

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM THE HORRY COUNTY
Court of Common Pleas

NOV 26 2014

The Honorable Steven H. John, Circuit Court Judge **SC Court of Appeals**

Case No. 2013-CP-26-2861
Appellate Case No. 2014-002047

Phyllis Hufton, Respondent,

v.

Flagstar Bank, FSB and John Doe Defendants,

Of Whom Flagstar Bank FSB is Appellant.

APPELLANT’S DESIGNATIONS

Pursuant to Rule 209, SCACR, Appellant Flagstar Bank proposes the following be included in the Record on Appeal. Unless otherwise stated, all items designated include exhibits and exclude proof of service, cover sheets, motion forms, and notices. Appellant reserves the right to include additional designations in connection with its initial reply brief or otherwise.

ORDERS

1. Special Referee’s Order Judgment of Foreclosure and Sale filed August 27, 2012;
2. Form 4 Order denying Motion to Dismiss filed 8/15/2013;
3. Form 4 Order denying Flagstar’s Motion for Summary Judgment and Granting Hufton’s Motion to Amend filed June 04, 2014;
4. Order granting Partial Summary Judgment filed July 14, 2014;
5. Order denying Flagstar’s Motion to Alter or Amend Partial Summary Judgment Order filed September 19, 2014;

PLEADINGS

Civil Action No. 2012-CP-26-1379

(Foreclosure Action)

6. Flagstar's Lis Pendens, Summons and Complaint filed February 20, 2012;
7. Acknowledgment of Service signed by David Traywick as Attorney for Defendant Phyllis C. Hufton dated February 24, 2012;
8. Affidavit of Personal Service on Phyllis C. Hufton by Nelson Tharpe in Virginia dated February 24, 2012 and filed April 1, 2012;
9. Answer of Phyllis C. Hufton dated March 7, 2012;
10. Notice of Hearing filed August 27, 2012;

PLEADINGS

Civil Action No. 2013-CP-26-2861

(Declaratory Judgment Action)

11. Hufton Complaint filed April 29, 2013;
12. Flagstar Motion to Dismiss or Stay filed June 24, 2013;
13. Flagstar's Motion for Summary Judgment and Memo in Support filed April 7, 2014;
14. Hufton's Motion to Amend dated April 14, 2014;
15. Hufton's Motion for Partial Summary Judgment filed May 12, 2014;
16. Amended Complaint filed June 13, 2014;
17. Flagstar Answer to Amended Complaint and Counterclaims filed June 18, 2014;
18. Flagstar's Motion to Alter or Amend filed August 4, 2014;

TRANSCRIPT OF HEARING

June 24, 2014

19. Pg. 4, lines 5-10;
20. Pg. 5, lines 1-4, 24-25;
21. Pg 6, lines 1, 9-25;
22. Pg. 7, lines 1-20;
23. Pg. 10, lines 3-25;
24. Pg. 11, lines 1-25;
25. Pg. 12, lines 1-10;
26. Pg. 14, lines 1-19;

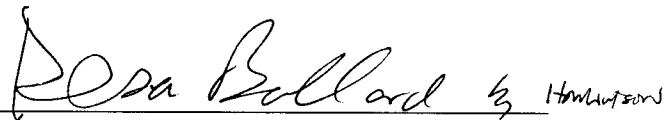
27. Pg. 15, lines 2-13;

EXHIBITS¹

- 28. Adjustable Rate Note and Mortgage dated 4-8-2008
- 29. Deed to Hufton & Craft dated 4-7-2009
- 30. Order appointing Phyllis Hufton as Executor dated October 12, 2010
- 31. Deed to Phyllis C. Hufton from Craft Estate recorded 9/16/2011;
- 32. Traywick letter to Flagstar representing all defendants 12-18-2011;
- 33. February 23, 2012 emails from David Traywick to Kevin Hardy;
- 34. Master's Deed to Flagstar Bank recorded 12/07/2012.

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

Respectfully submitted,



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November 24, 2014

Attorney for Appellant Flagstar Bank, FSB

¹ The listed exhibits will be included separately in the Record on Appeal only if they are not already included as exhibits to one or more pleadings designated above. Substitutions of citations in the final briefs will be to the exhibits which were attached to the original pleadings, where they exist.

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Phyllis Hufton, Respondent,

v.

Flagstar Bank, FSB, Appellant.

CERTIFICATE OF SERVICE

I, Beth Cogan, an employee with Ballard & Watson, Attorneys at Law, do hereby certify that on November 24, 2014, I served a copy of the **Appellant's Initial Brief** and **Appellant's Designation of Matter** in the above-captioned case on the following individuals by standard US Mail:

David Traywick, Esquire
875 Lowcountry Boulevard, Suite 204
Mount Pleasant, South Carolina 29464

Benjamin Traywick, Esquire
875 Lowcountry Boulevard, Suite 204
Mount Pleasant, South Carolina 29464


Beth Cogan, Paralegal

November 24, 2014
West Columbia, South Carolina



Ballard & Watson
Attorneys at Law
PERSISTENT. UNWAVERING.

Desa Ballard
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November 24, 2014

Via U.S. Mail
Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: *Phyllis Hufton V. Flagstar Bank*
Appellate Case No: 2014-002047

Dear Ms. Kitchings:

Please find enclosed for filing an original and one (1) copy of the **Appellant's Initial Brief** in the above-referenced matter. Also enclosed are an original and one copy of **Appellant's Designation of Matter** pursuant to Rule 209, SCACR. After both have been filed, please return the clocked copies to our office in the enclosed, self-addressed, stamped envelope.

Please do not hesitate to contact our office if you should have any questions. With warm personal regards, I am,

Sincerely yours,

Desa Ballard
desab@desaballard.com

cc: *Via U.S. Mail*
David Traywick, Esquire
Benjamin Traywick, Esquire
Via Email Only
Jeremy Hodges, Esquire
Brian Barnwell, Esquire

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