

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

The Honorable Ellis B. Drew, Jr., Master-in-Equity

Case No. 2007-CP-04-2786
(Appellate Case No. 2012-213318)

Miller Construction Company, LLC.....Respondent,

v.

Pendleton Station, LLC, Enterprise Bank of South Carolina,
and Angelo Penza Defendants,

Of whom Enterprise Bank of South Carolina is theAppellant.

DESIGNATION OF MATTER TO
BE INCLUDED IN THE RECORD ON APPEAL

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


- (1) Mechanic's Lien of Respondent, filed April 17, 2007;
- (2) Mechanic's Lien of Moorhead Construction, Inc., filed April 17, 2007;
- (3) Mechanic's Lien of Craft Construction Company, Inc. of Starr filed May 25, 2007;
- (4) Complaint of Respondent, with Exhibits, filed August 31, 2007;
- (5) Answer of Appellant, dated October 31, 2007;
- (6) Amended Answer of Appellant, dated November 17, 2008;
- (7) Complaint of Moorhead Construction, Inc., filed August 31, 2007;

Memorandum in Support of its Motion for Summary Judgment, dated August 26, 2010;

- (24) Affidavit of Charles Kernaghan, attached as Exhibit E to Appellant's Reply Memorandum in Support of its Motion for Summary Judgment, dated August 26, 2010;
- (25) Appellant's Pre-Trial Memorandum, dated October 25, 2011;
- (26) Appellant's Motion to Reconsider Final Order and Judgment, dated June 22, 2012;
- (27) Order on Motion to Reconsider of the Honorable Ellis B. Drew, Jr., dated October 4, 2012;
- (28) Excerpts from Trial Transcript, December 8, 2011, pages 6-9, 12-18, 32, 44, 54, 60, 64-65, 67-77, 79-85, 91-113, 121, 123-139, 140-145, 158-164, 166-167, 171-174, 176, 181, 186-187, 205-209;
- (29) Excerpts from Trial Transcript January 24, 2012, pages 1-30,
- (30) Defendant's Exhibit 1, Tabs 1, 2, 3, 5, 6, 9, 14-22, 25-26 from December 8, 2011 trial;
- (31) Plaintiff's Exhibit 1, Exhibit 4; Exhibit 8, Exhibit 10, from December 8, 2011 trial; and
- (32) Excerpts from Hearing on Motion to Reconsider dated August 21, 2012, pages 7-9, 18-19.

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

April 5, 2013



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THE STATE OF SOUTH CAROLINA
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The Honorable Ellis B. Drew, Jr., Master-in-Equity

Case No.: 2007-CP-04-2786

Miller Construction Company, LLC Respondent,

v.

Pendleton Station, LLC, Enterprise Bank of South Carolina,
and Angelo Penza Defendants,

Of whom Enterprise Bank of South Carolina is the Appellant.

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the Appellant's Designation of Matter to be Included in the Record on Appeal in the above-referenced case has been served on all parties of record by mailing a copy of same in the United States mail, postage prepaid this 5th day of April, 2013, addressed as follows:

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April 5, 2013

Hon. Jenny Abbott Kitchings
Clerk of Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Miller Construction Company, LLC vs. Pendleton Station, LLC, et al.
Of Whom Enterprise Bank of South Carolina is the Appellant
Appeal from Anderson County
Case No.: 2007-CP-04-2786
Appellate Case No.: 2012-213318

To Whom It May Concern:

Please find enclosed the original and one (1) copy of Appellant's Initial Brief, with Proof of Service, and the original and one (1) copy of Appellant's Designation of Matter to be Included in the Record on Appeal, with Proof of Service in the above referenced matter.

By copy of this letter, we are serving one copy of each upon all counsel of record. Thank you for your assistance in this matter and please do not hesitate to contact our office if you have any questions.

Very truly yours,

KENISON, DUDLEY & CRAWFORD, LLC


Helen Cotrone
Legal Assistant

Enclosures

cc: David J. Brousseau
James W. Logan, Jr.
C. Nicholas Lavery
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SC Court of Appeals

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