

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas  
The Honorable Marvin H. Dukes, III, Master in Equity

Case No. 2014-CP-07-0052  
Appellate Case No. 2018-001969

Lady Beaufort, LLC & Tideland Realty, Inc.,..... Respondents/Appellants,

v.

Hird Island Investments, Inc., Sherwood N. Fender, Addison D. Fender, Martha B. Fender,  
William B. Bowen, Lady Kemmerlin, LLC, Brickyard Holdings, Inc., and A&K Holding Co.,  
LLC, Defendants,

AND

William M. Bowen, Third-Party Plaintiff,

v.

James S. Kerr and Matt Trumps, Third-Party Defendants,

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MAY 31 2019

SC Court of Appeals

*Of Which Hird Island Investments, Inc. and Sherwood N. Fender are the  
Appellants/Respondents.*

**RESPONDENTS/APPELLANTS' MOTION FOR LEAVE TO FILE AND SERVE AN  
AMENDED DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON  
APPEAL**

Respondents/Appellants ("Lady Beaufort et al.") respectfully move for leave to file an  
Amended Designation of Matter to be included in the Record on Appeal (attached as Exhibit A).

The grounds for this motion are as follows:

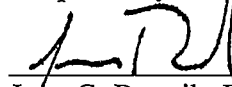
On February 27, 2019, Lady Beaufort et al. filed and served their Initial Brief (as Respondents) and Designation of Matter. Inadvertently omitted from the designation of matter was the transcript of the proceedings held November 11, 2017 before the Master In Equity. Appellants/Respondents (“Fender et al.”) both served and filed the Record on Appeal on May 15, 2019, and so the omission was not discovered prior to the record on appeal being filed.

Lady Beaufort et al. request that it be allowed to serve and file an amended designation of matter, and that the current briefing deadlines be held in abeyance while the Court considers this request. This request is made in good faith and not for the purpose of delay or inconvenience.

WHEREFORE, Lady Beaufort et al. respectfully request that they be permitted to serve and file an Amended Designation of Matter.

This 30<sup>th</sup> day of May, 2019  
Charleston, South Carolina

Respectfully submitted,



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Jan G. Rannik, Esquire  
Andrew K. Epting, Jr., Esquire  
ANDREW K. EPTING, JR., LLC  
46A State Street, Charleston, SC 29401  
P: (843) 377-1871  
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[ake@epting-law.com](mailto:ake@epting-law.com)  
[jgr@epting-law.com](mailto:jgr@epting-law.com)

*ATTORNEYS FOR RESPONDENTS/APPELLANTS*

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM BEAUFORT COUNTY  
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The Honorable Marvin H. Dukes, III, Master in Equity

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Case No. 2014-CP-07-0052  
Appellate Case No. 2018-001969

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Lady Beaufort, LLC & Tideland Realty, Inc.,.....*Plaintiffs and Respondents/Appellants,*

v.

Hird Island Investments, Inc., Sherwood N. Fender, Addison D. Fender, Martha B. Fender,  
William B. Bowen, Lady Kemmerlin, LLC, Brickyard Holdings, Inc., and A&K Holding Co.,  
LLC, Defendants,

AND

William M. Bowen, Third-Party Plaintiff,

v.

James S. Kerr and Matt Trumps, Third-Party Defendants,

*Of Which Hird Island Investments, Inc. and Sherwood N. Fender are the  
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RESPONDENTS/APPELLANTS' AS RESPONDENTS  
AMENDED DESIGNATION OF MATTER TO BE INCLUDED  
IN THE RECORD ON APPEAL

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Respondents/Appellants as Respondents assert the following documents should be included in the Record on Appeal:

1. Order Granting in Part and Denying in Part Defendants' Motion to Reconsider filed February 14, 2018;
2. Order Amending Judgment filed October 26, 2018;



3. Judgment and Order filed May 11, 2017;
4. Complaint dated January 7, 2014;
5. Second Amended Complaint dated November 11, 2014;
6. Defendants' Motion to Reconsider Order Dated May 11, 2017 filed May 19, 2017;
7. Notice of Appeal dated November 5, 2018;
8. Notice of Cross-Appeal dated November 15, 2018;
9. July 23, 2018 Hearing Transcript;
10. March 1, 2017 Hearing Transcript;
11. November 11, 2017 Hearing Transcript;
12. Contract between Lady Beaufort, LLC and Hird Island Investments, Inc. dated August 19, 2013.
13. Plaintiffs' Trial Exhibit 1;
14. Plaintiffs' Trial Exhibit 3;
15. Plaintiffs' Trial Exhibits 4;
16. Plaintiffs' Trial Exhibit 5;
17. Plaintiffs' Trial Exhibit 10;
18. Plaintiffs' Trial Exhibit 11;
19. Plaintiffs' Trial Exhibit 12;
20. Plaintiffs' Trial Exhibit 13;
21. Plaintiffs' Trial Exhibit 18;
22. Plaintiffs' Trial Exhibit 20.

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

Respectfully Submitted by:

ANDREW K. EPTING, JR., LLC



Andrew K. Epting, Jr.

Jaán G. Rannik

46A State Street, Charleston, SC 29401

Phone: 843-377-1871; Fax: 843-377-1310

[ake@epting-law.com](mailto:ake@epting-law.com); [jgr@epting-law.com](mailto:jgr@epting-law.com)

*ATTORNEYS FOR RESPONDENTS/APPELLANTS*

This 30<sup>th</sup> day of May, 2019  
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
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AND

William M. Bowen, Third-Party Plaintiff,

v.

