

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM NEWBERRY COUNTY  
Court of Common Pleas  
Joseph W. Hudgens, Special Referee

Appellate Case No. 2013-002181

RECEIVED  
MAY 06 2014  
SC Court of Appeals

EverBank..... Respondent,

v.

Lenora Scurry, Patrick Scurry,  
The South Carolina Department of Revenue, ..... Defendants,

Of whom Lenora Scurry and Patrick Scurry are the ..... Appellants.

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

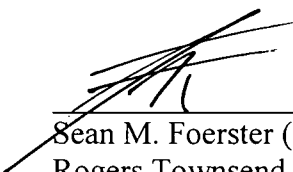
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Respondent proposes the following be included in the Record on Appeal:

1. Order – September 6, 2013;
2. Order – October 4, 2013;
3. Special Referee’s Order and Judgment of Foreclosure and Sale – March 11, 2013;
4. Order of Reference – March 30, 2012;
5. Lis Pendens, Summons, and Complaint with all attachments – February 27, 2012;
6. Motion to Vacate Judgment and Sale with all exhibits, affidavits, and other attachments – April 26, 2013;
7. Motion to Reconsider with supporting memorandum and all other attachments – September 23, 2013;
8. Transcript of Testimony with all attachments – March 11, 2013;
9. Transcript of Motion Hearing of June 5, 2013, with all exhibits;
10. Plaintiff’s Memorandum in Opposition to Defendants’ Motion to Vacate Judgment and Sale with Affidavit of Jeff Costner and all other exhibits and attachments;
11. Memorandum in Support of Motion to Vacate Judgment and Sale;
12. Affidavits of Service;
13. Amended Affidavits of Service;
14. Affidavit of Default;
15. Notice of Hearing on Motion to Vacate Judgment and Sale;

16. Email from Plaintiff's counsel to Special Referee dated July 31, 2013, with Letter to the Special Referee from William P. Stork, Esquire, and Affidavit of Everbank, and all other attachments; and
17. Report on Sale and Disbursements – September 19, 2013.

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



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Sean M. Foerster (SC Bar # 77466)  
Rogers Townsend & Thomas, PC  
220 Executive Center Drive (29210)  
Post Office Box 100200  
Columbia, South Carolina 29202-3200  
(803)771-7900  
sean.foerster@rtt-law.com

Attorneys for Respondent EverBank

May 2, 2014

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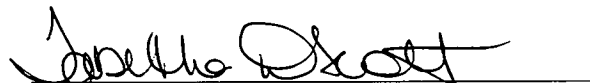
Lenora Scurry, Patrick Scurry,  
The South Carolina Department of Revenue, ..... Defendants,

Of whom Lenora Scurry and Patrick Scurry are the ..... Appellants.

**PROOF OF SERVICE**

I HEREBY CERTIFY that I have served the Designation of Matter to Be Included in the Record on Appeal on May 2, 2014, by depositing a copy in the United States Mail, postage pre-paid, addressed to the following party of record:

Andrew S. Radeker, Esquire  
Harrison & Radeker, P.A.  
P. O. Box 50143  
Columbia, South Carolina 29250



Tabitha D. Scott  
Paralegal to Sean M. Foerster, Esquire  
ROGERS TOWNSEND & THOMAS, PC

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**PROOF OF SERVICE**

I HEREBY CERTIFY that I have served the Initial Brief of Respondent on May 2, 2014,  
by depositing a copy in the United States Mail, postage pre-paid, addressed to the  
following party of record:

Andrew S. Radeker, Esquire  
Harrison & Radeker, P.A.  
P. O. Box 50143  
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ROGERS TOWNSEND & THOMAS, PC

ROGERS TOWNSEND & THOMAS, PC  
POST OFFICE BOX 100200 (29202)  
220 EXECUTIVE CENTER DRIVE  
COLUMBIA, SOUTH CAROLINA 29210  
P 803.771.7900 F 803.343.7017  
W RTT-LAW.COM

Sean M. Foerster  
Sean.Foerster@RTT-LAW.COM  
P 803.744-1855



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SC Court of Appeals

May 2, 2014

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

RE: *EverBank vs. Lenora Scurry, Patrick Scurry and The South Carolina Department of Revenue*  
Appellate Case # 2013-002181  
Our File # 20576-2

Dear Ms. Kitchings:

Enclosed are the originals and two copies of the Initial Brief of Respondent and Designation of Matter to be Included in the Record of Appeal in reference to the above matter. Also enclosed are two Proofs of Service.

By copy of this correspondence, I am serving a copy of these documents on opposing counsel.

Please return a filed copy of this document to me with the courier.

Very truly yours,

A handwritten signature in black ink, appearing to be "S.M. Foerster", written over a horizontal line.

Sean M. Foerster

/tds

Enclosure

cc:

Andrew S. Radeker, Esquire  
Harrison & Radeker, P.A.  
Post Office Box 50143  
Columbia, SC 29250

**Rogers Townsend & Thomas, PC**  
Post Office Box 100200  
Columbia, South Carolina 29202

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**SC Court of Appeals**

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