

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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OCT 28 2013
SC Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

The Honorable Joe M. Crosby, Master-In-Equity

Case No. 2011-CP-22-0180

Kennedy Funding, Inc. as predecessor-in-interest, and Respondents,
BNP Paribas,.....

v.

Pawleys Island North, LLC, Will Darwin Wheeler,
Peggy Wheeler-Cribb, and J. Mars Sapp, Defendants,
Of Whom Pawleys Island North, LLC, Will Darwin
Wheeler and Peggy Wheeler-Cribb are Respondents, and

J. Mars Sapp is the..... Appellant.

RESPONDENTS' DESIGNATION OF MATTER TO BE INCLUDED IN THE
RECORD ON APPEAL

ORDERS

1. Order Granting Plaintiff's Motion for Summary Judgment filed March 5, 2012;
2. Order of Reference filed March 22, 2012;
3. Order and Judgment filed June 7, 2013;

PLEADINGS

4. Complaint, February 9, 2011;
5. Answer of J. Mars Sapp, March 17, 2011;
6. Amended Complaint, September 5, 2012;
7. Answer of Will D. Wheeler to Amended Complaint, September 21, 2012;

8. Answer of Defendant Pawleys Island North, LLC to Amended Complaint, September 21, 2012;
9. Answer to Amended Complaint and Crossclaim of J. Mars Sapp, September 20, 2012;
10. Plaintiff's Reply to Sapp's Cross-claim, October 11, 2012;
11. Answer of Wheeler to Sapp's Cross-claim, October 15, 2012;
12. Notice of Appeal filed June 27, 2013;
13. Amended Notice of Appeal filed July 10, 2013;

TRANSCRIPTS

14. Transcript of Summary Judgment Hearing, January 17, 2012;
15. Deposition of Kevin Wolfer, January 12, 2012 (the exhibits for this deposition are Plaintiff-Respondent Kennedy's Trial Exhibits 1-6 at item 23 below);
16. Deposition of Kevin Wolfer, September 12, 2012 (the exhibits for this deposition are Plaintiff-Respondent Kennedy's Trial Exhibits 7 and 8 at item 22 below);
17. Trial Transcript, February 11, 2013;

MOTIONS AND MISCELLANEOUS FILINGS

18. Plaintiff's Motion for Summary Judgment as to Defendant J. Mars Sapp, October 3, 2011;
19. Defendant J. Mars Sapp's Rule 59 Motion to Alter or Amend Judgment filed March 8, 2012;
20. Defendant J. Mars Sapp's Motion to Stay Sale, July 1, 2013;
21. Master's Report on Final Sale, Order of Disbursement Pursuant to Rule 71 (Public Sale), Order Confirming Sale and Order Closing Case, October 7, 2013;
22. Master's Foreclosure Deed, 2013;

EXHIBITS AND OTHER DOCUMENTS

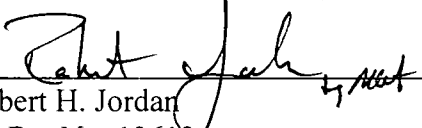
23. Plaintiff's Exhibit 1 – Complete Closing Binder, bearing Bates stamps KENNEDY 01135- 01418 (Wolfer Deposition Exhibit 1);

24. Plaintiff's Exhibit 2 – 3.2.09 Letter with attachments from Kennedy Funding to Peggy Wheeler-Cribb, bearing Bates stamps KENNEDY_00472- 00504 (Wolfer Deposition Exhibit 2);
25. Plaintiff's Exhibit 3 – 3.09.13- 3.12.13 Email chain regarding loan documents and preliminary closing checklist, bearing Bates stamps KENNEDY_00472- 00475 (Wolfer Deposition Exhibit 3);
26. Plaintiff's Exhibit 4 – 4.28.09 Email forwarding preliminary closing checklist, bearing Bates stamps KENNEDY_01113- 01125 (Wolfer Deposition Exhibit 4);
27. Plaintiff's Exhibit 5 – 4.29.09 Email regarding status of loan documents, bearing Bates stamp KENNEDY_01053 (Wolfer Deposition Exhibit 5);
28. Plaintiff's Exhibit 6 – 4.30.09 Email forwarding draft Loan and Security Agreement Documents, bearing Bates stamps KENNEDY_00950- 01033 (Wolfer Deposition Exhibit 6);
29. Plaintiff's Exhibit 8 – Assignment of Mortgage Assignment of Leases and Rents and Loan Documents, KENNEDY 01126- 01134 (Wolfer Deposition Exhibit 2);
30. Plaintiff's Exhibit 9 – Pawleys Claims Tables;
31. Defendant's Exhibit 1 –Quitclaim Deed;
32. Defendant's Exhibit 2 – Summons and Complaint in Case No. 2008-CP-22-1345, filed September 30, 2008;
33. Defendant's Exhibit 3 – Amended Summons and Complaint in Case No. 2008-CP-22-1345, filed October 6, 2009;
34. Defendant's Exhibit 4 - Order on Plaintiff Sapp's Post Trial Matters Presented to the Court, Case No. 2008-CP-22-1345, filed March 10, 2011;
35. Defendant's Exhibit 5 - Judgment/Verdict in Case No. 2008-CP-22-1345, entered June 4, 2010;
36. Defendant's Exhibit 6 – Execution as to Defendant and Judgment Debtor Will D. Wheeler in Case No. 2008-CP-22-1345, dated March 22, 2011.

The undersigned counsel certified that this Designation of matter complies with Rule 209 (c)SCACR, and contains no matter which is irrelevant to the appeal.

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PROOF OF SERVICE

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

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