

The State of South Carolina  
In The Court of Appeals

**RECEIVED**

Appeal from Horry County Court of Common Pleas  
Benjamin H. Culbertson, Circuit Court Judge

JUL 23 2021

**SC Court of Appeals**

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Case No. 2020-001291

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**Julie Irving,**

**Respondent,**

**v.**

**Jeanne Poafpybitty, Donald Matthew Rothgeb,  
and Steven Taylor Rothgeb,**

**Defendants,**

**Of whom Jeanne Poafpybitty, Personal Representative of the Estate of  
Donald M. Rothgeb is the Appellant.**

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DESIGNATION OF MATTER

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**I. ORDERS**

1. Order of the Horry County Probate Court dated March 2, 2018
2. Order of the Horry County Probate Court dated November 7, 2018

**II. PLEADINGS**

1. Complaint
2. Answer

**III. TRIAL**

- A. Trial Transcript 2/17/17 and 2/24/17
- B. Plaintiff's Exhibits

1. Letter from Jack Scoville to Bret Davis dated 10/6/13
2. Letter from Julie Irving to Davis & Boyd, LLC dated 1/20/16
3. Letter from Julie Irving to Becky Weaver at DBLF dated 1/29/16
4. Letter from Julie Irving to Becky Weaver at DBLF dated 2/8/16
5. Letter from Julie Irving to Bret Davis dated 2/11/16
6. Appraisal of 1529 Crooked Pine Drive by Burgess dated 12/2/16
7. Email from Becky Weaver to Julie Irving dated 12/9/15
8. Email exchanges between Becky Weaver, Julie Irving and Roxsena at PHS CPA dated 4/11/16 and 4/12/16
9. Email exchanges between Becky Weaver and Clifford Tall dated 5/31/16 & 6/1/16
10. Email from Cliff Tall to RRB dated 6/28/16
11. Letter from Bret Davis to Jack Scoville dated 5/13/15
12. Affidavit of Jeanne Poafpybitty
13. Interim Accounting filed with the HCPC on 9/25/15
14. Letter from Jack Scoville to Bret Davis dated 4/8/15
15. Email from Julie Irving to Mr. Parker at Myrtle Beach CPAs dated 2/23/17

C. Defendant's Exhibits

1. Appraisal of 1529 Crooked Pine Drive by Cromartie Appraisal Service
2. Affidavit of Russell Burgess
3. Facebook post by Julie Irving

4. Invoice from Clifford Tall for services rendered from 2/2016 through 2/2017
5. Last Will and Testament of Donald Rothgeb
6. Email from Clark Parker at Myrtle Beach CPAs to Cliff Tall dated 2/8/17
7. Email from Irving to Rothgeb, Knihtila, Tall & Helluvaskinsfan dated 2/22/17
8. Email exchanges between Becky Weaver & Jeanne Poafpybitty dated 9/2 & 9/9/14
9. Email from Jeanne Poafpybitty to Julie Irving dated 10/1/14
10. Email from Poafpybitty to Steve Rothgeb dated 3/19/15 with rental property info.
11. Property descriptions for the Rothgeb Estate with Affidavit of Jeanne Poafpybitty

D. Audio recording and transcript of telephone conversation between Plaintiff and Bret Davis, Esq. played at trial.

E. Email ruling of The Honorable Carroll Padgett dated May 26, 2017

#### IV. POST-TRIAL MOTIONS

- A. Defendant's Motion for Reconsideration
- B. Defendant's Memorandum in Support of Motion for Reconsideration
- C. Defendant's Exhibits for Motion for Reconsideration
  1. Emails between Plaintiff and Appellant discussed at trial
  2. Donald Matthew Rothgeb Criminal Record discussed at trial
  3. Page 1 of Decedent, Donald Matthew Rothgeb's, Will

4. Letter from Jack Scoville, Esq. to Bret Davis, Esq. dated October 6, 2015
5. List of estate properties discussed at trial
6. Letters from Plaintiff to Bret Davis, Esq. discussed at trial
7. Emails between Plaintiff and Bret Davis discussed at trial
8. Transcription of audio recording of telephone conversation between Plaintiff and Bret Davis, Esq. played at trial
9. Emails from the Probate Court dated March 23, 2017 regarding ex-parte communications from Plaintiff
10. Plaintiff's Facebook post dated May 26, 2017 following the preliminary email ruling of the Probate Court
11. Trial transcript pages 42, 60, 73, 96, 98, 101, 102, 107, 109, 114, 115, 176, 210, 215, 243, 249-251, 255, 264-277, 321, 339, 348-351, 372-374, 405, 437, 438, 442, 443, 454, 457, 459, 474, 482, 490, 503-505, 525
12. Blackmon v. Weaver, 621 S.E. 2d 412, 366 S.C. 245 (S.C. 2005)
13. Sullivan v. Brown (In re Estate of Kay), 418 S.C. 400, 792 S.E.2d 907, 792 S.E.2d 907 (S.C. Ct. App. 2016)
14. Sullivan v. Brown (In re Estate of Kay), 423 S.C. 476, 816 S.E.2d 542 (2018)
15. Church v. McGee, 391 S.C. 334, 705 S.E. 2d 481 (Ct. Ap. 2011)

D. Transcript of Post-trial hearing on Defendant's Motion for Reconsideration

E. Email ruling of The Honorable Carroll Padgett dated September 6, 2018

V. Appellate Orders and Briefing

A. Appeal Brief of Appellant-Defendant, Jeanne Poafpybitty

B. Brief of Respondent-Plaintiff, Julie Irving

C. Reply Brief of Appellant

- D. Order of the Circuit Court Denying Appeal, Affirming Decisions of the Probate Court dated September 16, 2020
- VI. Horry County Probate Court Exemplified Record/Circuit Court Record on Appeal
- A. Inventory dated July 17, 2015
  - B. Accounting dated September 23, 2015
  - C. Application for Settlement dated June 3, 2016
  - D. Final Accounting dated June 3, 2016
  - E. Interim Accounting dated September 25, 2016
  - F. Amended Final Accounting dated February 14, 2017

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

s/ Reese R. Boyd, III  
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Personal Representative of Donald M. Rothgeb*

Dated: July 19, 2021  
Myrtle Beach, SC

**From:** Cathy Plocinik <cathy@davisboydlaw.com>  
**Subject:** POAFPY / Irving v. Poafpybitty et al, Case No.: 2020-001291 - Appellant's Reply Brief and Designation of Matter  
**Date:** July 19, 2021 7:15:34 PM EDT  
**To:** ctappfilings@sccourts.org  
**Cc:** "Clifford H. Tall" <ctallpa@sc.rr.com>, Helluvaskinsfan Matt <mrhelluvaskinsfan@gmail.com>, Steve Rothgeb <strothgeb77@gmail.com>, Thomas Rode <thomas@tktlawyers.com>, Dawn Abernathy <Dawn@tktlawyers.com>, Reese Boyd <reese@davisboydlaw.com>, Bret Davis <bdavis@davisboydlaw.com>  
▶ 2 Attachments, 253 KB

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Dear Sir/Madam:

Attached please find Appellant's Reply Brief and Amended Designation of Matter, the originals of which have been sent via US Mail.

Thank you for the Court's attention to this filing, and if additional information is needed, please advise.

Kind regards,

Cathy Plocinik

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Ms. Jenny Abbott-Kitchings  
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