

**RECEIVED**  
**May 12 2021**  
**SC Court of Appeals**

**FORM 14**  
**DESIGNATION OF MATTER TO BE**  
**INCLUDED IN THE RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHEROKEE COUNTY  
Court of Common Pleas

Letitia H. Verdin, Judge

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Appellate Case No.: 2021-000269  
C.A. No. 2020CP1100632

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Bobby E. Leopard, Luther Harris and Donna Harris,

Appellants,

v.

Perry W. Barbour,

Respondent.

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**INCLUDED IN THE RECORD ON APPEAL**

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Appellants propose the following be included in the Record on Appeal:

1. Summons and Complaint, filed August 27, 2020
2. Affidavit of Default, filed November 10, 2020
3. Order of Default and Order for Hearing to Ascertain Damages,  
filed November 12, 2020
4. Motion for Entry of Default and Exhibits, filed November 28, 2020
5. Order of Default and Order for Hearing to Ascertain Damages,  
Issued December 16, 2020
6. Certificate of Service, filed December 17, 2020
7. Respondent's Motion to Vacate and Exhibits, filed February 11, 2021
8. Respondent's Brief in Support of Motion to Set Aside  
Entry of Default, February 11, 2021

9. Respondent's Answer, filed February 11, 2021
10. Appellants' Response in Opposition to Barbour's Motion to Set Aside Entry of Default and Exhibits, filed February 16, 2021
11. Appellants' Response in Opposition to Barbour's Motion to Dismiss, filed February 16, 2021
12. Form 4, Granting Motion to Vacate Entry of Default, Issued February 16, 2021
13. Proof of Mailing to Wendell Barbour, filed February 16, 2021
14. Appellants' Motion for Reconsideration of the Order Granting Motion to Vacate and Motion to Dismiss and Exhibits, filed February 26, 2021
15. Form 4, Denying Appellants' Motion for Reconsideration, Issued March 9, 2021
16. Notice of Appeal, March 11, 2021

Submitted by:

*s/Donald L. Smith*

Donald L. Smith (Bar No.:6699)

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Anderson SC 29621

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*Attorney for Appellants*

Anderson, South Carolina  
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Bobby E. Leopard, Luther Harris and Donna Harris,

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Respondent.

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**CERTIFICATE OF COUNSEL**

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The undersigned hereby certifies that this Designation of Matter to be included on Record on Appeal complies with Rule 209, in relation to Rule 210 SCACR.

Submitted by:

**s/Donald L. Smith**

Donald L. Smith (Bar No.:6699)

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*Attorney for Appellants*

Anderson, South Carolina

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**FORM 7  
PROOF OF SERVICE**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHEROKEE COUNTY  
Court of Common Pleas

Letitia H. Verdin, Judge

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Appellate Case No.: 2021-000269  
Case No. 2020-CP-1100632

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Bobby E. Leopard, Donna Harris and Luther Harris,  
Appellants,

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**PROOF OF SERVICE**

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Pursuant to Supreme Court of South Carolina's Amended Order 2020-05-29-02, I served a copy of the Initial Brief of Appellant, Designation of Matter to be Included on the Record on Appeal, Certificate of Counsel, and Proof of Service, upon The Honorable Jenny Abbott Kitchings, Clerk of South Carolina Court of Appeals, and Mr. David L. Moore, Esquire, by email through the following addresses:

Ms. Jenny Abbott-Kitchings  
Mr. David L. Moore, Esquire

[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)  
[DMoore@turnerpadget.com](mailto:DMoore@turnerpadget.com)

I certify that I have served the Respondent Perry Wendell Barbour at his last known address: 130 Valentine Court, Martinsville, VA 24112.

Anderson, South Carolina  
May 12, 2021

*s/Donald L. Smith*  
Donald L. Smith, (Bar No.: 6699)  
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[attorneydonaldsmith@gmail.com](mailto:attorneydonaldsmith@gmail.com)  
*Attorney for Appellants*

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**SC Court of Appeals**

**FORM 8  
LETTER TO THE COURT OF APPEALS CLERK OF COURT  
FILING INITIAL BRIEF OF APPELLANT AND  
DESIGNATION OF MATTER TO BE INCLUDED ON RECORD ON APPEAL**

May 12, 2021

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

**RE: Bobby E. Leopard, Donna and Luther Harris vs. Perry W. Barbour  
Appellate Case No.: 2021-000269  
Case No. 2020-CP-1100632**

Dear Ms. Kitchings:

Please find enclosed the following documents for filing:

1. Initial Brief of Appellant;
2. Designation of Matter to be Included on Record on Appeal;
3. Certification of Counsel; and,
4. Proof of Service of the same.

Sincerely,  
*s/Donald L. Smith*  
Donald L. Smith (Bar No.: 6699)  
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Anderson SC 29621  
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*Attorney for Appellants*

cc:

Mr. David L. Moore, Esquire  
Mr. Perry Barbour