

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APR 23 2013

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Master-In-Equity

The Honorable Marvin H. Dukes, III

Court of Appeals Tracking No. 2012-210910

CitiMortgage, Inc., Respondent,

v.

Daniel Junk a/k/a Daniel L. Junk and Christine H. Junk
and Oldfield Community Association, Defendants,

Of Whom Daniel L. Junk and Christine H. Junk are Appellants,

Daniel L. Junk and Christine H. Junk, Counterclaim
Appellants,

v.

CitiMortgage, Inc. Counterclaim
Respondent.

Daniel L. Junk and Christine H. Junk, Third-party
Appellants,

v.

Riley Pope & Laney, LLC, Heidi Carey, Esq., Roy
Laney, Esq., T. Lowndes Pope, Esq., Bayview Loan
Servicing, LLC, MERSCORP, Inc., Mortgage
Electronic Registration Systems, Inc., Citi Master
Servicing, Citigroup Global Markets Realty Corp.,
Citigroup Mortgage Loan Trust, Inc., John Does 1-
5,000, Jennifer Oakes, Robert G. Hall, Security
Connections, Inc., Krystal Hall, Danielle Sterling, ABC
Appraisal Group, Inc., Mark A. Ruplinger, Linda
Heller, Harry Jones, Colonial Coast Title Agency, Inc.,
Lawyers Title Insurance Corporation, Corelogic, Inc.
and American Home Mortgage Holdings, Inc. Third-Party
Respondents.

**Motion to Accept Amended Designation of Matters
to be Included in the Record on Appeal**

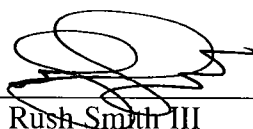
Pursuant to Rules 209 and 240 of the South Carolina Appellate Court Rules, Respondents move this Court to accept their Amended Designation of Matters to be Included in the Record on Appeal out of time. The Amended Designation eliminated one item from Respondents' initial Designation of Matters but made no other alterations to the initial Designation of Matters.

Respondents filed their initial Designation of Matters on February 21, 2013. *See* Designation of Matters dated February 21, 2013, attached hereto as Exhibit A. That initial Designation of Matters contained fifty-seven items for inclusion in the record on appeal. After communications with Appellants, Respondents realized that item #57 should be removed from the initial Designation of Matters. As a result, Respondents filed and served the Amended Designation of Matters to be Included in the Record on Appeal on April 11, 2013. *See* Amended Designation of Matters filed April 11, 2013, attached hereto as Exhibit B. This Amended Designation of Matters removed item #57 from the initial Designation of Matters but made no other alterations or additions to the initial Designation of Matters.

Therefore, Respondents respectfully request that this Court accept the Amended Designation of Matters to be Included in the Record on Appeal because that filing contains the requisite items for inclusion in the Record on Appeal.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: _____


B. Rush Smith III

SC Bar No. 012941

Brian P. Crotty

SC Bar No. 16983

Michael J. Anzelmo

SC Bar No. 72933

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Post Office Box 11070 (29211-1070)

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803.799.2000

Attorneys for Respondent/Counterclaim
Respondent CitiMortgage, Inc., and Third-Party
Respondents Bayview Loan Servicing, LLC,
Merscorp, Inc., Mortgage Electronic Registration
Systems, Inc., CitiMaster Servicing, Citigroup
Global Markets Realty Corp., Citigroup Mortgage
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Court of Appeals Tracking Nos. 2012-210910, 2012-212115, and 2012-212148

CitiMortgage, Inc., Respondent,

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Christine H. Junk, and Oldfield Community
Association,

Appellants,

Of Whom Daniel L. Junk and Christine H.
Junk are.....

_____ Daniel L. Junk and Christine H. Junk, Counterclaim Appellants

v.

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Esq., Roy Laney, Esq., T. Lowndes Pope,
Esq., Bayview Loan Servicing, LLC,
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Servicing, Citigroup Global Markets Realty
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John Does 1-5,000, Jennifer Oakes, Robert
G. Hall, Security Connections, Inc., Krystal
Hall, Danielle Sterling, ABC Appraisal
Group, Inc., Mark A. Ruplinger, Linda
Heller, Harry Jones, Colonial Coast Title
Agency, Inc., Lawyer Title Insurance
Corporation, Corelogic, Inc., and American
Home Mortgage Holdings, Inc., Third-Party Respondents.

