

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM JASPER COUNTY
Court of Common Pleas

The Honorable Carmen T. Mullen, Circuit Court Judge

Appellate Case No. 2013-1629
Circuit Court Case No. 2011-CP-27-11

Jeffrey H. Anders and Maureen Anders, Michael K. Callahan and Amy Callahan, Melinda A. Cavicchia, Michael B. Ciulis, Stephen Kipa and Kimberly A.K. Kipa, Chad Kurtz, Spencer L. Morgan, Richard O'Reilly and Alicia F. O'Reilly, Daniel Ryan and Susan Ryan, Gennady Shmukler, Michael Schmuff and Joanne Schmuff, and Matthew Terry, Kathryn M. Tillman, Valerie A. Lowe, TACG Properties, LLC, Mackay Marsh, LLC,

of whom

Spencer L. Morgan is the..... Appellant,

v.

The Settings of Mackay Point, LLC, The Settings Development Companies, LLC, Branch Banking & Trust Co., Wachovia Bank, N.A., Bond Safeguard Insurance Company, and Jasper County,

of which

Wachovia Bank, N.A. is the Respondent.

RESPONDENT'S DESIGNATION OF MATTER

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

Orders

1. Consent Scheduling Order (Dec. 9, 2011)
2. Form 4 Order (Jan. 23, 2013)
3. Email of Allison C. Coppage, Law Clerk to the Honorable Carmen T. Mullen, to Counsel (May 22, 2013)
4. Form 4 Order and Order for Final Judgment (June 18, 2013)
5. Form 4 Order (July 18, 2013)

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Pleadings

6. Complaint
7. Wachovia Bank's Answer and Counterclaim
8. Plaintiffs' Reply to Wachovia Bank's Answer and Counterclaim

Transcripts

9. Transcript of May 7, 2013 Hearing (Cover Page and Page 15)
10. Transcript of May 28, 2013 Hearing (all pages)

Other Materials

11. Appellant's Responses to Wells Fargo's First Set of Requests for Admission
12. Appellant's Motion for Continuance and Exhibits
13. Appellant's Motion for Reconsideration
14. Appellant's Notice of Intent to Appeal

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

Respectfully submitted,

WOMBLE CARLYLE SANDRIDGE & RICE, LLP

By: 

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Attorneys for Wachovia Bank, N.A., n/k/a Wells Fargo
Bank, N.A.

January 10, 2014

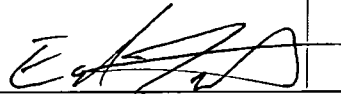
PROOF OF SERVICE

I, the undersigned Legal Secretary of the law offices of Womble Carlyle Sandridge & Rice LLP, Attorneys for the Respondent Wachovia Bank, N.A., n/k/a Wells Fargo Bank, N.A., do hereby certify that I have served the below parties in this action with a copy of the pleading(s) specified below by mailing a copy of the same, postage prepaid, to the following address(es):

Pleading: Respondent's Designation of Matter

Parties Served: Robert W. Maring
Maring & Moody, LLC
1130 Highmarket Street
Post Office Box 478
Georgetown, SC 29442-0478

Attorneys for Appellant



Edwin T. Mathis

January 10, 2014

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January 10, 2014

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

Re: Jeffrey H. Anders and Maureen Anders, Michael K. Callahan and Amy Callahan, Melinda A. Cavicchia, Michael B. Ciulis, Stephen Kipa and Kimberly A.K. Kipa, Chad Kurtz, Spencer L. Morgan, Richard O'Reilly and Alicia F. O'Reilly, Daniel Ryan and Susan Ryan, Gennady Shmukler, Michael Schmuft and Joanne Schmuft, and Matthew Terry, Kathryn M. Tillman, Valerie A. Lowe, TACG Properties, LLC, Mackay Marsh, LLC, of whom Spencer L. Morgan is the Appellant, v. The Settings of Mackay Point, LLC, The Settings Development Companies, LLC, Branch Banking & Trust Co., Wachovia Bank, N.A., Bond Safeguard Insurance Company, and Jasper County, of which Wachovia Bank, N.A. is the Respondent

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Dear Ms. Kitchings:

Enclosed please find Respondent's Initial Brief and Designation of Matter. Please file the originals and return a clocked copy to us.

With kind regards, I remain

Very truly yours,

M. Todd Carroll

MTC/tm

cc: Robert W. Maring

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