

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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JAN 20 2022
SC Court of Appeals

APPEAL FROM YORK COUNTY
TEASA KAY WEAVER, MASTER-IN-EQUITY

Appellate Case No. 2021-000816
Lower Case No. 2016-CP-46-000820

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

v.

John Edward Vergeldt.....Defendant/Appellant.

RESPONDENT'S DESIGNATION OF MATTER

Pursuant to Rule 209, SCACR, Respondent 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. Respondent reserves the right to include additional designations in response to any additional designations made by Appellant in his connection with his initial reply brief or otherwise.

ORDERS

1. Order Case No. 2014-CP-46-01956 filed August 31, 2015
2. Order Removing Case to Circuit Court filed March 16, 2016

3. Consent Order Appointing Special Trustee and Stay Case for No. 2016-CP-46-00820 filed February 23, 2017
4. Order Granting Motion to Amend Case No. 2016-CP-46-00820 filed June 13, 2019
5. Order Denying Petitioner's Motion to Alter or Amend filed August 31, 2020
6. Final Order filed February 2, 2021
7. Order Denying Motion to Reconsider Case No. 2016-CP-46-00820 filed July 2, 2021

PLEADINGS

8. Summons and Complaint with Exhibits for Case No. 2014GC460012 filed February 28, 2014
9. Summons and Amended Complaint for Case No. 2014GC460012 filed March 4, 2014
10. Summons and Second Amended Complaint filed February 10, 2015
11. Motion to Alter or Amend Case No. 2014-CP-46-01956 filed September 11, 2015
12. Answer and Counterclaim filed March 7, 2016
13. Summons and Petition for Removal of Trustee and Related Relief filed February 1, 2016
14. Answer and Counterclaim filed March 6, 2017
15. Notice of Motion and Motion for Partial Summary Judgment filed November 10, 2017
16. Form 4-Order of Reference filed March 27, 2018
17. Order filed May 21, 2018
18. Motion to Dismiss and for Judgment on the Pleadings filed April 9, 2019
19. Motion to Amend Petition filed May 14, 2019
20. Amended Petition for Removal of Trustee and Related Relief filed June 20, 2019
21. Response to Amended Petition dated August 17, 2019
22. Motion to Reconsider filed February 12, 2021

23. Amended Motion to Reconsider filed February 22, 2021
24. Memo in Support of Motion to Reconsider and Supplemental Motion to Reconsider filed March 15, 2021
25. Notice of Appeal filed August 2, 2021

TRANSCRIPTS

26. Trial Day 1 January 30, 2020
27. Trial Day 2 January 31, 2020
28. Hearing June 17, 2020
29. Amended Motion to Reconsider Hearing March 17, 2021

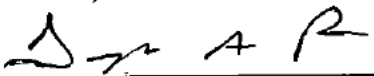
OTHER

30. Plaintiff's Exhibit 3 – Eighth Amendment and Complete Restatement To Trust Agreement Between John Vergeldt, Jr. and John Vergeldt Jr, the Ninth Amendment to Trust Agreement, and Tenth Amendment to Trust Agreement

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

Respectfully submitted;

HARRELL, MARTIN & PEACE, P.A.

By:  _____

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Attorneys for Respondent Vicki Lynn Vergeldt,
Individually, and as Successor Trustee of the
John Vergeldt, Jr. Revocable Living Trust dated
September 27, 1978

January 14, 2022

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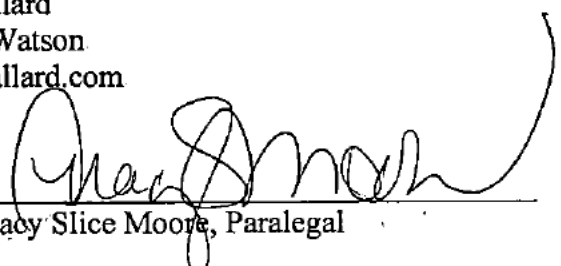
v.

John Edward Vergeldt.....Defendant/Appellant.

PROOF OF SERVICE

I, Tracy Slice Moore, an employee with the firm of Harrell, Martin & Peace, P.A., do hereby certify that on January 14, 2022, I served a copy of the Respondent's Initial Brief and Respondent'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:

Desa Ballard
Ballard & Watson
desab@desaballard.com

By: 
Tracy Slice Moore, Paralegal

January 14, 2022



HARRELL, MARTIN
& PEACE, P.A.

ATTORNEYS AT LAW

L.K. "Trey" Harrell, III
Jeremy C. Martin
M. Alan Peace **
Taylor A. Peace
Andrea "Andi" Cornelison
Erik T. Norton

Robert W. Dibble, Jr. *
William Jennings (Bill) Buchanan *
Donald W. Tyler *
Thomas B. Jackson, III *

*Of Counsel

**Certified Mediator/Arbitrator

January 14, 2022

VIA EMAIL AND REGULAR, FIRST CLASS MAIL

The 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 Edward Vergeldt
C/A No.: 2021-000816
Our File No: 3490.00001/TAP

Dear Ms. Kitchings:

Enclosed for filing please find the Initial Brief of Respondent's and Designation of Matter for the above referenced case.

By copy of this letter and as evidenced by the Proof of Service, these filings have been served upon counsel for Appellant.

Thank you for your time and attention in this matter. If you have any questions, please do not hesitate to contact our office at the phone number below.

Sincerely,

HARRELL, MARTIN & PEACE, P.A.


Tracy Slice Moore

Paralegal to Taylor A. Peace, Esq.

/tsm
Enclosures

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