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**Nov 15 2021**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM YORK COUNTY  
TEASA K. WEAVER, MASTER-IN-EQUITY

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Appellate Case No.: 2021-000816

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Vicki Lynn Vergeldt, individually and as  
Successor Trustee of the John Vergeldt, Jr.  
Revocable living Trust dated September 27, 1978, .....Respondent,

v.

John Edward Vergeldt, .....Appellant.

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**APPELLANT’S DESIGNATION OF MATTER**

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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. Order Case No. 2014-CP-46-1956 filed August 31, 2015
2. Consent Order Appointing Special Trustee and Stay Case for Case No. 2016-CP-46-00820 filed February 23, 2017
3. Order Granting Motion to Amend Case No. 2016-CP-46-00820 filed June 13, 2019
4. Final Order filed February 2, 2021

5. Order Denying Motion to Reconsider Case No. 2016-CP-46-00820 filed July 2, 2021

### **PLEADINGS**

6. Summons and Complaint with Exhibits for Case number 2014GC460012 filed February 28, 2014
7. Summons and Amended Complaint for Case number 2014GC460012 filed March 4, 2014
8. Summons and Second Amended Complaint filed February 10, 2015
9. Motion to Alter or Amend Order Case No. 2014-CP-46-01956 filed September 11, 2015
10. Answer and Counterclaim filed March 7, 2016
11. Summons and Petition for removal of Trustee and related relief filed March 16, 2016
12. Motion to Amend Petition filed May 14, 2019
13. Amended Petition for removal of Trustee and Related relief filed June 20, 2019
14. Response to Amended Petition dated August 17, 2019
15. Motion to reconsider filed February 12, 2021
16. Amended Motion to Reconsider filed February 22, 2021
17. Memo in Support Motion to Reconsider and Supplemental Motion to Reconsider filed March 15, 2021
18. Notice of Appeal filed August 2, 2021

### **TRANSCRIPTS**

19. Trial Day 1 January 30, 2020
20. Trial Day 2 January 31, 2020
21. Hearing June 17, 2020

22. Amended Motion to Reconsider Hearing March 17, 2021

**OTHER**

23. Plaintiff's Exhibit 3 - Tenth Amended to Trust Agreement

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

Respectfully submitted,

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

November 15, 2021

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v.

John Edward Vergeldt, .....Appellant.

**PROOF OF SERVICE**

I, Beth Cogan, an employee with Ballard & Watson, Attorneys at Law, do hereby certify that on November 15, 2021, I served a copy of the **Appellant's Initial Brief** and **Appellant's Designation of Matter** in the above-captioned case on the following individuals by electronic mail using their email address listed in the Attorney Information System, addressed as follows:

**Taylor Peace, Esquire**  
**Harrell, Marin & Peace, P.A.**  
**tpeace@hmp-law.com**



Beth Cogan, Paralegal

November 15, 2021  
West Columbia, South Carolina

## Beth Cogan

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**From:** Beth Cogan  
**Sent:** Monday, November 15, 2021 5:31 PM  
**To:** tpeace@hmp-law.com  
**Cc:** Desa Ballard  
**Subject:** (Vergeldt v. Vergeldt 2021-000816) Ltr to COA encl AIB  
**Attachments:** 2021 11 15 Ltr to COA encl AIB.pdf; 2021 11 15 Initial Brief of Appellant.pdf; 2021 11 15 A. DOM.pdf; 2021 11 15 POS AIB.pdf

Good afternoon,

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

Kindest Regards,

-Beth

Beth Cogan, Paralegal  
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**Ballard & Watson**  
Attorneys at Law  
**PERSISTENT. UNWAVERING.**

Desa Ballard  
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November 15, 2021

*Via Email* ([ctappfilings@sccourts.org](mailto: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: *Vicki Lynn Vergeldt, et al. v. John Vergeldt*  
Appellate Case No.: 2021-000816

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](mailto:desab@desaballard.com)

cc: *Via Electronic Mail*  
Taylor Peace, Esquire  
John Vergeldt