

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

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

Case No. 2010-CP-10-00250

Eugene Gathers,.....Respondent,

v.

Ernest McKnight,.....Appellant.

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

Respondent proposes the following to be included in the Record on Appeal:

1. Lis Pendens - filed January 12, 2010;
2. Summons - filed January 12, 2010;
3. Suit to Quiet Title - filed January 12, 2010;
4. Order Appointing Guardian ad Litem - issued January 12, 2010;
5. Order for Publication - issued January 12, 2010;
6. Affidavit of Publication - filed February 17, 2010;
7. Answer & Counterclaim - filed March 18, 2010;
8. Affidavit of Default as to All Defendants except Appellant filed March 30, 2010;
9. Order of Default as to All Defendants except Appellant - issued April 1, 2010;
10. Motion for Judgment on the Pleadings Pursuant to SCRPC Rule 12 (c) or in the Alternative Motion for Summary Judgment as to Appellant's Counterclaim for Adverse Possession - filed May 19, 2010;
11. Consent Order of Dismissal - filed August 2, 2010;
12. Motion for Summary Judgment as to All Defendants except Appellant - filed October 8, 2010;

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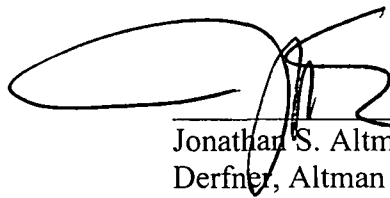
SC Court of Appeals

13. Notice of Hearing Letter to Marcus W. Meetze, Esq. and Appellant's counsel re: Hearing on Respondent's Motion for Summary Judgment - April 6, 2011;
14. Letter of Marcus W. Meetze, Esq., Guardian ad Litem - April 20, 2011;
15. Order granting Respondent's Motion for Summary Judgment - issued April 21, 2011;
16. Appellant's Motion to Set Aside Summary Judgment - filed September 27, 2011;
17. Affidavits of Appellant and Anna M. Porcher - filed September 27, 2011;
18. Respondent's Memorandum in Opposition to Appellant's Motion to Set Aside Summary Judgment - filed January 11, 2012;
19. Anna M. Porcher's Motion to Intervene and Join Appellant's Motion to Set Aside Summary Judgment - filed January 11, 2012;
20. Respondent's Affidavit - filed February 9, 2012;
21. Order substituting parties - issued February 24, 2012;
22. Offer of Judgment - filed March 8, 2012;
23. Order allowing Porcher to intervene solely as a creditor - issued March 15, 2012.
24. Order denying Appellant's Motion to Set Aside Summary Judgment - issued May 4, 2012;
25. Appellant's Notice of Appeal - filed May 17, 2012;
26. Respondent's Motion to Dismiss Appeal - filed June 14, 2012;
27. Appellant's Memorandum Addressing Appealability - filed June 21, 2012;
28. Respondent's Memorandum Addressing Appealability - filed July 6, 2012;
29. Mortgage;
30. Note;
31. Deed of Distribution;
32. Transcript of Deposition of Appellant; and
33. Transcript of Record.

Certificate of Counsel

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

Date: January 24, 2013


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Attorney for Respondent

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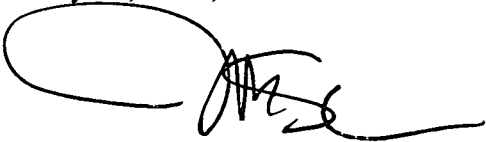
v.

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PROOF OF SERVICE

I certify that I have served Respondent's Initial Brief and Designation of Matter on Appellant by UPS Overnight Delivery on January 24, 2013, addressed to his attorney of record, Willie B. Heyward, Esq.

January 24, 2013



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