage and Assignment of Rents dated 01/16/2006

- h. Exhibit 7 - Absolute Assignment of Lessor's Interest in Leases, Rents, and Profits dated 01/16/06
- i. Exhibit 8 - Security Agreement dated 01/16/06
- j. Exhibit 8a - NBSC Letter to Mayur Jeram dated 05/02/06
- k. Exhibit 9 - Email Communication from Mayur Jeram dated 05/31/06
- l. Exhibit 11 - Promissory Note (\$2,707,250.00) dated 06/20/06
- m. Exhibit 11 - Settlement Statement (\$2,707,250.00) dated 06/20/06
- n. Exhibit 12 - Security Agreement Bayview Resorts II, LLC dated 06/20/06
- o. Exhibit 13 - Assignment of Leases, Rents, Contracts and Profits Jeram Tej dated 06/20/06
- p. Exhibit 14 - Collateral Assignment and Draw Agreement Bayview Resorts dated 06/20/06
- q. Exhibit 15 - Subordination Agreement Jeram Tej dated 06/20/06
- r. Exhibit 16 - Mortgage and Assignment of Rents dated 06/20/06
- s. Exhibit 17 - Assignment of Members' Interest in Limited Liability Company dated 12/05/2007
- t. Exhibit 18 - Action Without Meeting of C&P Partnership, LLC dated 12/05/2007
- u. Exhibit 19 - Resolution for Acceptance of Assignment of Interest in LLC dated 12/05/07
- v. Exhibit 20 - Plaintiffs Responses to Defendants First Set of Interrogatories
- w. Exhibit 21 - Plaintiffs Responses to Defendants Second Set of Interrogatories
- x. Exhibit 22a - Bayview Releases
- y. Exhibit 22b -
- z. Exhibit 23 - Bayview Resorts II, LLC Tax Return Year Ended 2006
- aa. Exhibit 24 - Bayview Resorts II, LLC Financial Statement Year Ended 12/31/06
- bb. Exhibit 25 - Bayview Resorts II, LLC Tax Return Year Ended 2007
- cc. Exhibit 26 - Bayview Resorts II, LLC Financial Statement Year Ended 12/31/07
- dd. Exhibit 27 - Bayview Resorts II, LLC Tax Return Year Ended 2008
- ee. Exhibit 28 - Bayview Resorts II, LLC Financial Statement Year Ended 12/31/08
- ff. Exhibit 29 - Jeram Tej, LLC Tax Return Year Ended 2006
- gg. Exhibit 30 - Jeram Tej, LLC Financial Statement Year Ended 12/31/06
- hh. Exhibit 31 - Jeram Tej, LLC Tax Return Year Ended 2007
- ii. Exhibit 32 - Jeram Tej, LLC Financial Statement Year Ended 12/31/07
- jj. Exhibit 33 - Jeram Tej, LLC Tax Return Year Ended 2008
- kk. Exhibit 34 - Jeram Tej, LLC Financial Statement Year Ended 12/31/08
- ll. Exhibit 35 - Letter from Atty John T. Moore to Atty Philip C. Thompson dated 01/15/08
- mm. Exhibit 36 - Email Communications to Bhupendra Patel dated 03/11/09
- nn. Exhibit 37 - Confession of Judgment dated 06/15/10
- oo. Exhibit 38 - Demand Letter
- pp. Exhibit 39 - BPR Fax dated 03/18/08
- qq. Exhibit 40 - Marriott Franchise Application dated 03/14/08
- rr. Exhibit 41 - Note with Guaranty Agreement from Mayur
- 9. Form 4 Dismissing C & P Partnership, filed February 25, 2013;
- 10. Consent Motion to Supplement Record, dated April 12, 2013;
- 11. Plaintiffs' Post Trial Memorandum, dated April 12, 2013;

12. Defendants' Memorandum of Law, dated April 12, 2013;
13. Order, dated August 5, 2014
14. Notice of Filing Judgments, filed August 11, 2014;
15. Defendants' Motion for Reconsideration, filed August 18, 2014;
16. Plaintiffs' Response to Motion for Reconsideration, filed September 23, 2014;
17. Hearing Transcript on September 30, 2014;
18. Order Denying Defendants' Motion for Reconsideration, filed May 30, 2018
19. Notice of Appeal, dated June 26, 2018

Respectfully submitted,



Benjamin A. Baroody, SC Bar # 72533  
BELLAMY, RUTENBERG, COPELAND,  
EPPS, GRAVELY & BOWERS, P.A.

