

STATE OF SOUTH CAROLINA
In the Court of Common Pleas

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Robert E. Hood, Circuit Court Judge

Appellate Case No.: 2022-000031

RECEIVED
MAR 31 2022
SC Court of Appeals

Royal Garden Resort Regime Homeowners Association, Inc. Respondent

v.

Sea Breeze Property Management & Contract Services, Inc.; Calvin Donaldson;
and Phoenix of the Strand, Inc. Appellants,

**APPELLANTS' DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

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

Orders

1. November 8, 2019 Circuit Court Order Granting Defendants', Sea Breeze Property Management & Contract Services, Inc., Calvin Donaldson, and Phoenix of the Strand, Inc., Motion for Partial Summary Judgment;
2. September 15, 2021 Circuit Court Order Granting Plaintiff, Royal Garden Resort Regime Homeowners Association, Inc.'s, Motion to Allow Entry;
3. December 30, 2021 Circuit Court Form 4 Order Denying Defendants', Sea Breeze Property Management & Contract Services, Inc., Calvin Donaldson, and Phoenix of the Strand, Inc., Motion to Reconsider;

Pleadings

4. October 25, 2018 Affidavit of Judy Parrish;
5. October 31, 2018 Exhibit 1 to Affidavit of Judy Parrish (Calvin Donaldson resignation);
6. May 28, 2019 Affidavit of Alan Jeffcoat;
7. July 28, 2020 Third Amended Complaint;
8. February 15, 2021 Defendants' Answer to Third Amended Complaint and Counterclaims
9. April 27, 2021 Affidavit of Calvin Donaldson;

10. April 29, 2021 Motion to Allow Entry;
11. September 21, 2021 Defendants' Motion to Reconsider September 15, 2021 Order Granting Plaintiff's Motion to Allow Entry
12. October 13, 2021 Plaintiff Royal Garden Resort Regime Homeowners Association, Inc.'s Response in Opposition to Defendants' Motion to Reconsider, or Alter or Amend September 15, 2021 Order Granting Plaintiff's Motion to Allow Entry;

Transcript

13. August 4, 2021 Transcript of Hearing Re: Plaintiff Royal Garden Resort Regime Homeowners Association, Inc.'s, Motion to Allow Entry;

Other Materials and Documents

14. April 29, 1989 Amendment to Lease Agreement regarding Commercial Unit One;
15. October 3, 2003 Amendment to Lease Agreement regarding Commercial Unit One;
16. April 14, 2010 Second Amendment to Lease Agreement regarding Commercial Unit One;
17. February 1, 2012 Storage Facility Agreement;
18. February 1, 2019 Letter from Plaintiff Royal Garden Resort Regime Homeowners Association, Inc. to Appellant Phoenix of the Strand, Inc. regarding storage units.

Counsel for Appellants certify that this Designation of Matter contains no matter that is irrelevant to this appeal.

Respectfully submitted,



DOUGLAS M. ZAYICEK

HOLLY M. LUSK

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PROOF OF SERVICE

The undersigned certifies that she is employed by the law firm of Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, P.A., attorneys for the Appellants, Sea Breeze Property Management & Contract Services, Inc.; Calvin Donaldson; and Phoenix of the Strand, Inc., that she has mailed and emailed a copy of the Appellants' Initial Brief, Designation of Matter, and Proof of Service to counsel listed below this 28th day of March, 2022, with proper postage attached thereto.

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March 28, 2022

VIA ELECTRONIC MAIL (AND U.S. MAIL, AS NOTED)

Jenny Abbott Kitchings
The South Carolina Court of Appeals
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Re: Royal Garden Resort Regime Homeowners Association, Inc. v. Sea Breeze Property Management & Contract Services, Inc.; Calvin Donaldson; and Phoenix of the Strand, Inc.
Case No. 2018-CP-26-06033
Appellate Case No. 2022-000031

Dear Ms. Kitchings:

Enclosed for filing are the following: (1) Appellants' Initial Brief; (2) Designation of Matter; and (3) Proof of service of Appellants' Initial Brief and Designation of Matter. Please return clocked copies to us, via electronic mail. By copy of this letter, I hereby serve the Respondent, through its attorneys of record, with the foregoing documents.

Sincerely,

Douglas M. Zayicek
Holly M. Lusk

Enclosures

cc: Client (via email only)
Gene M. Connell, Esq.
Kirby Shealy, III, Esq.
Luke M. Allen, Esq.

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TO:

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