

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas

The Honorable Jean Hoefler Toal, Acting Circuit Court Judge

Appellate Case No. 2019-001632

**RECEIVED**

MAR 16 2020

SC Court of Appeals

In the matter of:  
Lemuel Whitaker Boykin, II, deceased.

Rigdon H. Boykin, as sole disinterested Co-Trustee of the Lemuel  
Whitaker Boykin, II Residuary Trusts A and B,.....Appellant-Respondent

v.

Mary Deas Wortley, individually, as Co-Trustee of the Lemuel  
Whitaker Boykin, II Residuary Trusts A and B, Co-Trustee of the  
Lemuel Whitaker Boykin Marital Deduction Trusts A and B, and as  
Co-Personal Representative of the Estate of Alice S. Boykin; Alice  
B. Belger, individually, as Co-Trustee of the Lemuel Whitaker  
Boykin, II Residuary Trusts A and B, and as Co-Personal  
Representative of the Estate of Alice S. Boykin; Lemuel Whitaker  
Boykin, III; and May Cantey Boykin,

Of whom Mary Deas Wortley and Alice B. Belger are ..... Respondent-Appellants

And

Lemuel Whitaker Boykin, III, and May Cantey Boykin are..... Respondents.

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

Pursuant to Rule 209 of the South Carolina Rules of Appellate Procedure, Appellant-  
Respondent proposes the following matters to be included in the Record on Appeal:

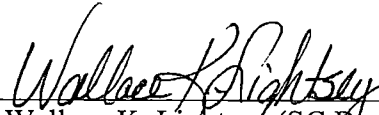
1. Order dated September 1, 2017;
2. Order dated January 8, 2018;
3. Order dated February 16, 2018;
4. Court's Final Order and Judgment dated May 24, 2019;
5. Order Denying Motions to Alter or Amend dated August 28, 2019;
6. Petition dated August 23, 2017;
7. Answer and Cross Claim of Whit and May dated September 8, 2017;
8. Respondents Wortley and Belger's Answer and Counterclaims to Rigdon Boykin's Petition dated February 23, 2018;
9. Amended Petition dated May 7, 2018;
10. Respondents Wortley and Belger's Amended Answer and Counterclaims to Rigdon Boykin's Amended Petition dated July 2, 2018;
11. Respondents Wortley and Belger's Second Amended Answer and Counterclaims to Rigdon Boykin's Amended Petition dated September 26, 2018;
12. Trial Transcript of July 9, 2018;
13. Trial Transcript of July 10, 2018;
14. Trial Transcript of September 27-28, 2018;
15. Deposition Transcript of William Harrison;
16. All Trial Exhibits;
17. Petitioner's Memorandum in Support of Motion for Fees dated January 10, 2018;
18. Motion to Authorize the Sale of Trust Property dated January 16, 2018;
19. Petitioner's Motion for Protective Order & for Expedited Hearing dated March 13, 2018;
20. Petitioner's Motion to Establish Annual Income Beneficiary Distribution dated April 20,

- 2018;
21. Respondents Wortley and Belger's Second Motion to Amend Answer and Counterclaims to Conform to the Evidence dated October 8, 2018;
  22. Motion to Alter or Amend dated June 3, 2019;
  23. Motion to Alter or Amend dated June 13, 2019;
  24. Petitioner's Response and Memorandum in Opposition to Respondents' Motion for Partial Summary Judgment dated June 15, 2018;
  25. Petitioner's Supplemental Memorandum in Support of Post-Trial Motions dated July 15, 2019;
  26. Respondents Wortley and Belger's and the Intervenors' Reply to Petitioner's Supplemental Memorandum Regarding Post-Trial Motions dated July 22, 2019;
  27. Motion for Status Conference dated December 17, 2019;
  28. Motion to Dismiss dated December 18, 2019;
  29. Affidavit of Rigdon Boykin dated January 16, 2018;
  30. Affidavit of James C. Hardin III in Support of Petitioner's Motion for Fees and Appointment of Trust Counsel dated January 16, 2018;
  31. Affidavit of Rigdon Boykin dated April 20, 2018.
  32. Email from J. Rutkoski to parties' counsel dated June 6, 2018.

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

March 16, 2020  
Greenville, SC

Respectfully submitted,



Wallace K. Lightsey (SC Bar No. 6476)

Wade S. Kolb, III (SC Bar No. 100379)

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*Attorneys for Appellant-Respondent Rigdon H. Boykin*

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Of whom Mary Deas Wortley and Alice B. Belger are ..... Respondent-Appellants

And

Lemuel Whitaker Boykin, III, and May Cantey Boykin are..... Respondents.

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**PROOF OF SERVICE**

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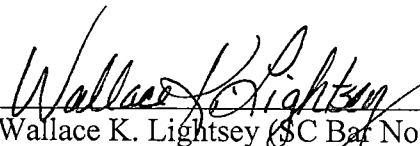
This is to certify that I have this date caused to be served a true and correct copy of the foregoing *Appellant-Respondent's Designation of Matter to be Included in the Record on*

*Appeal* and *Proof of Service* on counsel in this action by causing the same to be deposited in the United States mail, first class postage affixed, addressed as follows:

James Y. Becker  
Robert L. Reibold  
Mary C. Eldridge  
HAYNSWORTH SINKLER BOYD, P.A.  
1201 Main Street, Suite 2200  
PO Box 11889 (29211-1889)  
Columbia, South Carolina 29201

William S. Tetterton  
P.O. Box 530  
Camden, South Carolina 29021

This 16<sup>th</sup> day of March, 2020.

  
\_\_\_\_\_  
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