

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ALLENDALE COUNTY
Circuit Court

Lawton McIntosh, Circuit Court Judge

Case No. 2019-000905

RECEIVED
OCT 07 2019
SC Court of Appeals

J. Morgan Kears, Personal Representative of the Estate of G.H. Kears Appellant,

v.

The Kears Family Education Trust, William Gordon Kears,
Elizabeth Kears Gooding, Julia Kears Sharp, Rachael Kears
Best, Joseph Weber Kears, and John Morgan Kears, of which
all are named individually and as Trustees of the Kears Family
Education Trust U/A/D Nov. 05, 1992 Respondents.

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

Kenneth B. Wingate
Matthew J. Myers
Sweeny, Wingate & Barrow, P.A.
Post Office Box 12129
Columbia, South Carolina 29211
(803) 256-2233
Attorneys for Appellant

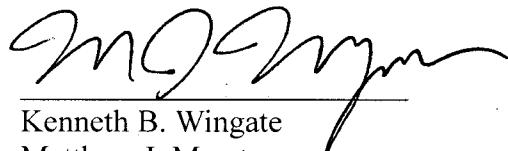
Appellant proposes the following be included in the Record on Appeal:

1. Appellant's Summons and Petition for Instruction filed April 8, 2016, including exhibits.
2. Elizabeth Kears Gooding's Answer to Petition for Instruction dated May 5, 2016.
3. Julia Kears Sharp's Motion to Dismiss dated May 9, 2016.
4. Elizabeth Kears Gooding's Motion for Summary Judgment filed December 7, 2016.
5. Appellant's Motion to Dismiss Petition for Instructions filed December 13, 2016.
6. Appellant's Amended Notice of Hearing filed December 20, 2016, as to Appellant's Motion to Dismiss and Elizabeth Kears Gooding's Motion for Summary Judgment
7. Elizabeth Kears Gooding's Memorandum in Support of Motion for Summary Judgment filed February 1, 2017.
8. Appellant's Statement of Resignation dated February 2, 2017.
9. Transcript of proceedings on February 2, 2017, including exhibits thereto.
10. Order of the Honorable Sheila B. Odom, Special Probate Judge filed February 27, 2017.
11. Appellant's Motion to Alter or Amend or, in the Alternate, for a New Hearing filed March 20, 2017, including Affidavit of Morgan Kears dated March 15, 2017 and Exhibit A thereto
12. Statement of Resignation as modified by the Honorable Sheila B. Odom, Special Probate Judge on March 20, 2017, and her cover letter to the same.
13. Appellant's Notice of Hearing filed August 2, 2017.
14. Appellant's Motion to Dismiss Petition for Instruction, Confirm Resignation of Personal Representative and Appointment of Special Administrator, and Direct Payment of Legal Fees and Costs filed August 2, 2017.
15. Elizabeth Kears Gooding's Memorandum in Opposition to Appellant's Motion to Dismiss the Petition for Instructions and for Other Relief dated August 15, 2017.
16. Elizabeth Kears Gooding's Memorandum in Opposition to Appellant's Motion to Alter or Amend or, in the Alternate, for a New Trial dated August 16, 2017.
17. Transcript of proceedings on August 17, 2017.
18. Order of the Honorable Sheila B. Odom, Special Probate Judge, filed September 18, 2017.
19. Notice of Intention to Appeal filed September 27, 2017.
20. Statement of Issues on Appeal filed November 3, 2017.

21. Brief of Appellant filed December 1, 2017.
22. Motion to Mediate filed January 19, 2018.
23. Order for Mediation filed February 7, 2018.
24. Amended Proof of ADR or Exemption dated June 19, 2018.
25. Joint Respondents' Brief filed July 19, 2018.
26. Reply Brief of Appellant filed August 20, 2018.
27. Transcript of proceedings on October 8, 2018.
28. Order of the Honorable Lawton R. McIntosh dated December 13, 2018.
29. Appellant's Motion to Alter or Amend and, if Necessary, For Ratification, Joinder or Substitution of a Real Party in Interest filed December 27, 2018, including exhibits thereto.
30. Transcript of proceedings on April 4, 2019.
31. Order of the Honorable Lawton R. McIntosh dated May 14, 2019.
32. Notice of Appeal and Proof of Service filed May 29, 2019.

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

October 7, 2019



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SWEENY WINGATE & BARROW P.A.

October 7, 2019

Reply to: Main Office

Matthew J. Myers
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mjm@swblaw.com

SENT VIA HAND DELIVERY

South Carolina Court of Appeals
Attn: Jenny Abbott Kitchings, Clerk of Court
1220 Senate Street, Columbia, SC 29201

RE: J. Morgan Kears, Personal Rep. v. The Kears Family Education Trust, et al.
Civil Action No.: 2017-CP-03-00244
Our File: 5330-10329

Dear Ms. Kitchings:

Please find enclosed for filing in the above referenced matter an original and one copy of the Brief of Appellant and Proof of Service, along with an additional copy of the Brief of Appellant for service upon Respondent Kears Education Trust as provided in Rule 262(b), SCACR. Please return the clocked copies of the Brief of Appellant and Proof of Service with the courier.

Thank you for your assistance, and please let me know if you need anything further at this time.

Yours truly,

SWEENY, WINGATE & BARROW, P.A.



Matthew J. Myers

Enclosures

cc: Rachael Kears Best
Blake Hewitt, Esq.
Gordon Kears
Joseph Kears
Morgan Kears, Esq.
Steven Slotchiver, Esq.
Daniel Speights, Esq.

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Best, Joseph Weber Kears, and John Morgan Kears, of which
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Education Trust U/A/D Nov. 05, 1992..... Respondents.

PROOF OF SERVICE

I certify that I have served the Brief of Appellant and Appellant's Designation of Matter to be Included in the Record on Appeal by depositing a copy of same into the United States Mail, First-class postage prepaid, on October 7, 2019, addressed to the respondents or their attorneys of record as follows:

Daniel A. Speights, Esquire
Speights & Runyan
100 Oak Street, East
Post Office Box 685
Hampton, SC 29924
Attorney for Respondent Julia Kears Sharp

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Attorney for Respondent Elizabeth Kears Gooding

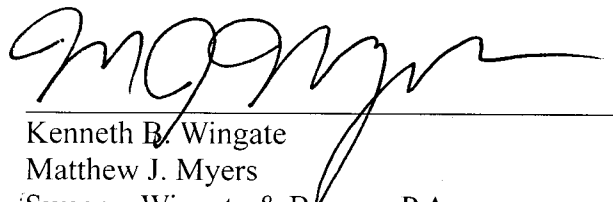
William Gordon Kears
PO Box 221
Fairfax, SC 29827
Pro se

Rachael Kears Best
5055 Lakeshore Drive
Columbia, SC 29206
Pro se

Joseph Weber Kears
6620 Merrill Road
Columbia, SC 29209
Pro se

John Morgan Kears
Post Office Box 521
Allendale, SC 29810
Pro se in individual capacity

I certify that the Kears Family Education Trust is heretofore unrepresented in this matter and otherwise has no known address, and I have therefore delivered an additional copy of the Notice of Appeal with the Clerk of Court for the South Carolina Court of Appeals on October 7, 2019, pursuant to Rule 262, SCACR(b).



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