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Jun 19 2020

SC Court of Appeals

**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

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

And

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

**APPELLANT-RESPONDENT’S AMENDED 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. Appellant-

Respondent submits this Amended Designation to comply with the Court's Order of May 22, 2020, granting Respondents-Appellants' motion to strike, but does so reserving his objections to said Order.

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. Affidavit of Rigdon Boykin dated January 16, 2018;
28. Affidavit of James C. Hardin III in Support of Petitioner's Motion for Fees and Appointment of Trust Counsel dated January 16, 2018;
29. Affidavit of Rigdon Boykin dated April 20, 2018.
30. 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.

June 19, 2020
Greenville, SC

Respectfully submitted,

s/Wallace K. Lightsey

Wallace K. Lightsey (SC Bar No. 6476)

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

Wyche P.A.

Post Office Box 728

Greenville, SC 29602-0728

(864) 242-8200

wlightsey@wyche.com

wkolb@wyche.com

Attorneys for Appellant-Respondent Rigdon H. Boykin

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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.

PROOF OF SERVICE

This is to certify that I have this date caused to be served a true and correct copy of the
foregoing *Appellant-Respondent's Amended 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 19th day of June, 2020.

s/Wallace K. Lightsey

Wallace K. Lightsey (SC Bar No. 6476)

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

Wyche P.A.

Post Office Box 728

Greenville, SC 29602-0728

(864) 242-8200

wlightsey@wyche.com

wkolb@wyche.com

Attorneys for Appellant-Respondent Rigdon H. Boykin