

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

The Honorable J. Michael Baxley, Circuit Court Judge

Case No. 2010-CP-13-0064

RECEIVED

SEP 06 2013

SC Court of Appeals

American Community Bank, a division of Yadkin Valley
Bank and Trust, Respondent,

vs.

Michael R. Brown, C.W. Horne, Shortt Auction & Realty Co., Inc.,
Bank of America, N.A. and Jaguar Portfolio, LLC, Defendants,

Of which Michael R. Brown, is the Appellant.

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

Respondent proposes the following records (and their Exhibits) to be included in the Record on Appeal:

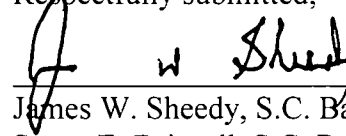
1. Lis Pendens and Complaint filed May 4, 2010;
2. Answer, Counterclaims and Crossclaim dated August 12, 2010;
3. Reply of Plaintiff to Counterclaim of Michael Brown filed September 14, 2010;
4. Memorandum on Application of Administrative Order 2011-05-02-01 to this Case filed July 18, 2011;
5. Order Deeming Applicable the C.J. Toal Administrative Order to this Foreclosure Action filed August 22, 2011;

6. Notice of Right to Foreclosure Intervention filed October 24, 2011;
7. Acceptance of Service on behalf of Appellant filed November 2, 2011;
8. Notice of Denial of Loan Modification or Other Means of Loss Mitigation and Certification by Attorney for Mortgagee that Mortgagor has Failed, Refused or Voluntarily Elected Not to Participate in Any Foreclosure Intervention Process in this Case filed March 9, 2012;
9. Notice of and Motion for Summary Judgment Against Defendant Brown on His Affirmative Defenses and Counterclaims Against Plaintiff filed May 11, 2012;
10. Deposition Transcript of Michael R. Brown dated May 6, 2011;
11. Deposition of William Clewis dated May 6, 2011;
12. Memorandum in Support of Plaintiff's Motion for Summary Judgment filed July 16, 2012;
13. Memorandum in Opposition to Plaintiff's Motion for Summary Judgment on Defendant Brown's Affirmative Defenses and Counterclaims dated July 11, 2012;
14. Transcript of July 12, 2012 Hearing;
15. Order Granting Summary Judgment on Borrower's Affirmative Defenses and Counterclaims filed August 6, 2012;
16. Notice of and Motion to Alter or Amend Judgment filed August 21, 2012; and
17. Order Denying Motion to Alter or Amend Judgment filed November 7, 2012.

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

Date: 9/4/13

Respectfully submitted,



James W. Sheedy, S.C. Bar No. 5052
Susan E. Driscoll, S.C. Bar No. 71447
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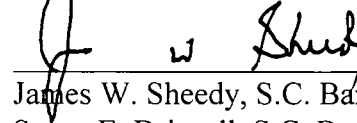
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date indicated below he served counsel for Appellant with a copy of the *Initial Brief of Respondent and a Designation of Matter to be Included in Record on Appeal* by mailing copies of the same via First Class, U.S. Mail, postage-paid on the date set forth below.

John Martin Foster, Esq.
The Guardian Building
223 East Main Street, Suite 520
Rock Hill, SC 29730

Date: 9/4/13

Respectfully submitted,



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