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Jul 12 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
DEBRA R. MCCASLIN, CIRCUIT COURT JUDGE

Appellate Case No. 2021-000460

Quality Fresca I, LLC,Appellant,

v.

Kenneth R. Davenport, II, Personal Representative of the
Estate of Kenneth R. Davenport,Respondent.

APPELLANT’S DESIGNATION OF MATTER

Pursuant to Rule 209, SCACR, Appellant proposes the following be included in the Record on Appeal. Unless otherwise stated, all items designated include exhibits and exclude proof of service, cover sheets, motion forms, and notices. Appellant reserves the right to include additional designations in response to any additional designations made by Respondent in her connection with her initial reply brief or otherwise.

ORDERS

1. Form Order of Ejectment dated November 4, 2020
2. Detailed Order of Ejectment dated November 4, 2020
3. Appeal Bond filed March 5, 2021
4. Order on Appeal filed March 29, 2021
5. Form 4 Denying Motion to Reconsider filed April 27, 2021
6. COA Order filed June 7, 2021

PLEADINGS

7. Rule to Show Cause and Petition with Attachments dated October 1, 2020
8. Notice of Appeal filed November 9, 2020
9. Magistrate Return Volume I and II filed February 18, 2021
10. Motion to Extend Appeal Bond filed April 8, 2021
11. Motion to Reconsider filed April 8, 2021

TRANSCRIPTS

12. Show Cause Hearing October 27, 2020
13. Bond Hearing November 25, 2020
14. Hearing March 16, 2021

OTHER

15. Defendant Exhibit, Letter dated September 3, 2020 re exercise of option
16. Defendant Exhibit, Email dated September 4, 2020 re second Exercise of option
17. Notice of Default September 4, 2020
18. Affidavit of Timothy Baynes dated May 12, 2021 and Exhibit 3 to Motion for
Supersedeas dated May 13, 2021
19. Defendant Exhibit Emails
20. Summary Court Judge's Bench Book-Elements of Common Landlord-Tenant Problems

[signature next page]

I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,

s/ Desa Ballard
Desa Ballard (SC Bar No. 498)
Harvey M. Watson III (SC Bar No. 74053)
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West Columbia, South Carolina 29169
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ATTORNEYS FOR APPELLANT

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Quality Fresca I, LLC,Appellant,

v.

Kenneth R. Davenport, II, Personal Representative of the
Estate of Kenneth R. Davenport,Respondent.

PROOF OF SERVICE

I, Beth Cogan, an employee with Ballard & Watson, do hereby certify that on July 12, 2021, I served a copy of the **Initial Brief of Appellant and Designation of Matter**, in the above-captioned case on the following individuals by electronic mail, addressed as follows:

Brian Hellman, Esquire
Hellman Yates & Tisdale, PA
bh@hellmanyates.com

Jason Smith, Esquire
Hellman Yates & Tisdale, PA
js@hellmanyates.com


Beth Cogan, Paralegal

July 12, 2021

From: [Beth Cogan](#)
To: [Brian Hellman](#); [Jason Smith](#)
Cc: [Desa Ballard](#); ted@harrisandhuge.com
Subject: (Quality Fresca I, LLC v. Kenneth R. Davenport, II//2021-000460) Ltr to COA encl Initial Brief of Appel. and DOM
Date: Monday, July 12, 2021 5:06:40 PM
Attachments: [2021 07 12 Ltr to COA encl A. IB.pdf](#)
[2021 07 12 A. IB.pdf](#)
[A. DOM.pdf](#)
[2021 07 12 Proof of Service A. IB.pdf](#)

Good afternoon,

Please see the attached Initial Brief of Appellant and Designation of Matter for the above-referenced matter that is being filed today with the Court of Appeals.

Kindest Regards,

-Beth

Beth Cogan, Paralegal
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July 12, 2021

Via Email (ctappfilings@sccourts.org)
Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

Re: *Quality Fresca I, LLC v. Kenneth R. Davenport II, et al.*
Appellate Case No.: 2021-000460

Dear Ms. Kitchings:

Enclosed for filing please find the **Initial Brief of Appellant's and Designation of Matter** for the above-referenced matter.

By copy of this letter and as evidenced by the Proof of Service, these filing has been served upon counsel for the Respondent. Thank you for your time in this matter. If you have any questions, please do not hesitate to contact our office.

Please do not hesitate to contact our office if you should have any questions. With warm personal regards, I am,

Sincerely yours,

Desa Ballard
desab@desaballard.com

cc: *Via Electronic Mail*
Brian Hellman, Esquire
Jason Smith, Esquire