

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

SC Court of Appeals

The Honorable Diane Schafer Goodstein, Circuit Court Judge

Case No. 2011-CP-18-1013

Appellate Case No. 2013-002066

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

v.

Rachel R. Lindsay, Jeffrey 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,

Of Whom Rachel R. Lindsay is the Respondent.

Rachel R. Lindsay ..... Respondent,

v.

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

APPELLANTS' DESIGNATION OF MATTER TO BE INCLUDED  
IN THE RECORD ON APPEAL

B. Rush Smith III (SC Bar No. 12941)  
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Pursuant to Rule 209, SCACR, Appellants Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage Funding Trust, Series 2004-1, and Saxon Mortgage Services, Inc., hereby designate the following materials for inclusion in the record on appeal. Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to the appeal.

**ORDERS**

1. Order Vacating Judgment and Dismissing Action in Civil Action No. 2008-CP-02543, filed January 15, 2010;
2. Order in Civil Action No.: 2011-CP-1013 issued August 14, 2013;
3. Form 4 Order in Civil Action No.: 2011-CP-1013 issued August 22, 2013;

**PLEADINGS**

3. Complaint in Civil Action No.: 2008-CP-18-02543, filed October 8, 2008;
4. Complaint in Civil Action No.: 2011-CP-1013 (formerly 2009-CP-18-1311), filed May 13, 2009;
5. Answer, Counterclaim and Third Party Complaint in Civil Action No.: 2011-CP-1013 (formerly 2009-CP-18-1311), filed June 16, 2009;

**MOTIONS**

6. Joint Motion for a Non-Jury Trial in the Equity Court and to Strike the Jury Demand of Lindsay filed March 22, 2013;
7. Motion to Alter or Amend pursuant to SCRCR Rule 59(e) filed August 15, 2013;

**TRANSCRIPTS**


8. Transcript of Hearing, May 24, 2013;

**OTHER DOCUMENTS**

9. Mortgage dated February 13, 2004; and
10. Promissory Note dated February 13, 2004.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: \_\_\_\_\_

  
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Attorneys for Appellants

Charleston, South Carolina

November 20, 2013

THE STATE OF SOUTH CAROLINA  
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Tiffany Spann-Wilder, Esq., The Steinberg Law Firm  
and United States of America acting by and through its  
agency, the Internal Revenue Service, Defendants,

Of Whom Rachel R. Lindsay is the Respondent.

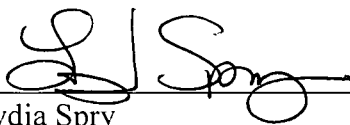
Rachel R. Lindsay ..... Respondent,

v.

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

**PROOF OF SERVICE**

I HEREBY CERTIFY that I have served the **APPELLANTS' DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** on Respondents and Defendants by depositing copies of it in the United States Mail, postage prepaid, addressed to the below Counsel of Record:

By:  \_\_\_\_\_  
Lydia Spry  
Administrative Assistant to Merritt G. Abney and  
Dow A. Davidson  
Nelson Mullins Riley & Scarborough, LLP

THE STATE OF SOUTH CAROLINA  
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Of Whom Rachel R. Lindsay is the Respondent.

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**PROOF OF SERVICE**

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I HEREBY CERTIFY that I have served the **INITIAL BRIEF OF APPELLANT** on Respondents and Defendants by depositing copies of it in the United States Mail, postage prepaid, addressed to the below Counsel of Record:

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