

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

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The Honorable Diane Schafer Goodstien, Circuit Court Judge JAN 09 2014

Case No. 2011-CP-18-1013

SC Court of Appeals

Appellate Case No. 2013-002066

The Bank of New York Mellon, as Successor Trustee
under NovaStar Mortgage funding Trust, Series 2004-1,.....Appellant,

v.

Rachel R. Lindsay; Jeffery Wayner; Tammy Wayner;
Tiffany Spann-Wilder, Esq.; The Steinberg Law Firm;
and United States of America, Acting by and through its
agency, the Internal Revenue Service, Defendants,

Rachel R. LindsayRespondent,

v.

Saxon Mortgage Services, Inc.,.....Appellant.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Respondent proposes the following be included in the Record on Appeal:

1. Lis Pendens; Summons and Complaint - Case No. 2008-CP-18-02543
2. Order of Judgment of Foreclosure and Sale - Case No. 2008-CP-18-02543

3. Notice of Publication - Case No. 2008-CP-18-02543
4. Motion for Temporary Restraining Order & Show Cause Order - Case No. 2008-CP-18-02543
5. Stipulation of Dismissal of Foreclosure Action and Cancellation of Lis Pendens - Case #:2008-CP-18-2543
6. Order Vacating Judgment and Dismissing Action - Case No. 2008-CP-18-02543
7. Lis Pendens, Summons and Complaint - Case No. 2009-CP-18-01311
8. Answer and Counterclaim and Third Party Complaint - Case No. 2009-CP-18-01311
9. Answer and Reply - Case No. 2009-CP-18-01311
10. Consent Order pursuant to SCRCP 40(j) - Case No. 2009-CP-18-01311
11. Joint Consent Motion to Restore and Proposed Order Case No. 2011-CP-18-01013
12. Joint Motion for a Non-Jury Trial in Equity Court and to Strike the Jury Trial Demand - Case No. 2011-CP-18-01013
13. Memorandum of Law in Opposition to Appellants' Motion for a Non-Jury Trial in Equity Court and to Strike the Jury Trial Demand - Case No. 2011-CP-18-01013
14. Form 4 Order - Case No. 2011-CP-18-01013

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



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ATTORNEYS FOR RESPONDENT
(RACHEL R. LINDSAY)

Ravenel, South Carolina
January 4, 2014

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PROOF OF SERVICE

I HEREBY CERTIFY that I have served the DESIGNATION OF MATTER of the
RESPONDENT on Appellants, Plaintiff, Defendant and Third Party Defendant by depositing
copies of the same in the United States Mail, postage prepaid, addressed to the Counsel of
Record, below:

Merritt G. Abney
Nelson, Mullins, Riley & Scarborough
151 Meeting Street, Sixth Floor
Charleston, SC 29401

*Attorneys for Appellants, namely, Plaintiff and
Third Party Defendant*

Matthew J. Modica, Esq.
U.S. Attorney's Office
151 Meeting Street, Suite 200
Charleston, SC 29401

*Attorney for United States of America acting by
and through its agency, the Internal Revenue
Service.*



G. Thomas Hill (S.C. Bar No. 12055)
HILL & HILL, LLC

January 4, 2014

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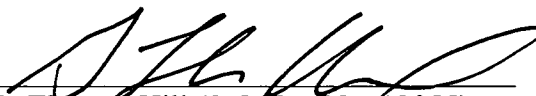
I HEREBY CERTIFY that I have served the INITIAL BRIEF OF RESPONDENT on Appellants, Plaintiff, Defendant and Third Party Defendant by depositing copies of the same in the United States Mail, postage prepaid, addressed to the Counsel of Record, below:

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January 4, 2014

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G. THOMAS HILL

TERESA ZACHRY HILL

January 4, 2014

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Bank of New York Mellon v. Lindsey, et al
Appellate Case Number: 2013-002066


Dear Honorable Jenny Abbott Kitchings:

Enclosed you will find the Initial Brief of Respondent, together with proof of service, and, the Designation of Matter of the Respondent, together with proof of service which have been served on all counsel of record.

If you have any questions concerning this matter, please do not hesitate to contact my office.

With kindest regards, I am

Very truly yours,


G. Thomas Hill

GTH

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