

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

R. Knox McMahon, Circuit Court Judge

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SC Court of Appeals

Civil Action No. 2011-CP-26-1718
Appellate Case No. 2014-000331
Appellate Case No. 2014-001736
Consolidated Appeal

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

v.

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

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

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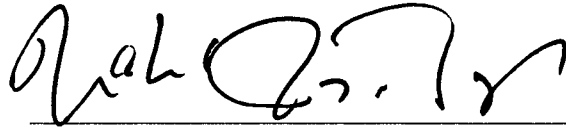
In addition to those matters designated by Appellants Waterfall Investors 2, LLC and Raymond E. Cleary, III (“**Appellants**”), Respondent Bank of North Carolina, Successor in Interest to Beach First National Bank (“**Respondent**”) proposes that the following be included in the Record on Appeal:

1. Amended Lis Pendens and Complaint dated February 23, 2011 (including all exhibits to the same);
2. Complete Transcript of Trial;
3. Plaintiff’s Motion for Summary Judgment dated August 22, 2012;
4. Plaintiff’s Amended Motion for Summary Judgment dated October 25, 2012;
5. Plaintiff’s Memorandum in Support of Motion for Summary Judgment dated November 30, 2012;
6. Plaintiff’s Supplemental Memorandum in Support of Motion for Summary Judgment dated December 5, 2012;
7. Plaintiff’s Proposed Order Granting Motion for Summary Judgment;
8. Defendants’ Proposed Order Denying Motion for Summary Judgment;
9. Order Denying Plaintiff’s Motion for Summary Judgment dated November 13, 2013;
10. Plaintiff’s Memorandum in Opposition to Defendants’ Motion for New Trial and Judgment Notwithstanding the Verdict dated December 12, 2014; and
11. Plaintiff’s Second Supplemental Answers to First Set of Interrogatories dated June 19, 2013.

We hereby certify that this Designation contains no matter that is irrelevant to this appeal.

[SIGNATURE LINE TO FOLLOW]

December 8, 2014
Greenville, South Carolina



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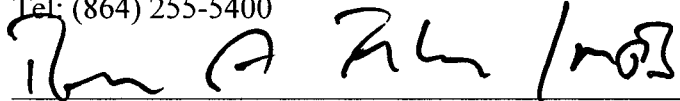
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Waterfall Investors 2, LLC and Raymond E. Cleary, III.....Appellants,

PROOF OF SERVICE

I certify that on December 8, 2014 I have served a copy of the **RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** on the Appellants by U.S.P.S. First Class Mail, postage paid, addressed to its attorneys as follows:

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