

69173

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

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.

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JUL 22 2013
SC Court of Appeals

**MOTION TO COMPEL THE RESPONDENT TO REVISE THE DESIGNATION OF MATTER OR
DECLARE THE RESPONDENT'S DESIGNATION OF MATTER NULL AND VOID**

The Appellant respectfully requests that the Court requires the Respondent to file a revised Designation of Matter and gives the Appellant time to file an Amended Record on Appeal or declare the Respondent's Designation of Matter null and void and rule in favor of the Appellant because of the following:

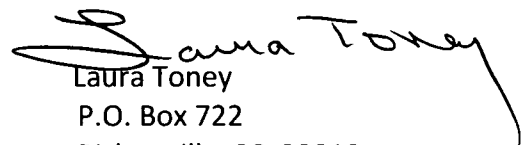
1. The Respondent's Designation of Matter contains 36 items to be included in the Record on Appeal that was filed with the Court on July 15, 2013.
2. The Respondent filed a Motion to Dismiss the Appeal or Alternative to have the Appellant file another Record on Appeal. In the Respondent's letter filed with July 15, 2013, the Respondent referenced numbers 39 and 40. As the Court's file will see, there were no numbers 39 and 40 included in the Respondent's Designation of Matter.
3. The Respondent conveniently overlooked the fact that his Designation of Matter did not conform to the Appellate Rules.
4. In an attempt to mislead the Court, the Respondent added items #39 and #40 as not being in the Record on Appeal knowing that these items were never included in the Respondent's Designation of Matter.
5. The Appellant requests a ruling in her favor being that the Respondent attempted to mislead the Court by requesting materials that were not filed in his Designation of Matter in a timely matter. The Appellant has included copies of the Respondent's Designation of Matter filed July 15, 2013 and the Respondent's letter filed July 15,

2013. The Respondent added #39 and #40 as materials to be included in the Record on Appeal without the Court's permission or by revising his Designation of Matter.

Because of the Respondent's intentional attempt to mislead the Court and not filing a timely corrected Designation of Matter, the Appellant requests that the Respondent's Designation of Matter is declared null and void and a ruling in favor of the Appellant is granted.

The Record on Appeal is permitted to contain only the material that the parties have previously designated. If an item does not appear in a Designation of Matter, then the appellant cannot include it the Record on Appeal. By the same token, everything designated by a party must be included in the Record on Appeal. The Appellant seeks direction in this matter from the Courts.

July 22, 2013



Laura Toney
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Court of Common Pleas**

O. Davie Burgdorf, Master In Equity

Case No. 2007-CP-38-807

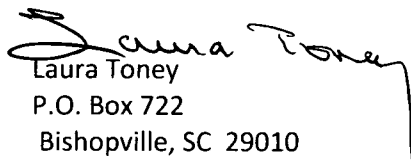
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CERTIFICATE OF SERVICE

**The Appellant, Laura Toney, certifies that she mailed a copy of the MOTION TO COMPEL
THE RESPONDENT TO REVISE THE DESIGNATION OF MATTER OR DECLARE THE RESPONDENT'S
DESIGNATION OF MATTER NULL AND VOID VIA United States Postal Service on July 22, 2013,
addressed to the Korn Law Firm at P.O. Box 11264, Columbia, SC 29211.**


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P.O. Box 722
Bishopville, SC 29010

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