

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

DeAndrea G. Benjamin, Circuit Court Judge

Appellate Case No. 2018-001598
Civil Action No. 2018-CP-40-00873

RECEIVED
FEB 01 2019
SC Court of Appeals

Jonathan Mart, on behalf of himself and others similarly situated,Plaintiff/Respondent,

v.

Great Southern Homes, Inc.,Defendant/Appellant.

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

Warren C. Powell, Jr.
Chelsea J. Clark
Bruner, Powell, Wall & Mullins, LLC
PO Box 61110
Columbia SC 29260
(803) 252-7693
Attorneys for Appellant

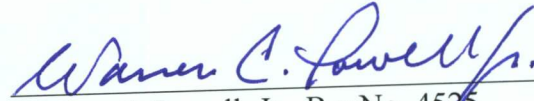
The Appellant, Great Southern Homes, Inc., designates the following materials to be included in the Record on Appeal, pursuant to Rule 209, SCACR.

1. Summons and Complaint, with exhibit, filed Feb. 12, 2018.
 - a. Exhibit 1: Contract of Sale.
2. Motion to Dismiss and To Compel Arbitration, with exhibit, filed April 16, 2018.
 - a. Exhibit 1: Complaint.
3. Affidavit of Shelton Twine, with exhibit, filed June 4, 2018.
 - a. Exhibit 1: Invoices from suppliers.
4. Affidavit of Jeremy Pyle, with exhibit, filed June 4, 2018.
 - a. Exhibit 1: Invoices from suppliers.
5. Defendant's Memorandum in Support, with exhibits, filed June 6, 2018.
 - a. Exhibit 1: Contract for Sale (with accompanying documents).
 - b. Exhibit 2: Affidavits of Shelton Twine and Jeremy Pyle.
6. Plaintiff's Memorandum in Opposition, with exhibit, filed June 6, 2018.
 - a. Exhibit 1: Affidavit of Jonathan Mart (with StrucSure warranty).
7. Supplemental Affidavit of Shelton Twine, filed June 8, 2018.
8. Defendant Reply Memorandum, with exhibits, filed June 11, 2018.
 - a. Exhibit 1: Federal Regulations (24 C.F.R. § 203.204, *et seq.*).
 - b. Exhibit 2: Mart Mortgage.
 - c. Exhibit 3: District of Kansas C/A No. 09-2523-KHV Order dated Dec. 1, 2010.
 - d. Exhibit 4: StrucSure warranty letter and enrollment application.
 - e. Exhibit 5: Certificate of Occupancy.
9. Transcript of motion hearing dated June 13, 2018.
10. Form 4 Order filed June 15, 2018.
11. Defendant's proposed order filed July 3, 2018.
12. Plaintiff's proposed order filed July 3, 2018.
13. Order Denying Defendant's Motion filed July 26, 2018.
14. Notice of Appeal to Court of Appeals dated August 21, 2018.

CERTIFICATION OF COUNSEL

The undersigned counsel hereby certifies that this designation of matter contains no matter which is irrelevant to this appeal pursuant to Rule 209(c), SCACR.

BRUNER, POWELL, WALL & MULLINS, LLC



Warren C. Powell, Jr., Bar No. 4525
Chelsea J. Clark, Bar No. 102211
Post Office Box 61110 (29260)
1735 St. Julian Place, Suite 200 (29204)
Columbia, South Carolina
(803) 252-7693
Attorneys for Appellant

Columbia, South Carolina
February 1, 2019

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

DeAndrea G. Benjamin, Circuit Court Judge

Appellate Case No. 2018-001598
Civil Action No. 2018-CP-40-00873

RECEIVED
FEB 01 2019
SC Court of Appeals

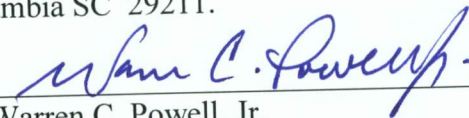
Jonathan Mart, on behalf of himself and others similarly situated,Plaintiff/Respondent,

v.

Great Southern Homes, Inc.,Defendant/Appellant.

PROOF OF SERVICE

I, Warren C. Powell, Jr., certify that I have served the Initial Brief of Appellant and Appellant's Designation of Matter to be included in the Record on Appeal, upon counsel of record by depositing same in the U.S. Mail, postage prepaid on February 1, 2019, addressed as follows: (1) Charles H. McDonald, PO Box 96, Columbia SC 29202, (2) Terry E. Richardson, Matthew A. Nickles and Brady R. Thomas, PO Box 1368, Barnwell SC 29812, and (3) Thornwell F. Sowell and Beth B. Richardson, PO Box 11449, Columbia SC 29211.


Warren C. Powell, Jr.
Chelsea C. Clark
Bruner Powell Wall & Mullins, LLC
PO Box 61110
Columbia SC 29260
(803) 252-7693

Columbia, South Carolina
February 1, 2019

BRUNER, POWELL, WALL & MULLINS, LLC

ATTORNEYS AND COUNSELORS AT LAW
1735 ST. JULIAN PLACE, SUITE 200
POST OFFICE BOX 61110
COLUMBIA, SOUTH CAROLINA 29260-1110
TELEPHONE 803-252-7693
FAX 803-254-5719
WWW.BRUNERPOWELL.COM

JAMES L. BRUNER (RETIRED)
BRIAN P. ROBINSON, P.A.**

CHelsea J. CLARK
STEVEN R. SPREEUWERS

WARREN C. POWELL, JR., P.A.*
HENRY P. WALL
E. WADE MULLINS III, P.A.
WESLEY D. PEEL, P.A.
JOEY R. FLOYD, P.A.
BENJAMIN C. BRUNER, P.A.

* ALSO ADMITTED IN DISTRICT OF COLUMBIA
** OF COUNSEL

AUTHOR'S E-MAIL: WPOWELL@BRUNERPOWELL.COM

February 1, 2019

Jenny Abbott Kitchings, Clerk of Court
SC Court of Appeals
1220 Senate St.
Columbia SC 29201

RECEIVED
FEB 01 2019
SC Court of Appeals

Re: *Jonathan Mart, on behalf of himself and others similarly situated v. Great Southern Homes, Inc.*
C/A No.: 2018-CP-40-00873
Appellate Case No.: 2018-001598
Our File No. 9-3007.1

Dear Ms. Kitchings:

Enclosed please find the original and three copies of Appellant's Initial Brief and Designation of Matter to be included in the Record on Appeal in the referenced case and our Proof of Service, evidencing service of same upon opposing counsel. Please file the original with your office and return the clocked copies via our courier.

With my kindest regards, I am,

Sincerely,


Warren C. Powell, Jr.

WCPjr/ljf

Enclosures

cc: Charles H. McDonald, Esquire
Terry E. Richardson, Esquire
Matthew A. Nickles, Esquire
Brady R. Thomas, Esquire
Thornwell F. Sowell, Esquire
Beth B. Richardson, Esquire