Sean Michael Bolchoz
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Bluffton, SC 29910

Demetri "Jim" K. Koutrakos
Callison Tighe & Robinson, LLC
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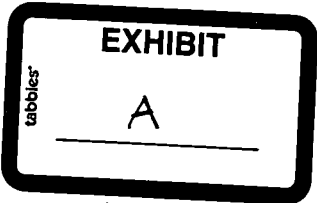
Elizabeth Van Doren Gray
Sowell Gray Stepp & Laffitte, LLC
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Susan Taylor Wall
McNair Law Finn. P.A.
Post Office Box 1431
Charleston. South Carolina 29402



Jennifer B. Lee
Administrative Assistant

April 23, 2013



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Lawyers Title Insurance Corporation, Corelogic, Inc.
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Designation of Matters to be Included in the Record on Appeal

The undersigned Respondents propose the following be included in the Record on Appeal:

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2. Order of February 22, 2012
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9. The Junks' Original Quiet Title Complaint with all exhibits
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26. Motion for Default Judgment against AHMH
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Miscellaneous

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43. Affidavit of Jennifer Oakes

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46. Certification Mortgagor Non-Compliance with S.C. Court Administrative Order 2011-05-02-01

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50. Email from Crotty to Judge Dukes dated April 11, 2012

51. Email from Junk to McCleod dated April 24, 2012

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53. The Junks' November 3, 2006 Note

54. The Junks' satisfaction of mortgage filed on April 20, 2009

55. Assignment of Mortgage from MERS to Bayview recorded on October 19, 2009

56. Assignment of Mortgage from Bayview to CitiMortgage recorded on March 19, 2010

57. Settlement statement from the Junks' refinance dated November 3, 2006

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

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

B. Rush Smith III
SC Bar No. 012941
Brian P. Crotty
SC Bar No. 16983
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Attorneys for Respondent/Counterclaim
Respondent CitiMortgage, Inc., and Third-Party
Respondents Bayview Loan Servicing, LLC,
Merscorp, Inc., Mortgage Electronic Registration
Systems, Inc., CitiMaster Servicing, Citigroup
Global Markets Realty Corp., and Citigroup
Mortgage Loan Trust, Inc.; Jennifer Oakes, and
Robert G. Hall.

Columbia, South Carolina

February 21, 2013



By: _____

John T. Lay

Childs/C. Thrasher

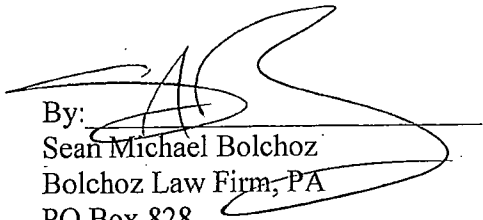
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Attorneys for Third-Party Respondents Riley Pope & Laney, LLC, Heidi Carey, Esq.,
Roy Laney, Esq., and T. Lowndes Pope, Esq.



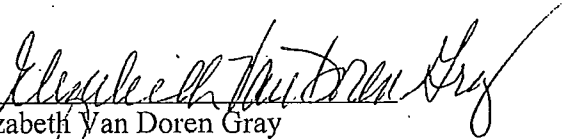
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Susan Taylor Wall
Amanda C. Williams
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Charleston, SC 29402

Attorneys for Third-Party Respondents ABC Appraisal Group, Inc., Mark A. Ruplinger,
Linda Heller, and Harry Jones

By:


Elizabeth Van Doren Gray

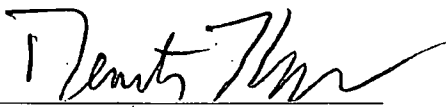
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By: 

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Attorneys for Third-Party Respondents
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successor by merger to Lawyers Title Insurance Corporation

By:

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Hamilton Osborne, Jr.,

Haynsworth Sinkler Boyd, P.A.

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Columbia, SC 29211-1889

Attorneys for Third-Party Respondents Corelogic, Inc.

