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**Jun 06 2022**

**SC Court of Appeals**

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

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' AMENDED 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;
19. August 24-25, 2021 Email Correspondence Between Counsel for Parties and Circuit Court.

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

Respectfully submitted,

s/Douglas M. Zayicek

DOUGLAS M. ZAYICEK, ESQ., SC Bar No. 11304

HOLLY M. LUSK, ESQ., SC Bar No. 102307

BELLAMY, RUTENBERG, COPELAND,

EPPS, GRAVELY & BOWERS, P.A.

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*Attorneys for Appellants*

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

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and Phoenix of the Strand, Inc.....Appellants

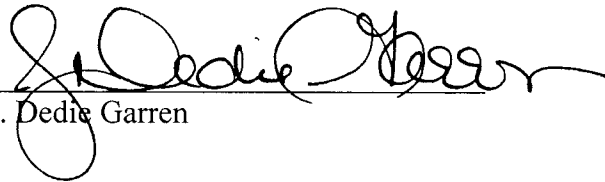
PROOF OF SERVICE

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' Reply to Respondent's Initial Brief, Appellants' Amended Designation of Matter, Appellants' Motion to Strike, and Proof of Service to counsel listed below this 6th day of June, 2022, with proper postage attached thereto.

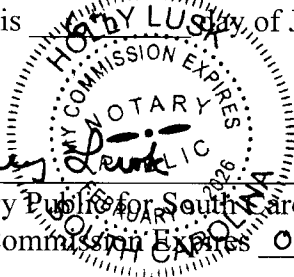
Gene M. Connell, Jr  
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Surfside Beach, South Carolina 29587-4547  
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***Attorney for Respondent***

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Luke.allen@arlaw.com  
*Attorney for Respondent*

  
\_\_\_\_\_  
J. Dedie Garren

SWORN TO AND SUBSCRIBED before  
me this Holly Lusk of June 2022.

  
Holly Lusk  
\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires 02/09/2026

HOWELL V. BELLAMY, JR.  
EDWARD B. BOWERS, JR.\*  
M. EDWIN HINDS, JR.  
DAVID B. MILLER+  
C. WINFIELD JOHNSON, III  
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GEORGE W. REDMAN, III+ \*\* ++  
BENJAMIN A. BAROODY+ \*\*

\* LLM TAXATION  
\*\* LICENSED IN SC & NC  
+ CERTIFIED MEDIATOR  
++ CERTIFIED ARBITRATOR



THE  
**BELLAMY**  
LAW FIRM

OFFICES IN MYRTLE BEACH & PAWLEYS ISLAND

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LAUREN BREARLEY BENTON  
JON CRAIG HOWELL, JR.  
ZACHARY J. CROWL\*\*  
BRICE A. BERTSCHIN  
ALLIE BARTH TILLER

RETIRED:  
JOHN K. RUTENBERG (1939-2012)  
JOHN E. COPELAND  
CLAUDE M. EPPS, JR.  
DAVID R. GRAVELY  
JILL F. GRIFFITH  
BRADLEY D. KING

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TELEPHONE (843) 448-2400 • FACSIMILE (843) 448-3022

June 6, 2022

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

Jenny Abbott Kitchings  
The South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

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**Jun 06 2022**

**SC Court of Appeals**

**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' Reply to Respondent's Initial Brief (via email only);
2. Appellants' Amended Designation of Matter (via email only);
3. Appellants' Motion to Strike (via email only);
4. A check in the amount of \$50.00 for the Court of Appeals' Motion filing fee (via email and U.S. Mail); and
5. Proof of Service of items 1-4 identified above (via email only).

By copy of this letter, and pursuant to the enclosed Proof of Service, I hereby serve the Respondent, through its attorneys of record, with the foregoing documents. At your convenience, please return clocked copies to us of the foregoing documents, via electronic mail.

June 6, 2022

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If the Court needs anything additional, please do not hesitate to let us know.

Sincerely,

*Holly M. Lusk*

---

Douglas M. Zayicek

Holly M. Lusk

Enclosures

cc: Gene M. Connell, Esq.  
Kirby Shealy, III, Esq.  
Luke M. Allen, Esq.

BELLAMY, RUTENBERG, COPELAND, EPPS, GRAVELY & BOWERS, P.A., Attorneys at Law  
P.O. BOX 357, MYRTLE BEACH, SOUTH CAROLINA 29578

85918

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DATE	DESCRIPTION	INVOICE #	AMOUNT	DEDUCTION NET AMOUNT
06/06/2022	SOUTH CAROLINA COURT OF APPEALS ROYAL GARDEN V. SEA BREEZE ET AL APP. CASE NO. 2022-000031	24	50.00	50.00

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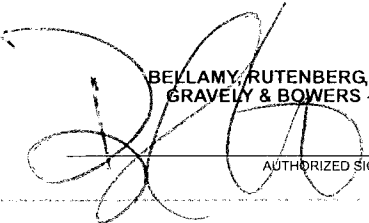
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TO THE ORDER OF: SOUTH CAROLINA COURT OF APPEALS

  
BELLAMY, RUTENBERG, COPELAND, EPPS,  
GRAVELY & BOWERS - General Account  
AUTHORIZED SIGNATURE

MEMO: ROYAL GARDEN V. SEA BREEZE ET AL AP

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