James S. Kerr and Matt Trumps, Third-Party Defendants,

*Of Which Hird Island Investments, Inc. and Sherwood N. Fender are the  
Appellants/Respondents.*

PROOF OF SERVICE

I certify that I have served the Respondents/Appellants' Motion for Leave to File and Serve an Amended Designation of Matter to Be Included in the Record on Appeal by depositing a copy in the United States Mail, Postage prepaid, on May 30 2019, addressed to Appellants/Respondents' attorneys of record as follows:

H. Fred Kuhn, Jr., Esquire  
P.O. Drawer 507  
Beaufort, SC 29901

and

William M. Bowen, Esquire  
WILLIAM M. BOWEN, P. A.  
P.O. Drawer 6128  
Hilton Head Island, SC 29938

By 

Angela Gross

Legal Assistant to Andrew K. Epting, Jr.

Jaan G. Rannik

46A State Street, Charleston, SC 29401

Phone: 843-377-1871; Fax: 843-377-1310

[agg@epting-law.com](mailto:agg@epting-law.com)

# ANDREW K. EPTING, JR., LLC

ATTORNEYS AT LAW

ANDREW K. EPTING, JR. · AKE@EPTING-LAW.COM

JAAN G. RANNIK · JGR@EPTING-LAW.COM

May 30, 2019

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MAY 31 2019

SC Court of Appeals

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

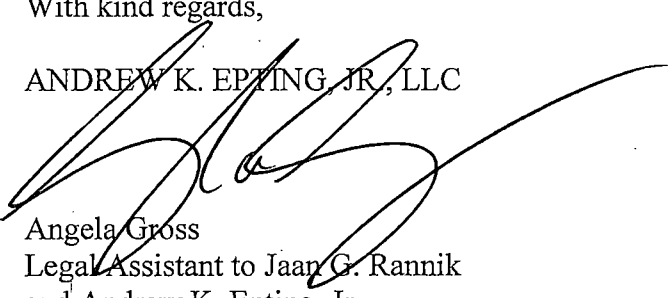
RE: *Lady Beaufort, LLC & Tidelands Realty, Inc. v. Hird Island Investments, Inc. and Sherwood Fender*  
Case No.: 2014-CP-07-0052  
Appellate Case No.: 2018-001969

Dear Ms. Kitchings:

Enclosed please find an original and seven (7) copies of the Respondents/Appellants' Motion for Leave to File and Serve an Amended Designation of Matter to be Included in the Record on Appeal, together with a Proof of Service in the above-referenced appeal. I have also enclosed our firm's check in the amount of \$50.00. I would greatly appreciate your filing the original Motion and returning a file-stamped copy in the self-addressed, stamped envelope provided.

With kind regards,

ANDREW K. EPTING, JR., LLC

  
Angela Gross  
Legal Assistant to Jaan G. Rannik  
and Andrew K. Epting, Jr.,

/agg

Enclosures – as stated

cc: William M. Bowen, Esquire  
Fred H. Kuhn, Jr., Esquire

ORIGIN ID:RBWA (843) 377-1871  
ANDREW K. EPTING, JR.  
ANDREW K. EPTING, JR., LLC  
46A STATE STREET

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UNITED STATES US

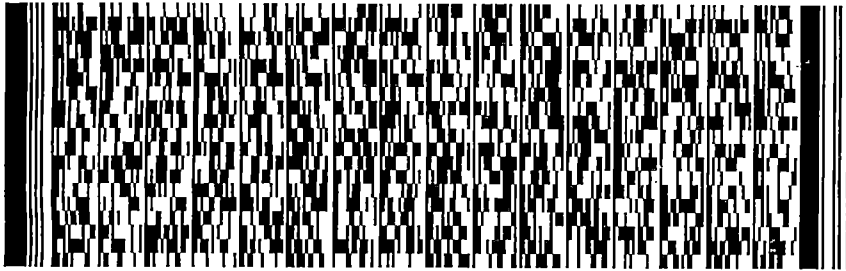
BILL SENDER

TO **JENNY ABBOTT KITCHINGS**  
**SC COURT OF APPEALS**  
**1220 SENATE ST**

**COLUMBIA SC 29201**

(843) 377-1871 REF: 2086-001  
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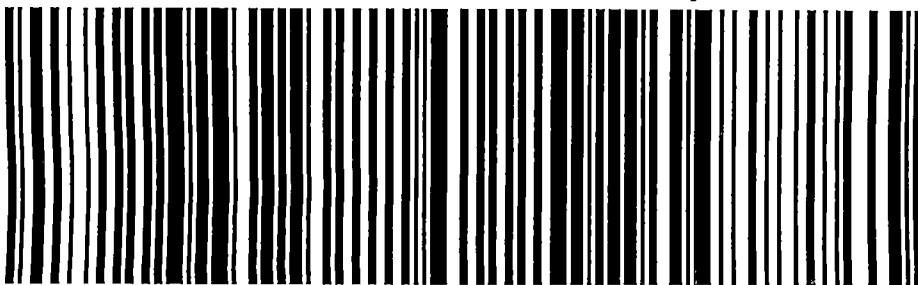
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5/30/2019