

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Edward G. Wellmaker, Circuit Court Judge

Case No. 2010-CP-23-1621
Appellate Case No. 2013-001441

Chase Home Finance, LLC

v.

Thomas R. Irby, Roy C. Irby a/k/a Roy C. Irby II and Bank of America, N.A.

Thomas R. IrbyAppellant,

Roy C. Irby a/k/a Roy C. Irby IIRespondent,

Bank of America, N.A. Respondent.

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

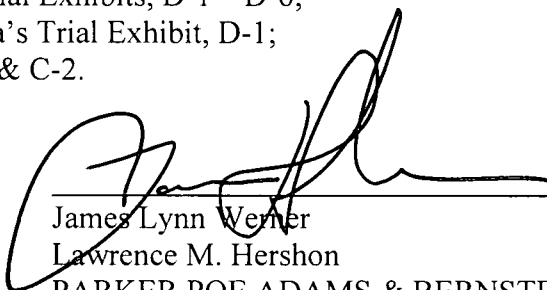
Respondent Bank of America, N.A. proposes the following be included in the Record on Appeal:

1. Amended Complaint, dated March 8, 2010;
2. Answer of Thomas R. Irby, dated April 8, 2010;
3. Cross-Complaint of Thomas R. Irby, dated May 18, 2010;
4. Answer of Roy C. Irby, II, dated June 4, 2010;
5. Plaintiff's Motion for Order Striking Answer of Defendant Roy C. Irby, denying jury trial and referring foreclosure to Master In Equity for final judgment, dated July 8, 2010;
6. Plaintiff's Notice of Motion and Motion to Dismiss and/or for Summary Judgment, dated July 20, 2010;
7. Bank of America's Motion to Dismiss Cross-Claim, dated July 27, 2010;
8. Order, dated September 3, 2010;
9. Defendant Bank of America's Answer to Thomas R. Irby's Cross Complaint, dated September 20, 2010;
10. Order dated September 23, 2010;

RECEIVED
APR 21 2014
SC Court of Appeals

11. Defendant Bank of America's Answer to Amended Complaint, dated September 24, 2010;
12. Thomas Irby's Amendment to Clarify Cross Complaint, dated October 12, 2010;
13. Bank of America's Motion to Amend Answer to Thomas R. Irby's Cross Complaint, dated November 19, 2010;
14. Order, dated November 23, 2010;
15. Bank of America's Amended Answer to Thomas R. Irby's Cross Complaint and Cross-Claim Against Defendants Thomas R. Irby and Roy C. Irby a/k/a Roy C. Irby II, dated December 6, 2010;
16. Roy C. Irby's Reply to Bank of America's Cross-Claim, dated January 13, 2011;
17. Defendant Roy C. Irby a/k/a Roy C. Irby II's Reply to Thomas R. Irby's Cross Complaint and Cross-Claim, dated January 14, 2011;
18. Thomas R. Irby's Answer to Bank of America's Cross-Claim Against Defendants, dated January 21, 2011;
19. Amendment to Thomas Irby's Answer to Bank of America's Cross-Claim Against Defendants, dated January 24, 2011;
20. Roy Irby's Cross Complaint Action Legal Suit to Reverse Sale of Home Mortgages; Motion to Squash Thomas R. Irby Cross-Claims, dated March 30, 2011;
21. Complainant Thomas Irby's General Amendment to his Cross Complaint, dated April 8, 2011;
22. Complainant Thomas Irby's Answer to Defendant Roy Irby's Cross Complaint Action, dated April 18, 2011;
23. Bank of America's Motion to Strike Thomas Irby's General Amendment to his Cross Complaint, dated May 3, 2011;
24. Cross Complainant Thomas Irby's Motion for Hearing for Formulation of Issues and Motion for Discovery Conference, dated May 4, 2011;
25. Complainant Thomas Irby's Objection to Bank of America's Motion to Strike Thomas Irby's General Amendment to his Cross Complaint, dated May 4, 2011;
26. Order, dated July 1, 2011;
27. Thomas Irby's Motion to Amend Cross-Complaint, dated July 13, 2011;
28. Roy Irby's Amended Motion, dated July 19, 2011;
29. Thomas Irby's Objection and answer to Roy Irby's amendment to his cross-complaint, dated July 27, 2011;
30. Roy Irby's Cross Complaint, dated August 12, 2011;
31. Thomas Irby's Answer and Objection to Roy Irby's Amended Cross Complaint, dated August 15, 2011;
32. Order, dated August 16, 2011;
33. Thomas Irby's General Amendment to his Cross Complaint, dated September 6, 2011;
34. Roy Irby's Amended Cross Complaint and Action against Thomas R. Irby, dated September 9, 2011;
35. Thomas Irby's Answer to Roy Irby's Amended Cross Complaint, dated September 19, 2011;
36. Bank of America's Answer to Thomas Irby's General Amendment to his Cross Complaint, dated September 23, 2011;
37. Roy Irby's Answer to Thomas Irby's General Amendment to his Cross Complaint, dated October 17, 2011;
38. Order, dated November 16, 2011;
39. Bank of America's Motion for Summary Judgment, dated December 19, 2011;

