

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY  
Court of Common Pleas

Ellis B. Drew, Jr., Master-In-Equity

Case No. 2007-CP-04-2785  
(Appellate Case No. 2012-213225)

Moorhead Construction, Inc..... Respondent,  
  
v.  
  
Pendleton Station, LLC, Enterprise Bank of South Carolina, and  
Angelo Penza..... Defendants  
  
Of whom Enterprise Bank of South Carolina is the ..... Appellant.

DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

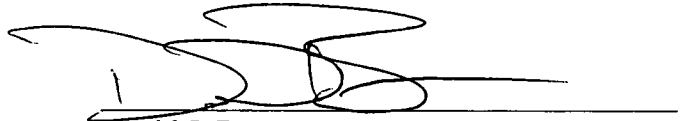
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Respondent proposes the following be included in the Record on Appeal:

1. Final Order and Judgment issued June 7, 2012
2. Pre-Trial Order issued June 7, 2012
3. Order on Motion to Reconsider dated October 4, 2012
4. Order of Reference to Master-In-Equity
5. Final Order and Judgment issued in *Craft Construction, Inc. of Starr. v. Pendleton Station, et al*, C/A No 2007-CP-04-2784 on June 7, 2012
6. Final Order and Judgment issued in *Miller Construction Co., LLC v. Pendleton Station, et al*, C/A 2007-CP-04-2786 on June 7, 2012
7. Complaint of Respondent
8. Answer of Enterprise Bank
9. Motion to Reconsider dated June 22, 2012
10. Mechanic's Lien of Respondent filed April 17, 2007
11. Mechanic's Lien of Craft Construction, Inc. of Starr, filed May 25, 2007
12. Mechanic's Lien of Miller Construction Co., LLC filed April 17, 2007

13. Trial Transcript from December 8, 2011
14. Transcript of Proceedings from January 24, 2012
15. Transcript of Proceeding from August 21, 2012
16. Tab 2 of Defendant's Exhibit 1 (Note & Mortgage)
17. Tab 6 of Defendant's Exhibit 1 (Deed-In-Lieu)
18. Plaintiff's Exhibit 4 (Contract)
19. Plaintiff's Exhibit 6 (Respondent's Damages and Invoices)
20. Plaintiff's Exhibit 8 (Miller's Damages and Invoices)
21. Plaintiff's Exhibit 10 (Craft's Damages and Invoices)
22. Defendant's Affidavit for Award of Attorney's Fees & Cost (Exhibit A to Memorandum of Respondent in Support of Fees and Costs)

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



David J. Brousseau  
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Anderson, South Carolina 29622  
(864) 225-0001 | 225-0004 (fax)  
Attorney for Respondent

May 3, 2013.

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In The Court of Appeals

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Ellis B. Drew, Jr., Master-In-Equity

Case No. 2007-CP-04-2785  
(Appellate Case No. 2012-213225)

Moorhead Construction, Inc.,..... 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

I certify that I have served the Respondents's Initial Brief and 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 the same in the Unites States mail, postage prepaid this 3<sup>rd</sup> day of May, 2013, addressed as follows:

Thomas E. Dudley, III, Esquire  
M. Stokely Holder, Esquire  
704 East McAbee Avenue  
Greenville, South Carolina 29601

James W. Logan, Jr., Esquire  
Post Office Box 259  
Anderson, South Carolina 29622

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May 3, 2013

**MCINTOSH, SHERARD, SULLIVAN & BROUSSEAU**

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May 1, 2013

The Honorable Tanya A. Gee  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: *Moorhead Construction, Inc. v Pendleton Station, LLC, Enterprise Bank  
of South Carolin and Angelo Penza*  
*Of whom Enterprise Bank of South Carolina is the Appellant*  
**Case No.: 2012-213225**

Dear Ms. Gee;

Enclosed for filing is a the Respondent's Initial Brief in the above case. Also enclosed are the following:

- (1) Designation of Matter to be Included in the Record on Appeal.
- (2) Proof of service of the Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal.

Sincerely,



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Attorney for Moorhead Construction, Inc.

cc: Thomas E. Dudley, III, Esquire  
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