

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ANDERSON COUNTY COURT OF COMMON PLEAS

R. LAWTON MCINTOSH, CIRCUIT COURT JUDGE

APPELLATE CASE NO.: 2019-001290

**RECEIVED**

**May 04 2020**

**SC Court of Appeals**

Debbie Bannister, individually and as Personal Representative of  
the Estate of Hazel L. Clerk,.....Respondents

vs.

Mary Sims Touchton; Faith, Hope and Charity Retirement, LLC; and  
The Resting Place, LLC,.....Appellants

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

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O. W. Bannister (S.C. Bar No. 00506)  
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Attorney for Appellants

May 4, 2020

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Appellants, Mary Sims Touchton; Faith, Hope and Charity Retirement, LLC; and The Resting Place, LLC, hereby designate the following to be included in the Record on Appeal:

1. Order of July 9, 2019
2. Pleadings:
  - a. Complaint – Survival Action
  - b. Answer – Survival Action
  - c. Complaint – Wrongful Death
  - d. Answer – Wrongful Death
  - e. Posttrial Motions and Memoranda
3. Transcript  
  
Testimony:
  - a. Debbie Bannister, pp. 81, 94
  - b. Bellotti, pp. 318 – 319
  - c. Touchton, pp. 379-380, 424, 425, 437 – 490  
Motions: pp 508, 509; 552-553
4. Documents:
  - a. Court Exhibit No. 5 for identification
  - b. Verdict Form

**CERTIFICATE OF COUNSEL**

The undersigned certifies that this Designation of Matter to be Included in the Record on Appeal complies with Rule 209(b), SCACR.

BANNISTER, WYATT & STALVEY, LLC

  
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*Attorney for Appellants*

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**PROOF OF SERVICE**

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The undersigned hereby certifies that on May 4, 2020 the Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal in the above-captioned matter was served upon counsel of record by placing a copy of same in the U.S. Mail, sufficient postage affixed thereto, addressed as follows, and via electronic mail:

Jennifer Spragins Burnett, Esq.  
Anthony Lee Harbin, Esq.  
Harbin and Burnett  
P.O. Box 35  
Anderson, SC 29621

Email: [jennifer@harbinlaw.com](mailto:jennifer@harbinlaw.com)  
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May 4, 2020

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ATTORNEYS AT LAW

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May 4, 2020

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**May 04 2020**

**SC Court of Appeals**

The Hon. V. Claire Allen, Deputy Clerk  
S.C. Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

RE: Debbie Bannister, individually and as Personal Representative of the Estate of  
Hazel L. Clark, Respondent  
vs.  
Mary Sims Touchton; Faith, Hope and Charity Retirement, LLC, and The Resting  
Place, LLC, Appellants  
Appellate Case No.: 2019-001290

Dear Ms. Allen:

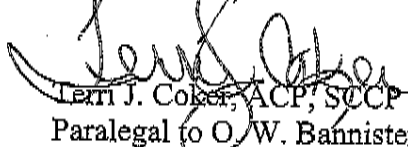
Enclosed are the original and one copy of the Appellants' Initial Brief and Designation of Matter to be Included in the Record on Appeal in the above-referenced matter.

I have also enclosed our Proof of Service and a self-addressed, stamped envelope. Please return a stamped copy of the enclosed documents.

By copy of this letter and the enclosed Proof of Service, I am serving opposing counsel with the documents referenced herein.

Yours truly,

BANNISTER, WYATT & STALVEY, LLC

  
Terri J. Coker, ACP, SCCP  
Paralegal to O.W. Bannister

/tjc

Enclosures

cc: Jennifer Spragins Burnett, Esq., w/enclosures  
Anthony Lee Harbin, Esq., w/enclosures  
Mary Sims Touchton, w/enclosures