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**Dec 22 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

R. Lawton McIntosh, Circuit Judge

Appellate Case No. 2021-000471

Bull Point Plantation Property Owners Association, Inc.....Respondent

v.

Bull Point SC, LLC, Bull Point, LLC, Bull Point Plantation  
Owners Association, Inc., William E. Gavigan, Michael Carey,  
Christopher J. Quick, James Riordan, Richard Riney ..... Appellant's

BULL POINT PLANTATION PROPERTY OWNERS ASSOCIATION, INC.'S  
DESIGNATION OF MATTER FOR INCLUSION IN THE RECORD ON APPEAL

M. Dawes Cooke, Jr., Esq.  
John W. Fletcher, Esq.  
BARNWELL WHALEY PATTERSON &  
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***Counsel for Respondent Bull Point Plantation  
Property Owners Association, Inc.***

Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Respondent Bull Point Plantation Property Owners Association, Inc. ("Respondent") hereby designates the following materials to be included in the Record on Appeal in this matter in connection with its Initial Brief of Respondent. Unless otherwise expressly stated, each item designated is to include all attachments or exhibits to the original of the referenced item. Respondent intends to designate each and every item from the record that it cited in its Initial Respondent's Brief. Respondent expressly reserves the right to seek supplementation of the record pursuant to Rules 209 and 212, SCACR. Respondent designates the following matters for inclusion in the Record on Appeal:

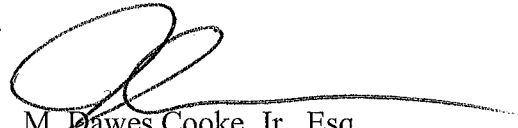
1. Respondent's April 30, 2020 Complaint
2. October 23, 2020 Respondent Bull Point Plantation Property Owners Association, Inc.'s Motion for Summary Judgment
3. February 1, 2021, Respondent Bull Point Plantation Property Owners Association, Inc.'s Motion to Alter or Amend Complaint
4. February 25, 2021 Respondent Bull Point Plantation Property Owners Association, Inc.'s Memorandum in Support of Motion for Summary Judgment (and all exhibits)
  - Ex. 1 January 20, 1995 Articles of Organization of Bull Point, LLC
  - Ex. 2 Ninth Amendment to Declaration of Covenants, Conditions and Restrictions for Bull Point Plantation
  - Ex. 3 September 26, 1995 Articles of Incorporation of Bull Point Homeowners Association, Inc.
  - Ex. 4 August 14, 2016 Nonprofit Corporation Articles of Amendment for Bull Point Homeowners Association, Inc.
  - Ex. 5 Chart Summarizing Deeds
  - Ex. 6 March 11, 2013 Notice of Change of Registered Office or Registered Agent or Both of a South Carolina Nonprofit Corporation for Bull Point Property Owners Association, Inc.
  - Ex. 7 February 4, 2015 Nonprofit Corporation Articles of Amendment for Bull Point Property Owners Association, Inc. (changing name to Bull Point Plantation Property Owners Association, Inc.)

- Ex. 8 Additional Affidavit of Michael Pellecchia in Opposition to the Motion for Preliminary Injunction and Rule to Show Cause of William E. Gavigan and Bull Point SC, LLC in *Attridge* matter
- Ex. 9 March 21, 2017 Assignment and Assumption of Declarant's Rights
- Ex. 10 August 21, 2017 Assignemnt of Rights Under Declaration
- Ex. 11 May 8, 2019 Letter from William E. Gavigan to M. Dawes Cooke, Jr., Esq.
- Ex. 12 November 20, 2017 Notice and Certificate of Lien
- Ex. 13 Affidavit of William E. Gavigan
- Ex. 14 "Old South" Letter
- Ex. 15 November 16, 2018 Eighteenth Amendment to Declaration of Covenants, Conditions and Restrictions for Bull Point Plantation
- Ex. 16 November 18, 2019 Order of Judge Carmen T. Mullen in *Attridge* matter
- Ex. 17 December 4, 2020 Order Granting in Part and Denying in Part Plaintiff's Supplemental Motion for Preliminary Injunction and Motion/Petition for Rule to Show Cause of Judge Carmen T. Mullen in *Attridge* matter
- Ex. 18 Minutes 2009 Property Owners Assocation Annual Meeting — November 21, 2008
- Ex. 19 Deed Recorded on January 29, 2009
- Ex. 20 September 27, 2019 Email from Judge Carmen T. Mullen Setting Hearing
- Ex. 21 Quitclaim Deed Recorded on October 10, 2019
- Ex. 22 Quitclaim Deed Recorded on October 10, 2019
- Ex. 23 November 12, 2019 Email from Judge Carmen T. Mullen to Eugene Matthews, Esq.
- Ex. 24 September 25, 2019 Email from William E. Gavigan to Alysoun Eversole
- Ex. 25 February 5, 2020 Articles of Incorporation of Bull Point Plantation Owners Association, Inc.

- Ex. 26 Quitclaim Deed Recorded on March 10, 2020
- Ex. 27 January 24, 2021 Letter from William E. Gavigan to M. Paige Chamberlain
- Ex. 28 January 13, 2020 Email from M. Dawes Cooke, Jr. to Eugene Matthews
- Ex. 29 February 16, 2021 Letter from Jeffrey Bogdan to Eugene H. Matthews, I. Ryan Neville and Brian L. Boger
- Ex. 30 Affidavit of William E. Gavigan
- 5. February 28, 2021 Affidavit of Gary Grant in Support of Defendant Bull Point Plantation Owners Association, Inc.'s Opposition to Motion for Summary Judgment (and all Exhibits)
  - Ex. A September 22, 1995 Declaration of Covenants, Conditions and Restrictions
  - Ex. B February 12, 1996 Third Amendment to Declaration of Covenants, Conditions and Restrictions
  - Ex. C Articles of Incorporation of Bull Point Plantation Owners Association, Inc.
  - Ex. D Affidavit of Stancel Kirkland
  - Ex. E Affidavit of Joseph D'Ambrosio
  - Ex. F Bank Signature Card
  - Ex. G Deed December 28, 2006
  - Ex. H March 12, 2007 Retainer Agreement Smoot & Pitts
  - Ex. I June 16, 2011 Quitclaim Deed
  - Ex. J March 25, 2017 Retainer Agreement Nexsen Pruet
  - Ex. K Insurance Policies
  - Ex. L October 21, 2011 Quitclaim Deed
  - Ex. M Member Affidavits
- 6. March 2, 2021 Form 4 Order
- 7. April 15, 2021 Order Granting Plaintiff's Motion for Summary Judgment

Respondent certifies, pursuant to S.C.A.C.R., Rule 209(c), that the designations set forth above are relevant to the appeal in this matter, and that it has not designated any matter that is irrelevant to the issues before the Court.

December 22 2021



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RESPONDENT BULL POINT PLANTATION PROPERTY OWNERS ASSOCIATION,  
INC.'S PROOF OF SERVICE OF DESIGNATION OF MATTER FOR INCLUSION IN THE  
RECORD ON APPEAL

I certify that I have served the Respondent Bull Point Plantation Property Owners Association, Inc.'s Designation of Matter for Inclusion in the Record on Appeal on the above-referenced Appellants by email and by depositing a copy of it in the United States Mail, postage prepaid, on December 22, 2021, addressed to her attorneys of record:


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December 21, 2021

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