

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

The Honorable Marvin H. Dukes, III

Case No. 2011-CP-07-2176
Appellate Case No. 2013-000222

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MAY 15 2013

SC Court of Appeals

Bloody Point Property Owners Association, Inc., David L.
Fingerhut, and Patricia M. Santry).....Respondents,

v.

William A. Ashton, Jr. And Michele C. Ashton.....Appellants.

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

The Appellants, William A. Ashton, Jr. and Michele C. Ashton, propose the following to be included in the Record on Appeal:

1. Order of The Honorable Marvin H. Dukes, III dated July 24, 2012 denying the Defendants' Motion to Vacate/Set Aside Foreclosure Sale, Void Master in Equity Deed and Vacate/Set Aside Order;
2. The Judgment of The Honorable Marvin H. Dukes, III dated December 28, 2012, and the Amended Judgment (Ending Case) of The Honorable Marvin H. Dukes, III, dated January 22, 2013, denying the Motion to Reconsider Order Denying Defendants' Motion to Vacate/Set Aside Foreclosure Sale, Void Master in Equity Deed.
3. Affidavits of Service (non-service) of Deputy Kurt Hanson, Chester County Sheriff's Department dated June 14, 2011.
4. The Affidavit of Julie Serafino, Esquire, dated July 11, 2011, submitted in support of the Order of Publication and filed with the Court on July 20, 2011.
5. The Order of Publication signed by the Clerk of Court and entered July 20, 2011.
6. Motion and Order of Default and Reference, submitted by Julie Serafino, Esquire, and filed with the Court on 9/28/11.
7. Order of the Hon. Marvin H. Dukes, III dated December 2, 2011 and filed of

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record December 6, 2011.

8. Defendant's Motion to Vacate/Set Aside Foreclosure Sale, Void Master in Equity Deed, and Vacate/Set Aside Order dated February 2, 2012, with all exhibits attached thereto.

9. Defendant's Brief in Support of Defendant's Motion to Vacate/Set Aside Foreclosure Sale, Void Master in Equity Deed, and Vacate/Set Aside Order, dated February 29, 2012.

10. Affidavits of William A. Ashton, Jr., and Michelle C. Ashton dated February 29, 2012, and filed with the Clerk of Court on March 9, 2012.

11. Memorandum in Opposition to Defendant's Motion to Vacate/Set Aside Foreclosure Sale, Void Master in Equity Deed and Vacate/Set Aside Order dated May 9, 2012 and filed by Matthew E. Tillman, Esquire on behalf of Defendants (sic) David L. Fingerhut and Patricia M. Santry.

12. Supplemental Exhibit to Brief in support of Defendant's Motion to Vacate/Set Aside Foreclosure Sale, Void Master in Equity Deed, and Vacate/Set Aside Order dated May 10, 2012, with attached exhibit.

13. Transcript from the hearing on Defendants Ashton's Motion to Vacate/Set Aside Foreclosure Order/Void Master-in-Equity Deed, and Vacate/Set Aside Order, said hearing held on May 14, 2012: page 4, lines 15 through page 10, line 18; page 15, line 24 through page 17, line 7; page 21, 18 through page 22, line 6; page 25, line 25 through page 27, line 20; page 31, line 7 through page 32, line 14; page 33, line 14 through page 34, line 4; page 34, line 16 through page 35, line 8 through page 22, line 16; page 33, line 7 through page 39 line 25; and page 44, line 3 through page 44, line 11.

14. Motion to Reconsider, with exhibits, filed on July 30, 2012.

15. Memorandum in Opposition to Defendant's Motion for Reconsideration, with exhibits.

16. Exhibit #1 to the hearing dated May 14, 2012 (Map entitled "The Beach Cottages at Melrose.")

17. Transcript from the hearing held before the Master-in-Equity on October 16, 2012 on Defendant Ashton's Motion to Reconsider: page 4, lines 15 through page 22, line 16; page 33, line 7 through page 39, line 25; page 44, lines 3 through 11.

18. Beaufort County tax assessor's records identifying Appellants' official address as being 120 Marlbrooke Way, Kennett Sq., Pennsylvania 19348.

19. MLS report for the sale of Lot 45 Fuskie Lane, the same street as the Defendant Ashton's property, reflecting the property at issue sold for \$126,650.00 in 2012.

20. Beaufort County tax assessor's reports on Lot 55 Fuskie Lane, and Lot 45 Fuskie Lane, showing both properties were assessed for \$140,000.00.

21. Photograph of the beach in front of Lots 55 and 45 Fuskie Lane.

22. Photograph of the ocean, Lot 45 Fuskie Lane.

23. Depiction of Lots in Bloody Point, including the locations of Lot 45 and Lot 55 Fuskie Lane.

May 13, 2013



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CERTIFICATE AND PROOF OF SERVICE


I hereby certify that I have served upon the Respondents, the Initial Brief of Appellants and the Appellants' Designation of Matter to be Included in the Record on Appeal, by depositing copies thereof in the United States Mail, postage prepaid, on May 13, 2013, addressed to Terry A. Finger, Esquire, Finger & Fraser, P.A., P.O. Box 24005, Hilton Head Island, SC 29925, Counsel of Record for Respondent, Bloody Point Property Owners Association, Inc., (843) 681-7000; and to Matthew E. Tillman, Esquire, Womble, Carlyle, Sandridge & Rice, LLP, P.O. Box 999, Charleston, SC 29402, (843) 720-4629, Counsel of Record for Respondents, David L. Fingerhut and Patricia Fingerhut (a/k/a Patricia M. Santry), Foreclosure Bidders.

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