

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
First Judicial Circuit

Edgar W. Dickson, Circuit Court Judge

RECEIVED

DEC 30 2019

SC Court of Appeals

Appellate Case No. 2019-001065
Dorchester County Case Nos. 2019-CP-18-0677 and 2017-CP-18-1816

In Re: The Estate of Doris Duane Colucci,

Michael C. Fox, Named Personal Representative in the Last
Will of Doris Duane Colucci.....Appellant,

v.

Andrew W. Chandler, Esquire, in his capacity as Special
Administrator of the Estate of Doris Duane Colucci,
Michael C. Fox, Successor Trustee of the Colucci Living Trust,
Dated February 24, 2005, Michael Frederick Antonio Colucci, John Martin Antonio,
Henry Burkes, and Richard M. Hyman, Jr., EsquireRespondents.

**RESPONDENT CHANDLER'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Respondent Chandler designates the following to be included in the Record on Appeal:

Orders

1. Consent Order of Appointment of Special Administrator, dated July 10, 2017;
2. Order for Removal (Probate Court Order granting Appellant's Motion for Removal of Probate of Will and Appointment of Personal Representative), dated November 20, 2017.
3. Order (granting Appellant's Motion to Withdraw Application to Restrain SA); dated February 23, 2018;

4. Order Granting Summary Judgment and Ordering Probate of Will, dated August 27, 2018;
5. Modified Order for the Appointment of Special Administrator, dated August 27, 2018;
6. Order (authorizing distribution to Trust), January 15, 2019;
7. Order Denying Petition for Removal of Special Administrator, dated February 7, 2019;
8. Order (granting Petition for Appointment), February 13, 2019;
9. Order (Temp. Restrain. Appellant as PR), April 17, 2019;
10. Order Granting Motion to Lift Stay, dated May 10, 2019;
11. Order Denying Writ of Supersedeas, dated May 28, 2019;
12. Order (reconsidering and denying Petition for Appointment), May 28, 2019

Pleadings

1. Petition for Formal Testacy and Appointment, dated October 30, 2017;
2. Answer and Objection to Petition for Formal Testacy & Appointment, dated November 30, 2017;
3. Application to Restrain Special Administrator, dated November 20, 2017;
4. Motion to Withdraw (Application to Restrain SA), dated February 20, 2018;
5. Ivo Colucci's Motion for Summary Judgment on Appellant's Petition for Formal Testacy, dated May 21, 2018;
6. Andrew Chandler, Esquire as Special Administrator of the Estate of Doris Duane Colucci, Partial Opposition to Ivo Colucci's Motion for Summary Judgment on Petition for Formal Testacy and Appointment, dated August 8, 2018;
7. Application for Hearing to Approve Distribution, dated November 20, 2018;
8. Motion to Restrain Special Administrator, dated November 26, 2018;
9. Motion to Dismiss Motion to Restrain Special Administrator, dated December 6, 2018;
10. Petition for Removal of Special Administrator, dated January 4, 2019;

11. Motion for Emergency Hearing, dated January 8, 2019;
12. Return to Emergency Application for Appointment of Temporary Special Administrator, dated February 22, 2019;
13. Motion to Amend Findings (re: 2/13/19 Order Appt. Temp. Special Admin.), dated February 22, 2019;
14. Return to Emergency Application for Restraint of Personal Representative, dated February 22, 2019;
15. Motion to Amend Findings (re: 2/13/19 Order Temp. Restrain. PR), dated February 22, 2019;
16. Motion to Reconsider, Alter or Amend, dated February 25, 2019;
17. Return to Motion to Reconsider, dated March 4, 2019;
18. Jurisdictional Timeline, dated March 20, 2019;
19. Appellant's Jurisdictional Memo, dated March 20, 2019;
20. Respondent's Jurisdictional Memo, dated March 20, 2019;
21. Notice of Appeal, dated April 17, 2019;
22. Motion to Dismiss Appeal, dated April 30, 2019;
23. Motion to Lift Stay, dated May 1, 2019;
24. Emergency Petition for Writ of Supersedeas, dated May 15, 2019;
25. Supplement to Emergency Petition for Writ of Supersedeas, dated May 17, 2019;
26. Opposition to Appellant's Emergency Petition for Writ of Supersedeas, dated May 22, 2019;
27. Respondent's Statement of Qualifications, dated May 22, 2019;
28. Letter of Angus Lawton to the circuit court, filed May 23, 2019;
29. Appellant's Statement of Qualifications and Supplemental Memo in Opposition to Motion to Reconsider, dated May 23, 2019;

Transcripts

30. Motion for Summary Judgment Hearing Transcript, dated August 13, 2018;
31. Emergency Hearing Transcript, dated January 9, 2019;
32. Application for Distribution Hearing Transcript, dated January 9, 2019;

Other

33. Colucci Living Trust, dated February 24, 2005;
34. Doris Colucci's Last Will and Testament, dated June 18, 2013;
35. First Amendment to the Colucci Living Trust, dated June 18, 2013;
36. Michael Fox's Acceptance of Trusteeship, dated October 27, 2017;
37. Email from the Court attaching Amended Notice of Hearing, dated January 8, 2019;
38. Email from AWR Court Reporter to Davis enclosing deposition transcript of Michael Fox, dated February 21, 2019; and
39. Email from Judge Dickson, dated March 5, 2019;
40. Email from Davis to Garrett and attached Petition to Sell Real Estate, dated March 30, 2019; and
41. Email from Judge Dickson, dated May 21, 2019.

Counsel certifies that this designation contains no matter which is irrelevant to this appeal.



Elizabeth J. Palmer
Andrew D. Gowdown
Rosen Hagood, LLC
P.O. Box 893
Charleston, SC 29402
(843) 577-6726
ATTORNEYS FOR RESPONDENT
ANDREW W. CHANDLER

December 27, 2019

ROSEN | HAGOOD

Taylor Davis
tdavis@rosenhagood.com

December 27, 2019

VIA U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED

DEC 30 2019

SC Court of Appeals

Re: In Re: The Estate of Doris Duane Colucci
Michael C. Fox v. Andrew W. Chandler et al.
Appellate Case No.: 2019-001065

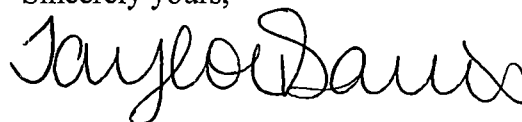
Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of the Initial Brief of Respondent Andrew W. Chandler, in his Capacity as Special Administrator of the Estate of Doris Duane Colucci, Designation of Matter and Proof of Service in the above referenced matter. I kindly ask that you file the original and return a clocked copy to me in the self-addressed, stamped envelope provided.

By copy of this letter to all counsel of record, we are serving them with a copy.

Should you have any questions or concerns, please do not hesitate to contact our office. Thank you for your assistance with this matter.

Sincerely yours,



Taylor Davis
Legal Assistant to Elizabeth Palmer

/tnd

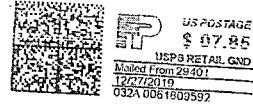
Enclosures

cc: Gordon H. Garrett, Esquire
Angus Lawton, Esquire
Adam Mlynarczyk, Esquire
M. Richardson Hyman, Jr.

9719.000

ROSEN | HAGOOD

151 Meeting Street, Suite 400
Charleston, South Carolina 29401



RECEIVED
DEC 30 2019
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211