

THE STATE OF SOUTH CAORLINA  
In The Court of Appeals

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DEC 02 2013  
SC Court of Appeals

APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

The Honorable R. Markley Dennis, Jr. Circuit Court Judge

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Case No. 2010-CP-08-1707

Appellate Case No. 2013-001531

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

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Pursuant to Rule 209, SCACR, Respondents Frederick J. Otterbein and Heather H. Otterbein hereby designate the following materials for inclusion in the record on appeal. Undersigned counsel certifies, pursuant to Rule 209(c), SCARC, that the designation contains no matter which is irrelevant to the appeal.

**ORDERS**

1. Form 4 Order Denying Plaintiff's Motion to Dismiss the Case filed on February 27, 2012;
2. Form 4 Order Denying Plaintiff's Motion for Summary Judgment on the Counterclaims or Referring the case to the Master in Equity filed on November 16, 2012;
3. Order Denying Plaintiff's Motion for Summary Judgment on the Counterclaims or Referring the case to the Master in Equity filed on January 17, 2013;
4. Order Denying Plaintiff's Motion to Alter or Amend filed February 25, 2013;
5. Form 4 Order Denying Plaintiff's Motion to Strike the Jury Demand and Refer the Case to the Master in Equity filed April 18, 2013;

#### **PLEADINGS**

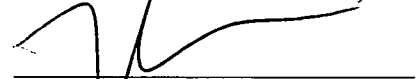
6. Amended Complaint filed May 24, 2010;
7. Answer and Counterclaim of Fredrick and Heather Otterbein filed June 25, 2010;
8. Second Amended Complaint filed July 19, 2010;
9. Amended Answer and Counterclaim of Fredrick and Heather Otterbein filed September 7, 2010;
10. Stipulation of Dismissal of foreclosure claim only filed July 9, 2013;

#### **MOTIONS**

11. Plaintiff's Motion to Dismiss the Case without Prejudice filed December 6, 2011;
12. Plaintiff's Motion for Summary Judgment as to Defendants Counterclaims and to Strike the Jury Demand filed September 6, 2012;
13. Plaintiff's Motion to Alter or Amend the Order Denying Summary Judgment and Strike the Jury Demand filed February 15, 2013;
14. Plaintiff's Motion to Strike the Jury Demand and Refer the Case to the Master in Equity filed March 12, 2013;
15. Plaintiff's Motion to Alter or Amend the Order Denying Plaintiff's Motion to Strike the Jury Demand and Refer the Case to the Master in Equity filed May 6, 2013;

RESPECTFULLY SUBMITTED,

MARY LEIGH ARNOLD, PA



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Mary Leigh Arnold  
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*Attorney for Respondents*

December 1, 2013  
Mt. Pleasant, SC

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**PROOF OF SERVICE**

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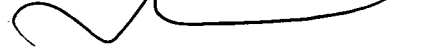
I HEREBY CERTIFY that I have served the DESIGNATION OF MATTER OF  
RESPONDENTS on Appellant and Defendant by depositing copies of it in the United State  
Mail, Postage prepaid, addressed to the below Counsel of Record:

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*Attorney for Defendant First Federal Savings and Loan*

MARY LEIGH ARNOLD, PA



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Mary Leigh Arnold

December 1, 2013