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THE STATE OF SOUTH CAROLINA
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APPEAL FROM BEAUFORT COUNTY
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Esq., Bayview Loan Servicing, LLC,
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Group, Inc., Mark A. Ruplinger, Linda
Heller, Harry Jones, Colonial Coast Title
Agency, Inc., Lawyer Title Insurance
Corporation, Corelogic, Inc., and American
Home Mortgage Holdings, Inc., Third-Party Respondents.

Proof of Service

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Plaintiff, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow by all by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

**Initial Brief of Respondent/Counterclaim Respondent
CitiMortgage, Inc., and Third-party Respondents
Bayview Loan Servicing, LLC, MERSCORP Holdings,
Inc. f/k/a Merscorp, Inc., Mortgage Electronic
Registration Systems, Inc., CitiMaster Servicing,
Citigroup Global Markets Realty Corp., Citigroup
Mortgage Loan Trust, Inc., Jennifer Oakes, Robert G.
Hall, Riley Pope & Laney, LLC, Heidi Carey, Esq.,
Roy Laney, Esq., T. Lowndes Pope, Esq., Security
Connections, Inc., Krystal Hall, ABC Appraisal
Group, Inc., Mark A. Ruplinger, Linda Heller, Harry
Jones, Colonial Coast Title Agency, Inc., Fidelity
National Title Insurance Company, successor by
merger to Lawyers Title Insurance Corp., and
Corelogic, Inc. and Designation of Matter**

Counsel Served:

A. Parker Barnes, Jr.
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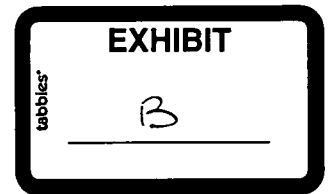
Jennifer B. Lee
Administrative Assistant

February 21, 2013

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
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Michael J. Anzelmo
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Fax: 803.255.9024
michael.anzelmo@nelsonmullins.com



April 11, 2013

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

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SC Court of Appeals

RE: CitiMortgage, Inc. v. Daniel L. Junk, et al.
Civil Action No. 2009-CP-07-05088
Order on Appeal: February 22, 2012 ("Order Granting Motion to Dismiss
Third-Party Complaint")
Court of Appeals Tracking No. 2012-210910

and

CitiMortgage, Inc. v. Daniel Junk a/k/a Daniel L. Junk, Christina H. Junk and
Oldfield Community Association
Civil Action No. 2009-CP-07-5088
Order on Appeal: April 23, 2012 ("Order Granting CitiMortgage's Motion to
Dismiss Counterclaims")

and

CitiMortgage, Inc. v. Daniel Junk a/k/a Daniel L. Junk, Christina H. Junk and
Oldfield Community Association
Civil Action No. 2009-CP-07-05088
Order on Appeal: May 3, 2012 ("Form 4 Order Denying Junk's Motion for
Default Judgment")

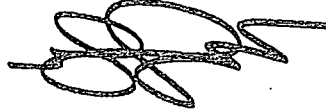
Dear Ms. Kitchings:

Enclosed please find an original and seven copies of an Amended Designation of Matters to be Included in the Record on Appeal. Please file the original and return a clocked-in copy to me via our courier. Should you have any questions, please do not hesitate to contact me.

The Honorable Jenny Abbott Kitchings
April 11, 2013
Page 2

By copy of this letter, I am hereby serving opposing counsel.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael J. Anzelmo". The signature is stylized with several loops and a long horizontal stroke extending to the right.

Michael J. Anzelmo

MJA:jlee
Enclosures

cc: A. Parker Barnes, Jr.
James Y. Becker
Andrew E. Colvin
John T. Lay
Childs Cantey Thrasher
Sean Michael Bolchoz
Demetri "Jim" K. Koutrakos
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Amended Designation of Matters to be Included in the Record on Appeal

The undersigned Respondents propose the following be included in the Record on Appeal:

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By: 

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Home Mortgage Holdings, Inc., Third-Party Respondents.

Proof of Service

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Plaintiff, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow by all by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: **Amended Designation of Matters to be Included in the Record on Appeal**

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April 11, 2013