Post Office Box 357

Myrtle Beach, South Carolina 29578-0357

843-448-2400

*Attorneys for Appellants,*

*Rajendra V. Patel, Bhupendra Patel, and Pankaj Patel*

Myrtle Beach, South Carolina

November 26, 2018

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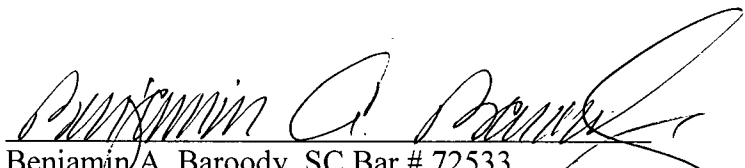
**PROOF OF SERVICE**

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The undersigned certifies that he is employed by the law firm of Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, P.A., attorneys for the Appellants, Rajendra V. Patel, Bhupendra Patel, and Pankaj Patel, that he has mailed a copy of the Appellant's Initial Brief, Designation of Matter to Be Included in the Record on Appeal, Certificate of Counsel, and Proof of Service to counsel listed below this 26<sup>th</sup> day of November 2018, with proper postage attached thereto.

Carl Scott Masel, Esquire  
Newby Sartip Masel & Casper, LLC  
Post Office Box 808  
Myrtle Beach, South Carolina 29578  
- *Counsel for the Respondents*

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Benjamin A. Baroody, SC Bar # 72533  
BELLAMY, RUTENBERG, COPELAND,  
EPPS, GRAVELY & BOWERS, P.A.  
Post Office Box 357  
Myrtle Beach, South Carolina 29578-0357  
843-448-2400  
*Counsel for Appellants*

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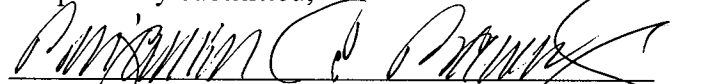
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**CERTIFICATE OF COUNSEL**

---

The undersigned certifies that the Designation of Matter to be Included in the Record on Appeal complies with Rule 209(b) SCACR.

Respectfully submitted,



Benjamin A. Baroody, SC Bar # 72533  
BELLAMY, RUTENBERG, COPELAND,  
EPPS, GRAVELY & BOWERS, P.A.  
Post Office Box 357  
Myrtle Beach, South Carolina 29578-0357  
843-448-2400

*Attorneys for Appellants,  
Rajendra V. Patel, Bhupendra Patel, and Pankaj Patel*

Myrtle Beach, South Carolina

November 26, 2018

HOWELL V. BELLAMY, JR.  
EDWARD B. BOWERS, JR.\*  
BRADLEY D. KING  
M. EDWIN HINDS, JR.  
DAVID J. GUNDLING<sup>++</sup>  
DAVID B. MILLER<sup>+</sup>  
C. WINFIELD JOHNSON, III  
DOUGLAS M. ZAYICEK  
MARTIN C. DAWSEY\*  
ROBERT S. SHELTON<sup>+</sup>  
HOWELL V. BELLAMY, III

\* LLM TAXATION  
\*\* LICENSED IN SC & NC  
<sup>+</sup> CERTIFIED MEDIATOR  
<sup>++</sup> CERTIFIED ARBITRATOR



THE BELLAMY  
LAW FIRM

OFFICES IN MYRTLE BEACH & PAWLEYS ISLAND

WWW.BELLAMYLAW.COM

ASHLEY P. MORRISON  
GEORGE W. REDMAN, III<sup>+</sup> <sup>\*\*</sup> <sup>++</sup>  
BENJAMIN A. BAROODY<sup>+</sup> <sup>\*\*</sup>  
PHILLIP H. ALBERGOTTI<sup>+</sup> <sup>\*\*</sup>  
HAYES K. STANTON<sup>+</sup> <sup>\*\*</sup>  
KARA J. KEITH<sup>\*\*</sup>  
HOLLY M. LUSK  
LAUREN BREARLEY BENTON  
JON CRAIG HOWELL, JR.  
JAMES C. SPEARS, III<sup>\*</sup>

