

**THE STATE OF SOUTH CAROLINA  
In the Court of Appeals**

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APPEAL FROM CHARLESTON COUNTY  
The Honorable Mikell R. Scarborough, Master in Equity  
\_\_\_\_\_

Appellate Case No. 2018-001971  
\_\_\_\_\_

**RECEIVED**  
MAY 13 2019  
SC Court of Appeals

RS Custom Homes, n/k/a RS General Contracting, LLC,.....Respondent

v.

Matthew David DeNapoli, Lindsay Ann DeNapoli, Branch Banking & Trust, N.A., and  
Mortgage Electronic Registration Systems, Inc.,

Of whom, Matthew David DeNapoli, Lindsay Ann DeNapoli are ..... Appellants

\_\_\_\_\_  
**APPELLANTS' DESIGNATION OF MATTER**  
\_\_\_\_\_

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


1. Final Order and Judgment – June 1, 2018.
2. Appellant’s Motion to Alter and Amend and/or Reconsider – June 20, 2018.
3. Form 4 Order – September 27, 2108.
4. Appellant’s Successive Motion to Alter and Amend and/or Reconsider – October 12, 2018.
5. Complaint of Respondent – February 17, 2015 (with attachments)
6. Answer and Counterclaims of Appellant – March 23, 2015.
7. Respondent’s Reply to Counterclaim – April 20, 2015.
8. Transcript of Trial – Commencing January 30
  - a. Pages 1 – 305

**b. Pages 622 – 645**

9. Transcript of Hearing August 13, 2018 (in full 51 pages)
10. Transcript of Hearing December 18, 2018 (in full 26 pages)
11. Plaintiff's Exhibits
  - a. 3 – The Contract (all documents)
  - b. 4 – The Change Order No. 1<sup>1</sup>
  - c. 17 – Emails (portional) email dated November 20, 2014 (2 pages)
  - d. 18 – Job Cost Reports
  - e. 19 – Statement of Account
  - f. 22 – Summary Spreadsheet
  - g. 25 – Expenses (Doors) (portional) pages 1-5.
  - h. 26 – Carpentry Summary (portional) pages 1-3
  - i. 29 – Stoddard Report
  - j. 30 – Stoddard Slides
12. Defendant's Exhibits
  - a. 4 – August 29 Invoice
  - b. 30 – Email 7/15/14
  - c. 49 – Email 9/7/14
  - d. 52 – Email 11/8/14

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

THURMOND KIRCHNER & TIMBES, P.A.



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*Attorneys for the Appellants*

<sup>1</sup> This exhibit appears to have been inadvertently omitted from the record by the court reporter, and Appellant will coordinate with Respondent to identify the proper exhibit.

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Of whom, Matthew David DeNapoli, Lindsay Ann DeNapoli are ..... Appellants

\_\_\_\_\_  
**PROOF OF SERVICE**  
\_\_\_\_\_

I certify that I served the below listed parties by United States Mail, postage paid, and *via email*, a true and correct copy of Appellant’s Initial Brief and Designation of Matter on this date:

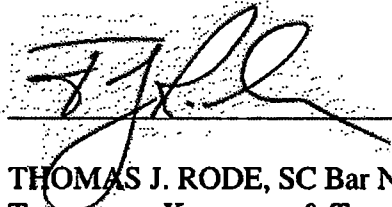
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[signature to follow]

I so certify, this 13<sup>th</sup> day of May, 2019.



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May 13, 2019

**VIA US MAIL & FAX**

The Hon: Jenny A. Kitchings

S.C. Court of Appeals

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Columbia, SC 29211

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MAY 13 2019

SC Court of Appeals

**Re: *RS Custom Homes v. DeNapoli et. al.*  
*Appellate Case No. 2018-001971***

Dear Mrs. Kitchings,

Pursuant to Rules 208 and 209, SCACR, please find enclosed for filing a copy of the following:

1. Appellants' Initial Brief
2. Appellants' Designation of Matter

By copy of this letter I am serving all counsel record with the same.

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

With best regards, I remain

Very truly yours,

Thomas J. Rode

[thomas@tktlawyers.com](mailto:thomas@tktlawyers.com)

TJR/ceb

Cc: All counsel of record

# Fax

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**Date:** 5/13/2019  
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