

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas  
The Honorable Carmen T. Mullen,  
Circuit Court Judge

Civil Action No. 2010-CP-07-2407

Bank of America, N.A.,.....Respondent,

versus

Jerry C. Wardlaw Construction of South Carolina, Inc.;  
Jerry C. Wardlaw Construction, Inc.;  
Wardlaw Construction of Effingham, LLC;  
JCW Construction, LLC; Jerry C. Wardlaw; Jack Wardlaw;  
New Riverside Association, Inc.; and Midpoint at New Riverside  
Homeowners Association, Inc.,.....Defendants,

Of whom

Jerry C. Wardlaw Construction of South Carolina, Inc.;  
Jerry C. Wardlaw Construction, Inc.;  
Wardlaw Construction of Effingham, LLC;  
JCW Construction, LLC; Jerry C. Wardlaw; Jack Wardlaw  
are the.....Appellants.

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

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**RECEIVED**  
MAY 31 2013  
SC COURT OF APPEALS

Respondent Bank of America, N.A. hereby designates the following matters to be included in the record on appeal:

1. Form 4 Order denying Appellants' Motion to Compel Arbitration
2. Transcript of Record, Pages 1-18
3. Lot Acquisition and Construction Loan Agreement, attached as Exhibit A-1 to Complaint
4. Fifth Amendment to Loan Agreement, attached as Exhibit A-6 to Complaint
5. Answer, Affirmative Defenses, and Counterclaim
6. Reply to Counterclaim
7. Motion for Summary Judgment
8. Response to Motion for Summary Judgment
9. Amended Motion for Summary Judgment
10. Motion to Amend Reply
11. Amended Response to Motion for Summary Judgment
12. Memorandum in Support of Motion for Summary Judgment
13. Motion to Compel Arbitration



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Phone: (843) 727-2650

**Attorneys for Respondent**

May 24, 2013

CERTIFICATION

The undersigned, counsel for Respondent, certifies that the Designation to which this certificate is attached contains no matter which is irrelevant to this appeal.



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**Attorneys for Respondent**

May 24, 2013

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are the.....Appellants.

**PROOF OF SERVICE**

The undersigned hereby certifies that on May 24, 2013, the foregoing **RESPONDENT'S INITIAL BRIEF** and **DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** were served on all counsel of record addressed as follows:

**RECEIVED**

MAY 31 2013

SC Court of Appeals

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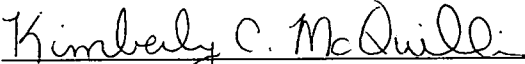
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C. Wardlaw Construction, Inc.; Wardlaw  
Construction of Effingham, LLC; JCW  
Construction, LLC; Jerry C. Wardlaw;  
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Served via U.S. Mail

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