

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY  
Court of Common Pleas

James B. Jackson, Jr., Master in Equity

73007

Case No. 2007-CP-38-0196

and

Case No. 2007-CP-38-0201

First Citizens Bank and Trust Company, Inc., as as  
successor in interest to Community Resource Bank,  
N.A., f/k/a Orangeburg National Bank,.....

Appellant,

v.

Clyde B. Livingston, at al.,.....

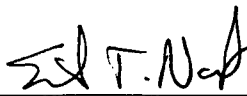
Respondent,

**NOTICE OF APPEAL**

First Citizens Bank and Trust Company, Inc. ("First Citizens") hereby timely appeals from the following two orders of the Honorable James B. Jackson, Jr. in the above matter: The Order (1) Granting in Part and Denying in Part Plaintiff's Motion for Summary Judgment and Plaintiff's Motion to Strike Jury Demand dated April 10, 2014 and filed April 17, 2014 and the Order (2) Denying Motion for Reconsideration dated July 2, 2014 and filed July 9, 2014. Copies of the Orders are attached hereto. Appellant received written notice of entry of the order filed on July 9, 2014, on July 11, 2014.

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**NELSON MULLINS RILEY & SCARBOROUGH LLP**

By: 

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Attorneys for Appellant First Citizens Bank and Trust  
Company, Inc., as successor in interest to Community  
Resource Bank, N.A., f/k/a Orangeburg National Bank

Columbia, South Carolina

July 25, 2014

Other Counsel of Record:

Andrew S. Radeker, Esquire  
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PO Box 50143  
Columbia, SC 29250

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First Citizens Bank and Trust Company, Inc., as as  
successor in interest to Community Resource Bank,  
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Respondent,

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**PROOF OF SERVICE**

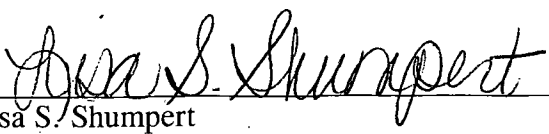
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I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellant, do hereby certify that I have served all counsel in this action with a copy of the document(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Document(s):                      Notice of Appeal

Counsel Served:

Andrew S. Radeker, Esquire  
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\_\_\_\_\_  
Lisa S. Shumpert

July 25, 2014

# Nelson Mullins

## Nelson Mullins Riley & Scarborough LLP

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July 25, 2014

### Hand Delivered

The Honorable Jenny Abbott Kitchings  
Clerk of Court, Court of appeals  
1015 Sumter Street  
Columbia, SC 29201

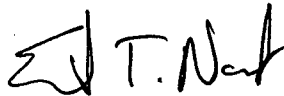
RE: First Citizens Bank and Trust Company, Inc. v. Clyde B. Livingston, et al.  
Civil Action No. 2007-CP-38-00196 and 2007-CP-38-0201  
Our File No. 00689/01777

Dear Ms. Kitchings:

Enclosed please find the original and one copy of the Appellant's Notice of Appeal in the above-referenced matter. We would appreciate your filing the original in your office and returning a clocked copy via our courier.

By copy of this letter, we have served the Respondent with a copy of same. In addition, we have furnished the lower court with a copy of the Notice.

Very truly yours,



Erik T. Norton

ETN:ls

Enclosures

cc: Andrew S. Radeker, Esquire