40. Bank of America's Memorandum of Law in Support of Motion for Summary Judgment, dated December 19, 2011;
41. Order, dated March 2, 2012;
42. Order of Bifurcation, dated March 5, 2012;
43. Master in Equity's Order and Judgment of Foreclosure and Sale, dated July 2, 2012;
44. Order, dated July 25, 2013;
45. Bank of America's Motion for Judgment on the Pleadings as to Thomas R. Irby's Cross-Claim for Negligence, dated May 21, 2013;
46. Verdict Forms (three), dated May 30, 2013;
47. Form 4 Order, dated May 30, 2013;
48. Transcript of Record;
49. Plaintiff's Trial Exhibits P-1 – P-12;
50. Defendant Roy C. Irby's Trial Exhibits, D-1 – D-6;
51. Defendant Bank of America's Trial Exhibit, D-1;
52. Court's Trial Exhibits, C-1 & C-2.



James Lynn Werner

Lawrence M. Hershon

PARKER POE ADAMS & BERNSTEIN LLP

1201 Main Street, Suite 1450

Columbia, South Carolina 29201

(803) 255-8000

jimwerner@parkerpoe.com

lawrencehershon@parkerpoe.com

Attorneys for Appellant Bank of America, N.A.

April 21, 2014
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Edward G. Wellmaker, Circuit Court Judge

Case No. 2010-CP-23-1621
Appellate Case No. 2013-001441

Chase Home Finance, LLC

v.

Thomas R. Irby, Roy C. Irby a/k/a Roy C. Irby II and Bank of America, N.A.

Thomas R. IrbyAppellant,

Roy C. Irby a/k/a Roy C. Irby II.Respondent,

Bank of America, N.A. Respondent.

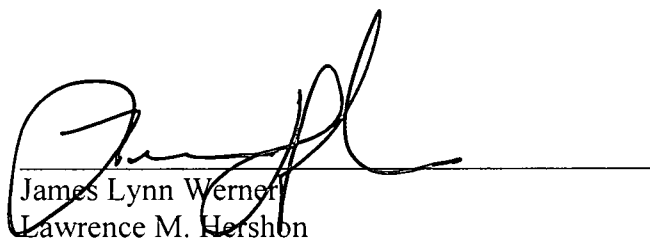
PROOF OF SERVICE

The undersigned hereby certifies that on April 21, 2014, he served the foregoing **RESPONDENT BANK OF AMERICA, N.A.'S INITIAL BRIEF and DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** on all counsel of record by placing a copy of it in the United States Mail, first class postage prepaid, addressed as follows:

RECEIVED

APR 21 2014

SC Court of Appeals



James Lynn Werner
Lawrence M. Hershon
Parker Poe Adams & Bernstein LLP
P. O. Box 1509
Columbia, SC 29202
Telephone: 803-255-8000
Facsimile: 803-255-8017
jimwerner@parkerpoe.com
lawrencehershon@parkerpoe.com

Attorneys for Respondent Bank of America, N.A.

April 21, 2014
Columbia, South Carolina



Lawrence M. Hershon
Associate
Telephone: 803.253.8918
Direct Fax: 803.255.8017
lawrencehershon@parkerpoe.com

Charleston, SC
Charlotte, NC
Columbia, SC
Raleigh, NC
Spartanburg, SC

April 21, 2014

Via Hand Delivery

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29211

**Re: Chase Home Finance, LLC vs. Thomas R. Irby, Roy C. Irby a/k/a Roy C. Irby II
and Bank of America, N.A., Appellate Case No. 2013-001441**

Dear Ms. Kitchings:

Enclosed for filing please find the original and one copy of Appellant's Initial Brief, Designation of Matter to be Included in the Record on Appeal, and Proof of Service in the above-referenced case. Please file the originals and return file-stamped copies to my courier.

By copy of this letter, I am today serving the Initial Brief, Designation of Matter to be Included in the Record on Appeal, and Proof of Service on counsel for Respondent.

Thank you for your assistance in this matter.

Very truly yours,

Lawrence M. Hershon

LMH:dmc
Enclosure

cc: Mr. Thomas R. Irby (w/enc.) – via U.S. Mail
Jerry A. Gaines, Esq. (w/enc.) – via U.S. Mail

RECEIVED

APR 21 2014