

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JUL 28 2014

APPEAL FROM HORRY COUNTY
Court of Common Pleas

SC Court of Appeals

R. Knox McMahon, Circuit Court Judge

Case No: 2011-CP-26-1718

Waterfall Investors 2, LLC and Raymond E. Cleary, III Appellants,

v.

Bank of North Carolina, Successor In Interest to Beach First National Bank Respondent.

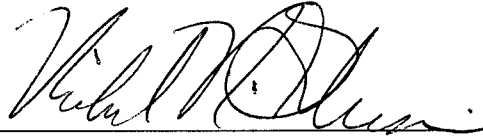
**DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellant proposes the following to be included in the Record on Appeal:

1. Jury Verdict dated November 8, 2013
2. Amended Lis Pendens and Complaint dated February 23, 2011
3. Answer and Counterclaim dated March 30, 2011
4. Plaintiff's Reply to Counterclaim of Defendants dated May 6, 2011
5. Plaintiffs Amended Reply to Counterclaim of Defendants dated June 1, 2011
6. Plaintiff's Second Amended Reply to Counterclaims of Defendants dated November 4, 2013
7. Transcript of Trial dated November 4-7, 2013, Pages 97-99, 101-117, 153, 174-175, 178, 181-184, 186-189, 190-197, 199-201, 204-213, 219-224, 227-231, 234-235, 245, 250, 252, 259, 263, 266-270, 273, 288-289, 293-303, 310-333, 376, 382-384, 387-390, 397-401, 403, 409, 416, 437-439, 449, 451-455, 462, 464-470, 485, 489-496, 501-510, 590, 598-599, 664, 667-682
8. Defendants' Motion for New Trial and Judgment Notwithstanding the Verdict dated November 19, 2013
9. Defendants' Memorandum in Support of Motion for New Trial and Judgment Notwithstanding the Verdict dated November 22, 2013
10. Transcript of Hearing on Post-Trial Motions dated December 17, 2013
11. Order Denying Plaintiff's Motion for New Trial and Judgment Notwithstanding the Verdict dated February 11, 2014

12. Notice of Appeal dated February 28, 2014

The undersigned counsel for the Appellants certifies that the Designation contains no matter that is irrelevant to the appeal.

A handwritten signature in black ink, appearing to read "Richard R. Gleissner". The signature is fluid and cursive, with a large, stylized initial "R".

Richard R. Gleissner, Esquire
Gleissner Law Firm, LLC
1237 Gadsden Street, Suite 200A
Columbia, South Carolina 29201
(803) 787-0505
Attorneys for Appellants

Columbia, South Carolina
July 28, 2014

RECEIVED

JUL 28 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

R. Knox McMahon, Circuit Court Judge

Case No: 2011-CP-26-1718

Waterfall Investors 2, LLC and Raymond E. Cleary, III Appellants,

v.

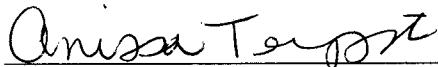
Bank of North Carolina, Successor In Interest to Beach First National Bank Respondent.

PROOF OF SERVICE

I certify that I have served the Designation of Matter to be Included in the Record on Appeal by depositing a copy of it in the United States Mail, postage prepaid, on July 28, 2014, addressed to its attorneys of record as follows:

Bradley A. Floyd, Esquire
The Floyd Law Firm, PC
P.O. Box 14607
Surfside Beach, SC 29587

Clayton M. Custer, Esquire
Michael J. Bogle, Esquire
Womble Carlyle Sandridge & Rice, LLP
550 S. Main Street, Suite 400
Greenville, SC 29603



Anissa Terpstra, Paralegal to
Richard R. Gleissner
Gleissner Law Firm, L.L.C.
1237 Gadsden Street, Suite 200A
Columbia, South Carolina 29201
(803) 787-0505
Attorneys for the Appellants

Dated: July 28, 2014