

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM JASPER COUNTY
Court of Common Pleas
Alison Renee Lee, Circuit Judge

Appellate Case No. 2024-000460
Court of Common Pleas Case No. 2023-CP-27-0001

MARK C. BOYLES,.....Appellant,

v.

NCP BAYOU, LLC,.....Respondent.

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

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

1. Complaint of Appellant;
2. Answer of Respondent;
3. Confession of Judgment
4. Deficiency Judgment #2018-CP-27-00172 and Deficiency Judgment #2021-CP-27-00515;
5. Execution Against Property;
6. Petition for Relief Under Chapter 7 of the U.S. Bankruptcy Code;
7. Order Discharging Debtor;
8. Title to Real Estate;
9. Death Certificate;
10. Respondent’s Motion to Dismiss dated July 19, 2023;
11. Respondent’s Memorandum in Support of Motion dated September 28, 2023;
12. Appellant’s Objection to Motion to Dismiss dated September 27, 2023;
13. Appellant’s Memorandum of Law in Objection to Motion to Dismiss dated October 11, 2023;
14. Consent Order dated October 2, 2023;
15. Respondent’s Reply Memorandum dated October 19, 2023;
16. Order of Dismissal dated December 21, 2023;
17. Appellant’s Motion to Reconsider dated December 21, 2023;
18. Order Denying Motion to Reconsider dated February 26, 2024;
19. Transcript of Hearing from September 28, 2024; and

20. Appellant's Notice of Appeal dated March 20, 2024.

In the Respondent's Designation of Matter, it objected to certain documents set forth in the Appellant's Designation of Matter. The Appellant believes that the following documents should properly be included in the Record of this matter: (1) Confession of Judgment – This legal document is mentioned in Paragraphs 6, 7 and 8 of the Appellant's Complaint and pleadings may be included pursuant to Rule 210(c), SCACR. The Confession of Judgment is the basis of the Respondent's entire case; (2) Deficiency Judgments – The Appellant put these items before the Trial Court in its Memorandum of Law. The judgments are in the Official Record for the Jasper County Court of Common Pleas and are published there. These judgments are relevant and admissible under Rule 44, SCRCP; (3) The Execution of Judgments – These public record documents were argued by the Appellant in its Memorandum of Law in opposition to the Motion to Dismiss. The documents are relevant and admissible; (4) Petition for Chapter 7 Relief in Bankruptcy – This public record document was set forth in the Appellant's Complaint (pleading) at paragraph 9 and was admitted by the Respondent; (5) Order of Discharge in Bankruptcy – Likewise, this order is in the pleadings (Paragraph 10 Complaint) and was admitted by the Respondent. It is relevant to the Declaratory Judgment action and would be admissible under Rule 44, SCRCP; (6) The Real Estate Deed – This document is the legal foundation for the Respondent's efforts to enforce a judicial lien. It is contained in the pleadings (Paragraph 12 of Complaint). It is publicly recorded by book and page in the Jasper County Register of Deeds Office. As such, it would be admissible under Rule 44, SCRCP; (7) Death Certificate – The Appellant argued to the Trial Court in his Memorandum of Law in opposition to the Motion to Dismiss that he only got the property after his mother died. The certificate is an Official Record admissible under Rule 44, SCRCP.

The Appellant has withdrawn the order of the U.S. Bankruptcy granting relief from the automatic stay pursuant to Section 362 of the U.S. Bankruptcy Code from the Designation of Matter.

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

September 30, 2024

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