

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

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Case No. 10-CP-08-1707

Appellate Case No. 2013-001531

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SC Court of Appeals

HSBC Mortgage Corporation, USA.....Appellant,

v.

Frederick J. Otterbein, IV a/k/a Frederick John Otterbein, IV, Heather H. Otterbein, and  
First Federal Savings and Loan Association a/k/a First Federal Savings and Loan  
Association of Charleston .....Defendants,

Of whom

Frederick J. Otterbein, IV a/k/a Frederick John Otterbein, IV and Heather H. Otterbein,  
are .....Respondents.

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

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Pursuant to Rule 209, SCACR, Appellant HSBC Mortgage Corporation, USA  
hereby designates the following materials 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. Form 4 Order denying Plaintiff's Motion to Strike Jury Demand and Refer Case filed April 18, 2013;
2. Form 4 Order Denying Plaintiff's Motion to Alter or Amend filed July 9, 2013;

## **PLEADINGS**

3. Amended Complaint dated May 24, 2010;
4. Answer and Counterclaim of Frederick Otterbein and Heather Otterbein dated June 23, 2010;
5. Second Amended Complaint dated July 19, 2010;
6. Plaintiff's Reply to the Answer and Counterclaims of Defendants Heather and Frederick Otterbein dated July 21, 2010;
7. Amended Answer and Counterclaim of Frederick Otterbein and Heather Otterbein dated August 26, 2010;
8. Reply of Plaintiff to Defendant Frederick Otterbein and Heather H. Otterbein's Answer and Counterclaim dated September 14, 2010;
9. Stipulation of Dismissal of Plaintiff's Foreclosure Claim Only without Prejudice dated July 5, 2013;

## **MOTIONS**

10. Plaintiff's Motion for Summary Judgment on Counterclaims and to Strike Jury Demand dated September 6, 2012;
11. Plaintiff's Memorandum in Support of Motion for Summary Judgment dated November 26, 2012, with Exhibits:
  1. Note dated December 21, 2007;
  2. Mortgage dated December 21, 2007;
  3. Home Affordable Modification Agreement dated July 2011;
  4. Affidavit of Heather Otterbein dated November 12, 2012;
  5. Letter from Plaintiff dated February 26, 2010 (Exhibit B to Otterbein Affidavit);

6. Letter from Plaintiff dated July 1, 2010 (Exhibit C to Otterbein Affidavit);  
and
12. Defendants' Memorandum in Opposition to Plaintiff's Motion for Summary Judgment dated November 26, 2012, with Exhibits:
  1. Affidavit of Heather Otterbein dated November 12, 2012, with Exhibits:
    - A. Loan transaction histories;
    - B. Letter from Plaintiff dated February 26, 2010;
    - C. Letter from Plaintiff dated July 1, 2010;
    - E. Consent Order in dated April 13, 2011;
13. Plaintiff's Motion to Strike Jury Demand and Refer Case and Memorandum of Law in Support dated March 12, 2013, with Exhibits:
  - A. Excerpts of Transcript of Deposition of Heather Otterbein dated January 29, 2013;
  - B. Excerpts of Transcript of Deposition of Frederick Otterbein dated February 22, 2013;
14. Plaintiff's Notice of and Motion to Alter or Amend the Court's Order, Entered April 18, 2013 (Pursuant to Rule 59(E), SCRCP) filed May 6, 2013;

**TRANSCRIPTS**

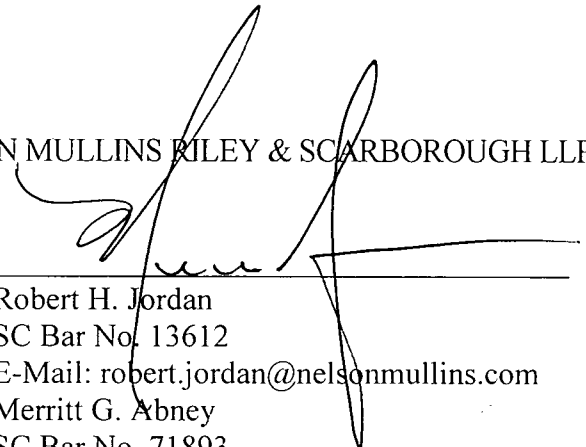
15. Transcript of Hearing of Plaintiff's Motion to Strike Jury Demand dated April 17, 2013;
16. Transcript of Hearing of Plaintiff's Motion to Alter or Amend dated July 8, 2013;

**OTHER**

17. Notice of Appeal filed July 12, 2013.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By:



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*Attorneys for Appellant HSBC Mortgage Corporation, USA*

September 30, 2013

Charleston, South Carolina

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**PROOF OF SERVICE**

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I HEREBY CERTIFY that I have served the **APPELLANT'S DESIGNATION OF  
MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** on Respondents and  
Defendants by depositing copies of it in the United States Mail, postage prepaid,  
addressed to the below Counsel of Record:

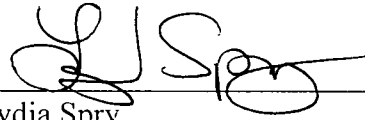
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