

KORN LAW FIRM, P. A.  
POST OFFICE BOX 11264,  
1300 PICKENS STREET  
COLUMBIA, SOUTH CAROLINA 29211  
(803) 252-5817

February 26, 2013

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

Re: Deutsche Bank v. Laura Toney, et al  
Case No. 2007-CP-38-807  
File No. F27-02370

Dear Sir or Madam:

This letter will confirm that I have provided the Appellant with a copy of the documents listed by the Respondent in our Designation of Matter but omitted from the previous Records on Appeal prepared by Appellant. All of the documents were previously provided to Appellant and her counsel during the litigation and are easily obtainable by Appellant as a matter of public record. However, I have provided a copy of the omitted documents to the Appellant in an effort to move the appeal forward. The documents are as follows:

1. Designation of Matter #11 cited an Order Dissolving Temporary Restraining Order filed April 27, 2007 in Case No. 2007-CP-31-066. This order is a previous example of the Appellant being sanctioned for engaging in bad faith litigation. Specifically, Appellant obtained an ex parte order staying a foreclosure sale by falsely claiming Respondent's counsel had violated an automatic stay in Bankruptcy. This order was cited in Respondent's motion for sanctions against Appellant in the present case and the order was also cited by the trial court in imposing sanctions against Appellant. The order was also an attachment to Respondent's Return filed April 21, 2008 cited in Designation of Matter #15.
2. Designation of Matter #14 cited the Appellant's Rule 60 motion filed April 14, 2008. Respondent's motion for sanctions against Appellant referenced the Rule 60 motion and the Rule 60 motion was ultimately deemed frivolous by the trial court.

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3. Designation of Matter #15 cited Respondent's Return filed April 21, 2008. The Return included as an attachment the Order Dissolving Temporary Restraining Order filed April 27, 2007 in Case No. 2007-CP-31-066. The Appellant's patently false claims that Respondent's counsel had violated an automatic stay in Bankruptcy was referenced by the trial court in finding Appellant engaged in a pattern and practice of bad faith litigation and in imposing sanctions against Appellant. The order was also cited in Respondent's Designation of Matter #11.
4. Designation of Matter #16 cited the Motion for Sanctions filed by Respondent on April 21, 2008.
5. Designation of Matter #25 cited portions of the August 27, 2008 hearing transcript. Respondent cited pages 5 through 7 of the transcript but the Record on Appeal submitted by Appellant omitted page 6. This portion of the transcript contained arguments regarding the failure of Appellant's counsel to provide notice to opposing counsel as required by the South Carolina Rules of Civil Procedure of a witness subpoena Appellant's counsel issued.

Respondent also cited pages 24 through 61 of the August 27, 2008 hearing transcript but the Record on Appeal submitted by Appellant omitted pages 24 through 60. This portion of the transcript contained the testimony of the closing attorney and his paralegal which disproved Appellant's claim that the loan was a "witness only" closing. It also included a substantial amount of argument regarding Respondent's pending Motion for Sanctions against Appellant.

Respondent also cited pages 69 through 73 of the August 27, 2008 hearing transcript but the Record on Appeal submitted by Appellant omitted pages 70 through 72. This portion of the transcript included cross-examination of the Appellant.

Respondent also cited pages 107 through 111 of the August 27, 2008 hearing transcript but the Record on Appeal submitted by Appellant omitted pages 108 through 110. The testimony in this portion of the transcript also pertained to Appellant's testimony regarding the loan closing, and in particular her unexplained memory loss as to her prior allegations that the loan was a "witness only" closing once she had been confronted with documentary proof otherwise.

Respondent also cited pages 113 through 129 of the August 27, 2008 hearing transcript but the Record on Appeal submitted by Appellant omitted pages 114 through 120, 122 through 124 and page 128. This portion of the transcript included arguments by respective counsel as to Respondent's pending motion for Sanctions. It also included the trial judge's bench ruling that Appellant was required to post a bond with the court by a date certain if

she wished to submit a handwriting analysis and be afforded another hearing. The Appellant ultimately failed to post the required bond and the court nevertheless held another hearing at the insistence of Appellant and her counsel. The Appellant's failure to comply with the bench ruling and related order requiring Appellant to post a bond was one of the grounds for the sanctions assessed against Appellant.

