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SC Court of Appeals

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

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

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

O. W. Bannister (S.C. Bar No. 00506)
BANNISTER, WYATT & STALVEY, LLC
P.O. Box 10007
Greenville, SC 29603
Ph: 864-298-0084; Fax: 864-298-0146
Attorney for Appellants

May 4, 2020

Other Counsel of Record:

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

Email: jennifer@harbinlaw.com
Email: aharbin@harbinlaw.com

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:

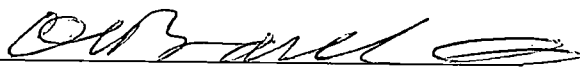
1. Order of July 9, 2019
2. Pleadings:
 - a. Complaint – Survival Action
 - b. Answer – Survival Action
 - c. Complaint – Wrongful Death
 - d. Answer – Wrongful Death
 - e. Posttrial Motions and Memoranda
3. Transcript

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

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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R. LAWTON MCINTOSH, CIRCUIT COURT JUDGE

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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

PROOF OF SERVICE

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
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Attorney for the Appellants

May 4, 2020

BANNISTER, WYATT & STALVEY, LLC
ATTORNEYS AT LAW

O.W. BANNISTER | JOHN F. WYATT | JAMES W. BANNISTER | BRUCE W. BANNISTER | ALEX R. STALVEY
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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:

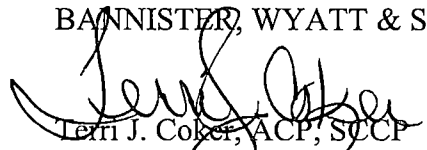
Enclosed are the original and one copy of the Appellants' Initial Brief and Designation of
Matter to be Included in the Record on Appeal in the above-referenced matter.

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,

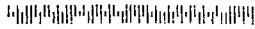
BANNISTER, WYATT & STALVEY, LLC


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



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