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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Hon. Joe M. Crosby, Master in Equity

Case No. 2020-CP-22-00882

Appellate Case No. 2023- 000017

South Carolina Board of Financial Institutions, Appellant,

v.

CDM Corporation, Inc. and Guardian Fiduciary Services, LLC, Respondents

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

Appellant South Carolina Board of Financial Institutions proposes the following to be included in the Record on Appeal in this matter:

1. Appellant’s Summons and Complaint
2. Respondents’ Answer and Counterclaim
3. Appellant’s Reply
4. Order Referring Matter to Master-in-Equity
5. Appellant’s Motion for Summary Judgment
6. Appellant’s Memorandum in Support of its Motion for Summary Judgment
7. Affidavit of Dianne Shrader

8. Affidavit of Jamison Hinds
9. Affidavit of Richards Green
10. Affidavit of Ronald Gaynor
11. Respondents' Clients
12. Policy Statement Concerning the Conducting of Trust Business by Non-Depository Entities in South Carolina
13. Nationwide Cooperative Agreement for Supervision and Examination of Multi-State Trust Institutions
14. Trust Business Definition and Approval Requirements in Every State
15. Respondents' Answers to Requests for Admissions (with attachments)
16. Respondents' Motion for Summary Judgment and Supporting Memorandum
17. Affidavit of Stephen P. Mantell
18. Attorney General's Opinion (August 2, 1995)
19. Attorney General's Opinion (February 9, 1996)
20. Order Partially Granting Each Party's Motion for Summary Judgment
21. Appellant's Motion for Partial Reconsideration, Alteration or Amendment
22. CDM Probate Court Answer Seeking Trustee Appointment
23. Probate Court Order Appointment Senior Helpers as Conservator
24. Mantell Registered Agent Search Results
25. Respondents' Third Supplemental Answers to Interrogatories
26. Office of the Comptroller of the Currency – Trust Business Guidance, January 11, 2021
27. Respondents' Memorandum in Opposition to Motion for Partial Reconsideration
28. Appellant's Reply in Support of Motion for Partial Reconsideration
29. Order Denying Motion for Partial Reconsideration

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

s/ Shawn D. Eubanks
Shawn D. Eubanks (S.C. Bar No. 78370)
William J. Condon, Jr. (S.C. Bar No. 72632)

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Attorneys for Appellant

Columbia, South Carolina
March 8, 2023

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CERTIFICATE OF SERVICE

This is to certify that today undersigned counsel for the served one (1) copy of the APPELLANT’S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL by electronic mail delivery of same to the recipients listed, and at their Attorney Information System provided email addresses, via the attached E-mail:

Todd Carroll, Esq. (Todd.Carroll@wbd-us.com)
Molly McDermid, Esq. (Molly.McDermid@wbd-us.com)

March 8, 2023

s/ Shawn D. Eubanks _____
Shawn D. Eubanks (S.C. Bar No. 78370)
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Attorney for Appellant

From: [Eubanks, Shawn](#)
To: todd.carroll@wbd-us.com; [McDermid, Molly](#)
Cc: [Condon, Bill](#)
Subject: BOFI v. CDM, et al 2023-000017 - Initial Brief and Designation of Matter, with Certificates of Service
Date: Wednesday, March 8, 2023 10:50:00 AM
Attachments: [Designation of Matter.pdf](#)
[Initial Brief.pdf](#)

Todd and Molly,

Attached, please find Appellant's Initial Brief, as well as Appellant's Designation of Matter to be Included in the Record on Appeal, along with their respective Certificates of Service (included in each document). I will be filing these today, along with a copy of this e-mail as proof of service.

If you have any questions or would like to discuss this matter, please feel free to contact me at your convenience.

Thank you,

Shawn D. Eubanks | Deputy General Counsel

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SC Court of Appeals

SOUTH CAROLINA
STATE BOARD OF FINANCIAL INSTITUTIONS

March 8, 2023

Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: South Carolina Board of Financial Institutions v. CDM Corporation, et al
2020-CP-22-0882

Dear Ms. Kitchings,

The following documents are enclosed herewith for filing:

- (1) Appellant's Initial Brief
- (2) Appellants Designation of Matter to be Included in the Record on Appeal
- (3) Copy of E-mail Serving Opposing Counsel

If you have any questions, please feel free to contact me at (803) 734-2623.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shawn D. Eubanks".

Shawn D. Eubanks