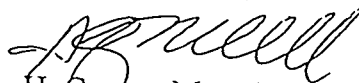
6. Designation of Matter #26 cited Exhibit 9 from the August 27, 2008 hearing. Exhibit 9 is an Order of Dismissal from one of Appellant's numerous Bankruptcy cases (06-3028) and was submitted as evidence of Appellant's pattern and practice of engaging in bad faith litigation.
7. Designation of Matter #27 cited Exhibit 10 from the August 27, 2008 hearing. Exhibit 10 is an Order of Dismissal from one of Appellant's numerous Bankruptcy cases (06-4333) and was submitted as evidence of Appellant's pattern and practice of engaging in bad faith litigation.
8. Designation of Matter #28 cited Exhibit 11 from the August 27, 2008 hearing. Exhibit 11 is an Order of Dismissal from one of Appellant's numerous Bankruptcy cases (06-5381) and was submitted as evidence of Appellant's pattern and practice of engaging in bad faith litigation.
9. Designation of Matter #31 cited portions of the transcript for the September 16, 2008 hearing. Respondent cited pages 16 through 37 and page 45 of the transcript but the Record on Appeal submitted by Appellant did not include any of the designated material from the September 16, 2008 transcript. This portion of the transcript included the testimony of Appellant's handwriting analyst. The testimony established that the examination by the analyst of the questioned documents lacked any reliability due to the analyst's failure to follow basic scientific and common sense procedures to insure the quality and reliability of the analysis. Specifically, the relevant testimony included the analyst's inability to verify as genuine any of the "control samples" he used to compare with the disputed signatures. The witness appeared in another foreclosure case for Appellant before the same court immediately preceding this hearing. The testimony included an admission by the witness that the Appellant had attempted to deceive the trial court in the prior case that same day by submitting an handwriting analysis from an unrelated matter. When this blatant act of bad faith was discovered by Respondent's counsel on cross-examination of the witness, he cited it as further evidence of Appellant's pattern and practice of bad faith and vexatious litigation.
10. Designation of Matter #32 cited Exhibit 3 from the September 16, 2008 hearing. Exhibit 3 is a letter dated September 11, 2008 to the trial judge and opposing counsel in response to the "handwriting analysis" submitted by Appellant's counsel despite the requisite bond not being posted as required by

the bench ruling from the August 27, 2008 hearing and the order filed September 4, 2008.

11. Designation of Matter #35 cited a letter dated February 11, 2009 to the trial judge, Appellant's counsel, Appellant's subsequent Bankruptcy attorney and the Chapter 13 Trustee. Appellant filed another Chapter 13 petition and scheduled yet another post-trial motion hearing for February 11, 2009. Respondent's counsel conferred with the Chapter 13 Trustee and the Appellant's Bankruptcy counsel regarding the hearing scheduled and noticed by Appellant despite her filing of a new Bankruptcy case. After being assured by the Trustee and bankruptcy attorney that participating in a hearing scheduled by Appellant would not be deemed a violation of any stay imposed by Bankruptcy, Respondent's counsel prepared a new hearing notice correcting the defective notice sent by Appellant. Predictably, Respondent's counsel was then accused of violating the stay in Bankruptcy. The letter dated February 11, 2009 with attachments was the response of Respondent's counsel to the unfounded allegations.
12. Designation of Matter No. 39 cited the assignment of the subject mortgage to Respondent. The assignment included in the Record on Appeal by Appellant appears to be the assignment for an unrelated mortgage.
13. Designation of Matter #40 cited the judicial deed issued by the trial court subsequent to the foreclosure sale. The deed included in the Record on Appeal submitted by Respondent appears to be a subsequent deed when the property was later marketed and sold.

Your attention in this matter is very much appreciated.

