

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

James O. Spence, Master-in-Equity for Lexington County

Case No. 2012-CP-32-2757

Appellate Case No. 2013-001250

Capital Bank successor in interest by merger to Carolina
National Bank & Trust Company, Respondent,

v.

Attic Space Self Storage, LLC, James Michael Sequin
a/k/a James Michael Seguin and Christy Duffell-Sequin
a/k/a Christy Duffell-Sequin, Appellants.

RECORDED
JUL 31 2013
SC COURT OF APPEALS

**RESPONDENT'S DESIGNATION OF MATTER
FOR THE RECORD ON APPEAL**

Pursuant to Rule 209, SCACR, Respondent Capital Bank, successor in interest by merger to Carolina National Bank & Trust Company ("Respondent"), designates the following material for inclusion in the record on appeal. Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to the appeal:

ORDERS

1. Order of the Honorable James O. Spence filed May 17, 2013, granting Respondent's Motion for Summary Judgment as to Appellants' Liability;

PLEADINGS

2. Complaint filed July 2, 2012, with Exhibits; Exhibits itemized below:

- a. Promissory Note dated January 10, 2008;
 - b. Commercial Debt Modification Agreement dated February 15, 2008;
 - c. Real Estate Mortgage dated January 10, 2008;
 - d. Assignment of Leases and Rents dated January 14, 2008;
 - e. Guaranty of James Michael Seguin dated January 10, 2008;
 - f. Guaranty of Christy Duffell-Seguin dated January 10, 2008;
3. Answer filed August 1, 2012;

MOTIONS

4. Respondent's Motion for Summary Judgment filed January 15, 2013;
5. Appellants' Reply to Respondent's Motion for Summary Judgment dated April 8, 2013;
6. Respondent's Memorandum in Support of its Motion for Summary Judgment dated April 15, 2013, with Exhibits; Exhibits itemized below:
 - a. Transcript of Attic Space Self Storage, LLC, and James Michael Seguin Deposition dated February 12, 2013 (relevant pages);
 - b. Notice of Acceleration dated April 19, 2012;
 - c. Lexington County 2011 Tax Bill for Subject Property;
7. Appellants' Memorandum in Opposition to Plaintiff's Motion for Summary Judgment dated May 2, 2013;
8. Respondent's Supplemental Memorandum in Support of its Motion for Summary Judgment dated May 3, 2013, with Exhibits; Exhibits itemized below:
 - a. Capital Bank Affidavit dated May 2, 2013;

TRANSCRIPTS

9. Transcript of Hearing of April 18, 2013;

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a/k/a Christy Duffell-Sequin, Appellants.

PROOF OF SERVICE


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

Pleadings:

Designation of Matter of Respondent

Counsel Served:

Drake H. Kaiser, Esquire
Reddick & Kaiser, LLC
1000-A St. Andrews Road
Columbia, South Carolina 29210


Meredith S. Keane
Paralegal

July 31, 2013

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Pleadings:

Initial Brief of Respondent

Counsel Served:

Drake H. Kaiser, Esquire
Reddick & Kaiser, LLC
1000-A St. Andrews Road
Columbia, South Carolina 29210



Meredith S. Keane
Paralegal

July 31, 2013

EXHIBITS/DOCUMENTS

10. James Michael Seguin Affidavit dated November 5, 2012;

MISCELLANEOUS AND OTHER MOTIONS:

11. Notice of Appeal dated May 30, 2013.

NELSON MULLINS RILEY & SCARBOROUGH LLP

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Columbia, South Carolina

July 31, 2013.