RETIRED:

JOHN K. RUTENBERG (1939-2012)  
JOHN E. COPELAND  
CLAUDE M. EPPS, JR.  
DAVID R. GRAVELY  
JILL F. GRIFFITH

1000 29<sup>TH</sup> AVENUE NORTH • P.O. BOX 357 • MYRTLE BEACH, SC 29578  
TELEPHONE (843) 448-2400 • FACSIMILE (843) 448-3022

*Writer's Direct Dial: 843-916-7167  
Email: BBaroody@BellamyLaw.com*

November 26, 2018

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

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SC Court of Appeals

Re: I.D. Jeram and Mayur Jeram, Respondents, v. Rajendra V. Patel, Bhupendra Patel, and Pankaj Patel, Appellants  
Appeal from Horry County Court of Common Pleas  
Appellant Case No.: 2018-001199

Dear Ms. Kitchings:

Enclosed herewith please find the originals and one copy of each of the Initial Brief of Appellants, Designation of Matter to Be Included in the Record on Appeal, Certificate of Counsel, and Proof of Service in the above-referenced matter. Please file the original documents and return the clocked copies to me in the self-addressed stamped envelope enclosed for your convenience.

If you have any questions or need additional information, please feel to contact me.

November 26, 2018

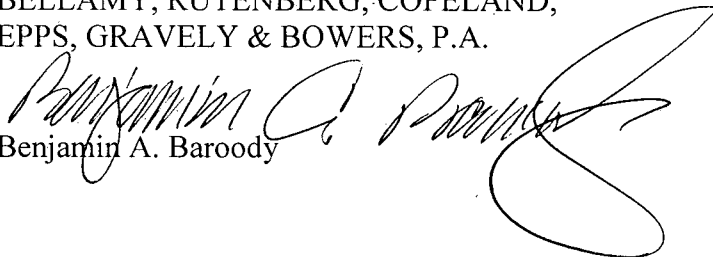
Page 2

With kindest regards, I am

Yours very truly,

BELLAMY, RUTENBERG, COPELAND,  
EPPS, GRAVELY & BOWERS, P.A.

Benjamin A. Baroody

A handwritten signature in black ink, appearing to read "Benjamin A. Baroody", written over the printed name. The signature is stylized and cursive.

BAB/dg

Enclosures as noted

cc: Client

C. Scott Masel, Esquire

ORIGIN ID:MYRA (843) 282-5378  
DEDIE GARREN  
1000 - 29TH AVENUE NORTH  
MYRTLE BEACH, SC 29577  
UNITED STATES US

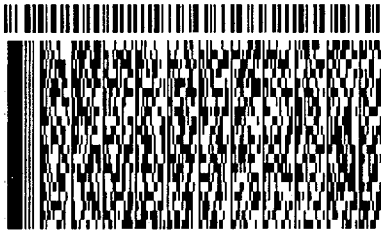
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TO THE HONORABLE JENNY ABBOTT KITCHING  
SC COURT OF APPEAL  
1220 SENATE ST

COLUMBIA SC 29201

(803) 734-1890 REF: 25749.82908.39  
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PO: DEPT:

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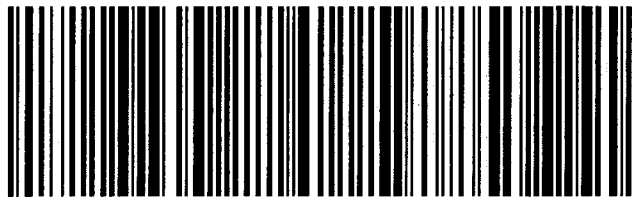


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NOV 27 2018

SC Court of Appeals

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