Very truly yours,

  
H. Guyton Murrell

cc:  
Laura Toney  
P.O. Box 722  
Bishopville, SC 29010

IN THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY  
Court of Common Pleas

O. Davie Burgdorf, Master-in-Equity

Case No. 2007-CP-38-807

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Deutsche Bank National Trust Company as Trustee  
for the Holders of New Century Home Equity Loan  
Trust, Series 2005-A, Asset Backed Pass-Through  
Certificates, ..... Respondent,

v.

Laura Toney, LaSalle Bank National Association, as  
Trustee for the registered holders of Structured Asset  
Securities Corporation, Structured Asset  
Investment Loan Trust, Mortgage Pass-  
Through Certificates, Series 2004-11 and LaSalle Bank  
National Association, Trustee for Lehman Brothers  
Structured Asset Investment Loan Trust Sail 2005-2  
of whom  
Laura Toney is, ..... Appellant.

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

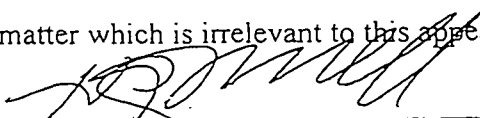
Respondent proposes the following to be included in the Record on Appeal:

1. Order filed December 17, 2007;
2. Order filed January 10, 2008;
3. Order filed March 26, 2008;
4. Order filed September 4, 2008;
5. Order filed December 11, 2008;
6. Order filed March 23, 2011;

7. U.S. Bankruptcy Court Order filed February 15, 2007, Case No.07-00234-jw;
8. U.S. Bankruptcy Court Order filed February 26, 2007, Case No.07-00234-jw;
9. U.S. Bankruptcy Court Order filed March 27, 2007, Case No.07-00234-jw;
10. U.S. Bankruptcy Court Order filed May 15, 2007, Case No.07-01978-dd;
11. Order dissolving TRO filed April 2, 2007, Case No. 2007-CP-31-066;
12. Complaint;
13. Motion filed January 30, 2008;
14. Motion filed April 14, 2008;
15. Return filed April 21, 2008;
16. Motion for Sanctions filed April 21, 2008;
17. Motion filed December 22, 2008;
18. Return filed December 31, 2008;
19. Affidavit of Service filed August 9, 2007;
20. Affidavit of Default filed December 17, 2007;
21. Affidavit of Michael May filed August 25, 2008;
22. Affidavit of Tracey Kirkpatrick filed August 25, 2008;
23. Affidavit of Attorney Fees;
24. Transcript of May 6, 2008 hearing, P. 6, lines 14 – 19; p. 10, line 1 – p. 11, line 9; p.16, lines 11 –17; p. 22, line 2 – p. 23, line 6;
25. Transcript of August 27, 2008 hearing, p. 5, line 16 – p. 7, line 21; p. 8, line 15 – p. 10, line 14; p. 24, line 21 – p. 61, line 13; p. 69, line 1 – p. 73, line 23; p. 80, line 10 – p. 81, line 3; p. 107, line 23 – p. 111, line 20; p.112, line 5 – line 16; p. 113, line 25 – p. 129, line 21;
26. Transcript of August 27, 2008 hearing, Exhibit 9;
27. Transcript of August 27, 2008 hearing, Exhibit 10;
28. Transcript of August 27, 2008 hearing, Exhibit 11;
29. Transcript of August 27, 2008 hearing, Exhibit 12;
30. Transcript of August 27, 2008 hearing, Exhibit 13;
31. Transcript of September 16, 2008 hearing, p. 16, line 11 – p. 37, line 24; p. 45, lines 4-14;
32. Transcript of September 16, 2008 hearing, Exhibit 3;
33. Transcript of February 8, 2011 hearing, p. 19, line 7 – p. 23, line 13;
34. Schedule B of Appellant's Chapter 13 Plan, Case No.06-05381-dd;
35. Letter dated February 11, 2009 with attachments;
36. HUD Settlement Statement

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

June 12, 2012

  
H. Guyton Murrell  
Korn Law Firm  
Attorney for Respondent Deutsche Bank  
1300 Pickens Street  
PO Box 12369  
Columbia, SC 29211-2369  
803-252-5817