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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Master-In-Equity

The Honorable Mikell Scarborough

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Appellate Case No. 2022-185

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Larry Gregg, Appellant,

v.

Herman Smalls, III, Izetta Shaw a/k/a Syvetta Smalls, John Doe and Jane Does, as fictitious names for a class of unknown persons being incompetents, minors, person in military service to the United States of America, imprisoned, and/or under any other form of legal disability, including but not limited to unknown heirs, devisees, distributees, administrators, or personal representatives of deceased persons Herman Smalls, Jr. and Lamont Green and all other persons known or appear of record to have some right, title and interest in or lien upon the real estate described in the complaint herein, Defendants.

Of whom Herman Smalls, III, and Izetta Shaw aka Syvetta Smalls are Respondents.

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

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

1. Appellant/Plaintiff's Adverse Possession Complaint filed on May 7, 2019  
Exhibit A-Robinson, et al. vs. Ketchen, et al. Final Order After Hearing
2. Plaintiff's Amended Complaint for Quiet Title and Adverse Possession filed on June 10, 2019
3. Plaintiff's Lis Pendens filed on June 10, 2019
4. Respondents/Defendants' Answer and Counterclaim filed on July 15, 2019
5. Defendants' Acceptance of Service on behalf of Herman Smalls, III and Izetta Shaw a/k/a Syvetta Smalls filed on July 15, 2019
6. Plaintiff's Reply to Counterclaim filed on August 16, 2019
7. Plaintiff's Notice of Intent to Refer filed on November 20, 2019
8. Plaintiff's Notice Nisi filed on November 20, 2019
9. Plaintiff's Motion to Appoint Guardian Ad Litem

10. Plaintiff's Affidavit in Support of Publication filed on November 20, 2019
11. Order Appointing Guardian Ad Litem filed on November 21, 2019
12. Order for Publication filed on November 21, 2019
13. Order of Reference filed on May 8, 2020
14. Answer to Amended Complaint and Consent to Reference for John Doe and Jane Doe filed on May 12, 2020
15. Affidavit of Publication by Post and Courier filed on June 22, 2020
16. Consent Order of Reference filed on December 7, 2020
17. Scheduling Order filed on February 11, 2021
18. Plaintiff's Motion for Summary Judgment filed on April 22, 2021
19. Guardian Ad Litem's Affidavit of Attorney for Unknown Defendants in the Military Service and Guardian Ad Litem for Unknown Defendants Who Are Minors or Under Legal Disability Including All Unknown Heirs and Assigns of Herman Smalls, Jr. and Lamont Green filed on April 23, 2021
20. Defendants' Motion for Summary Judgment filed on April 27, 2021
21. Plaintiff's Memorandum in Support of his Motion for Summary Judgment filed June 15, 2021
  - Exhibit 1- Affidavit of Plaintiff Larry Gregg in Support of His Motion for Summary Judgment
    - Exhibit A to Affidavit of Larry Gregg- Photos of My Home the Day after Hurricane Hugo
    - Exhibit B to Affidavit of Larry Gregg- Photos of Vacant Land where Herman Smalls, Jr.'s Mobile Home Used to be Located
    - Exhibit C to Affidavit of Larry Gregg-Photos of Improvements before 2005
    - Exhibit D to Affidavit of Larry Gregg- Photos of Improvements after 2005
  - Exhibit 2- Affidavit of Charles Gadsen in Support of Plaintiff's Motion for Summary Judgment
  - Exhibit 3- Defendant Syvetta Smalls's Deposition Transcript dated April 19, 2021, Pages 1, 2, 15, and 19
  - Exhibit 4- Plaintiff Larry Gregg's Deposition Transcript dated April 19, 2021, Pages 1, 2, 17, 18, and 19
22. Defendants' Memorandum in Support of Their Motion for Summary Judgment filed on June 17, 2021
  - Exhibit A- Plaintiff Larry Gregg's Deposition Transcript dated April 19, 2021, Pages 1, 11, 15, 16, 17, and 19
  - Exhibit B- Defendant Syvetta Smalls's Deposition Transcript dated April 19, 2021, Pages 1, 15, 16, and 18
  - Exhibit C- Lanning Letter to Gregg dated April 24, 2019
23. Final Hearing Transcript before Hon. Mikell R. Scarborough dated June 22, 2021
24. Order Granting Defendants' Summary Judgment Motion filed on January 27, 2022
25. Plaintiff's Motion for Reconsideration filed on February 3, 2022
26. Form 4 Order denying Plaintiff's Motion for Reconsideration filed on February 11, 2022
27. Plaintiff's Notice of Appeal filed on February 18, 2022

I CERTIFY THAT THIS DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL CONTAINS NO MATTER WHICH IS IRRELEVANT TO THIS APPEAL.

Dated: June 4, 2022

s/Karen M. DeJong  
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