

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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SC Court of Appeals

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

Appellate Case No. 2018-001971

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*

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<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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Mortgage Electronic Registration Systems, Inc.,

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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*Attorneys for the Appellants*



May 13, 2019

**VIA US MAIL & FAX**

The Hon. Jenny A. Kitchings  
S.C. Court of Appeals  
PO Box 11629  
Columbia, SC 29211  
803-734-1839

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

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**SC Court of Appeals**

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

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FIRST-CLASS



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SC court of Appeals  
Attn: The Honorable Jenny Kitchings  
PO Box 11629  
Columbia, SC 29211

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