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**APR 28 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Charles B. Simmons, Jr., Master in Equity

Case No. 2020-CP-23-02076

Jerry Powers, .....Appellant

v.

Rizan Properties, LLC .....Respondent

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

Appellant proposes the following be included in the Record on Appeal:

1. Summary Judgment Order
2. Rule 59 Order \*
3. Order of Reference
4. Complaint
5. Amended Answer
6. Reply
7. Plaintiff’s Motion for Summary Judgment
8. Defendant’s Motion for Summary Judgment
9. Plaintiff’s Memorandum of Law Supporting Plaintiff’s Motion for Summary Judgment and Opposing Defendant’s Motion for Summary Judgment
10. Defendant’s Memorandum in Support of Motion for Summary Judgment
11. Transcript of Summary Judgment Hearing, pp. 1, 6, 9, 21-22

12. Plaintiff's Motion to Alter, Amend and/or Reconsider under Rule 59(e)
13. Deposition of Jerry Powers, pages 1; 6-8, 10-12, 15-16 19, 22-23 28-32, 35-36, 48-49, 54, 67-69, 71-72, 75-76, 84-87, 89, 95, 98, 100, 105-106, 114-119, 129, 137, 174, 177-178, 182-184,
14. Plaintiff's Responses to the First Interrogatories of Rizan Properties, LLC
15. Plaintiff's Summary Judgment Exhibits
  - A. Deed to Rizan Properties, LLC of 39 2nd Ave.
  - B. Probate Ct. Petition for Sale of Real Property filed by Meredith Rigdon
  - C. 2011 Lease Agreement.
  - D. 2013 Lease Agreement.
  - E. 2013 Option To Purchase
  - F. Final Order in Meredith M. Rigdon v. Lukas L. Rigdon (2017-DR-23-4982 (pgs 1, 6)
  - G. Financial Declaration of Lukas Rigdon (pgs 1-4)
  - H. Affidavit of Kathy Rogozenski with exhibit
  - I. Eviction Notice dated 12/3/18
  - J. Hospital admission records of Jerry Powers
  - K. Incident Detail and Certificate of Record from Greenville County Sheriff (pgs 1-2)
  - L. Obituary of Jacqueline Pearson
  - M. Rizan Properties LLC's Response to Plaintiff's First Requests for Admission

Appellant's counsel hereby certifies that this Designation contains no matter which is irrelevant to the appeal.

Respectfully Submitted,

**SOUTH CAROLINA LEGAL SERVICES**



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April 19, 2021

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APR 23 2021

**SC Court of Appeals**

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Charles B. Simmons, Jr., Master in Equity

Case No. 2020-CP-23-02076

Jerry Powers, .....Appellant

v.

Rizan Properties, LLC .....Respondent

**CERTIFICATE OF SERVICE**

I certify that I have served the *Appellant's Initial Brief* and *Appellant's Designation of Matter to be Included in the Record on Appeal* on Respondent Rizan Properties, LLC by U.S. Mail, Postage Paid on **April 19, 2021** to the following addresses:

Knox L. Haynsworth, III, Esq.  
P.O. Box 2464  
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April 19, 2021

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O Box 11629  
Columbia, SC 29211

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APR 28 2021


**SC Court of Appeals**

Re: Jerry Powers v. Rizan Properties, LLC  
Appellate Case No. 2021-000218

Dear Ms. Kitchings:

Enclosed for filing is the Appellant's initial brief, designation of matter, and a certificate of service. By copy of this letter, I am serving these documents upon Respondent's counsel.

Sincerely,

  
Mark Fessler  
Staff Attorney  
ph: 864-679-3254

enclosures

cc: Knox Haynsworth, Esq.





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The Honorable Jenny Abbott Kitchings  
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