

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas

The Honorable Jean Hoefer Toal, Acting Circuit Court Judge

Case No. 2017-CP-28-00831
Appellate Case No. 2019-001632

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

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

**DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD
ON APPEAL OF RESPONDENT-APPELLANTS**

Respondent-Appellants propose the following to be included in the Record on Appeal:

Orders:

1. Order on Motion for Attorney's Fees, February 16, 2018
2. Final Order and Judgment, May 24, 2019
3. Order Denying Motions to Alter or Amend Final Order and Judgment, August 28, 2019

Pleadings:

4. Petitioner's Petition for Attorney's Fees, Trustee Fees and Declaratory Judgment, August 23, 2017
5. Petitioner's Motion for Fees and Appointment of Trust Counsel, September 6, 2017
6. Answer and Crossclaim of Lemuel Whitaker Boykin, III and May Cantey Boykin, September 8, 2017
7. Affidavit of Alice Boykin Belger, January 24, 2018
8. Petitioner's Motion for Protective Order and for Expedited Hearing, March 13, 2018
9. Amended Petition for Attorneys' Fees, Trustee Fees, Declaratory Judgment, Modification and Trustee Removal, May 7, 2018
10. Respondents Mary Deas Wortley's and Alice Boykin Belger's Motion to Vacate Confidentiality Order, June 26, 2018
11. Respondents Mary Deas Wortley's and Alice Boykin Belger's Amended Answer and Counterclaims to Rigdon H. Boykin's Amended Petition, July 2, 2018
12. Respondents Wortley's and Belger's Motion in Limine, July 9, 2018
13. Respondents Mary Deas Wortley's and Alice Boykin Belger's Second Amended Answer and Counterclaims to Rigdon H. Boykin's Amended Petition, September 26, 2018
14. Wortley, et al, Motion for Payment or Reimbursement of Attorneys' Fees and Other Costs, January 17, 2019
15. Richard S. Rosen's Affidavit of Attorneys' Fees and Costs, January 17, 2019
16. Williams S. Tetterton's Attorneys' Fee Affidavit, January 17, 2019
17. Notice of Appeal, September 25, 2019
18. Notice of Cross Appeal, September 30, 2019

Transcripts:

19. Trial Transcript, July 9, 2018: pp. 30, 160-161,
20. Trial Transcript, July 10, 2018: pp. 13-14, 16-19, 31, 38-39
21. Trial Transcript, September 28, 2018: pp. 62-64

Exhibits:

22. Petitioner's Trial Exhibit 1 (Last Will and Testament of Lemuel Whitaker Boykin, II)
23. Petitioner's Trial Exhibit 1A (Alice Belger Deposition Transcript, February 26, 2018: pp. 66-71, 91)
24. Petitioner's Trial Exhibit 1B (Mary Deas Wortley Deposition Transcript, March 15, 2018: pp. 27)
25. Petitioner's Trial Exhibit 120 (Transcript of May 12, 2017 Trustee Meeting): pp. 1-22
26. Petitioner's Trial Exhibit 121 (Transcript of October 13, 2017 Trustee Meeting): pp. 108-109, 114-121
27. Petitioner's Trial Exhibit 145 (Minutes of May 12, 2017 Trustee Meeting)
28. Petitioner's Trial Exhibit 152 (Minutes of April 12, 2018 Trustee Meeting)
29. Wortley Trial Exhibit 2 (Investment Plan and Strategy proposed by Mary Deas Wortley and Alice Boykin Belger)
30. Wortley Trial Exhibit 54 (Minutes of January 9, 2018 Trustee Meeting)
31. Wortley Trial Exhibit 55 (R. Boykin email to J. Hardin, January 14, 2018)

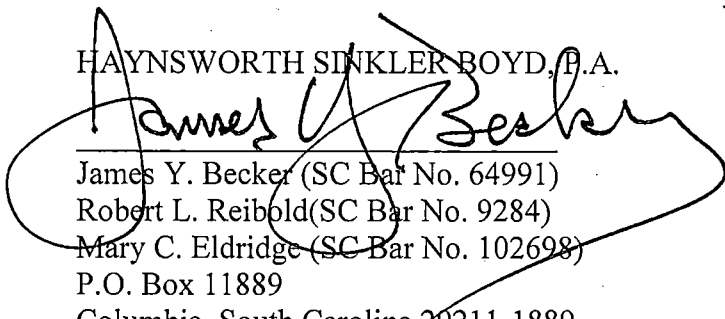
32. Wortley Trial Exhibit 56 (Thomas letter to Becker, August 23, 2018)

Other:

- 33. Rigdon H. Boykin Deposition Transcript, March 19, 2018: pp. 11-20, 130, 192-194, 202-203
- 34. Ridgon H. Boykin Deposition Ex. 2 (Option to Purchase Real Estate, March 12, 2018)
- 35. James Becker email to Judge Toal dated April 24, 2018 (Ex. C to Respondents Wortley's and Belger's Brief in Opposition to Petitioner's Motion to Name Untimely Rebuttal Witness)
- 36. James Becker email to Judge Toal dated June 1, 2018 (Ex. D to Respondents Wortley's and Beler's Brief in Opposition to Petitioner's Motion to Name Untimely Rebuttal Witness)
- 37. James Becker email to G. Cooper law clerk dated June 18, 2018
- 38. William Harrison Deposition Transcript, November 30, 2018: pp. 46, 49

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

HAYNSWORTH SINKLER BOYD, P.A.



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March 16, 2020

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March 16, 2020

The Hon. Jenny Abbot Kitchings
Clerk of Court, Court of Appeals
P.O. Box 11629
Columbia, SC 29201

Re: In the Matter of Lemuel Whitaker Boykin II
Civil Action No. 2017CP2800831
Appellate Case No. 2019-001632
HSB File No. 39944.0001

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Dear Ms. Kitchings:

Enclosed for filing, please find the original and one (1) copy of the following:

1. Initial Brief of Respondent-Appellants; and
2. Designation of Matter to be Included in the Record on Appeal of Respondent-Appellants

in the above-referenced matter, together with our Proof of Service of same. Once filed, please return a clocked copy to me in the enclosed self-addressed, stamped envelope.

If you have any questions, please give me a call.

Thank you for your assistance in this matter.

Sincerely,

HAYNSWORTH SINKLER BOYD, P.A.


James Y. Becker

JYB/rhb

**HAYNSWORTH
SINKLER BOYD**

Cc: Wallace Lightsey, Esq.
Wade S. Kolb, III, Esq.
William S. Tetterton, Esq.

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APPEAL FROM KERSHAW COUNTY
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PROOF OF SERVICE

I, the undersigned employee of Haynsworth Sinkler Boyd, P.A., do hereby certify that I have caused the foregoing to be served via U.S. mail, postage prepaid, *or by other delivery as indicated*, to all parties of record at the addresses shown below.

1. **Initial Brief of Respondent-Appellants**
2. **Designation of Matter To Be Included in the Record on Appeal of Respondent-Appellants**

Parties of Record

Wallace K. Lightsey, Esquire Wade S. Kolb, III Post Office Box 728 Greenville, SC 29602 <i>Attorneys for Appellant Rigdon H. Boykin</i>	William S. Tetterton Post Office Box 530 Camden, SC 29021
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HAYNSWORTH SINKLER BOYD, P.A.

By: Reeve H. Ballew
Reeve H. Ballew

March 16, 2020
Columbia, South Carolina

**HAYNSWORTH
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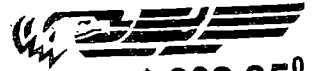
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The Hon. Jenny Abbot Kitchings
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