

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

James B. Jackson, Jr., Special Circuit Court Judge

Case No. 2007-CP-38-00196 and 2007-CP-38-0201
Appellate Case No. 2014-001634

First Citizens Bank and Trust Company, Inc., Appellant/Respondent,

v.

Clyde B. Livingston, Technico Marketing & Distribution,
Inc., B. Livingston and Charlotte V. Livingston, American
First Federal, Inc., Citibank South Dakota, N.A., Branch
Bank and Trust Company of South Carolina, G&G Rentals,
Miler Communications, Wells Fargo Bank, N.A,

Defendants,

Of whom Clyde B. Livingston is the Respondent/Appellant,

And

First Citizens Bank and Trust Company, Inc., Appellant/Respondent.

v.

Clyde B. Livingston, American First Federal, Inc., Citibank
South Dakota, N.A., Branch Bank and Trust Company of
South Carolina, G&G Rentals, Miler Communications,
Wells Fargo Bank, N.A.,.....

Defendants,

Of whom Clyde B. Livingston is the Respondent/Appellant.

**FIRST CITIZENS' CERTIFICATION AND DESIGNATION OF MATTER FOR
INCLUSION IN THE RECORD ON APPEAL**

Pursuant to Rule 209, SCACR, Appellant/Respondent First Citizens Bank and
Trust Company, Inc. ("Appellant/Respondent") designates the following material for

inclusion in the record on appeal in the appeal of Respondent/Appellant Clyde B. Livingston.

MISCELLANEOUS AND OTHER MOTIONS:

1. Livingston Motion to Amend Answer, C.A. No. 2007-CP-38-196.
2. Livingston Motion to Amend Answer, C.A. No. 2007-CP-38-201.
3. First Citizens Notice of Appeal.
4. Livingston Notice of Cross-Appeal.

Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to the appeal.

NELSON MULLINS RILEY & SCARBOROUGH LLP

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*Attorneys for Appellant/Respondent First Citizens
Bank and Trust Company, Inc.*

Columbia, South Carolina
February 27, 2015

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APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

SC Court of Appeals

James B. Jackson, Jr., Special Circuit Court Judge

Case Nos. 2007-CP-38-0196 and Case No. 2007-CP-38-0201
Appellate Case No. 2014-001634

First Citizens Bank and Trust Company, Inc., Appellant/Respondent,

v.

Clyde B. Livingston, Technico Marketing &
Distribution, Inc., B. Livingston and Charlotte V.
Livingston, American First Federal, Inc., Citibank South
Dakota, N.A., Branch Bank and Trust Company of South
Carolina, G&G Rentals, Miler Communications, Wells
Fargo Bank, N.A.,..... Defendants,

Of whom Clyde B. Livingston is the Respondent/Appellant,

And

First Citizens Bank and Trust Company, Inc., Appellant/Respondent,

v.

Clyde B. Livingston, American First Federal, Inc.,
Citibank South Dakota, N.A., Branch Bank and Trust
Company of South Carolina, G&G Rentals, Miler
Communications, Wells Fargo Bank, N.A.,..... Defendants,

Of whom Clyde B. Livingston is the Respondent/Appellant.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins
Riley & Scarborough LLP, attorneys for Appellant/Respondent, 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): First Citizens' Designation of Matter for Inclusion in the Record on Appeal

Counsel Served:

Andrew S. Radeker, Esquire
Harrison & Radeker, P.A.
PO Box 50143
Columbia, SC 29250

A handwritten signature in black ink, appearing to read "Lisa P. Whitehurst", written over a horizontal line.

Lisa P. Whitehurst

February 27, 2015

Nelson Mullins

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February 27, 2015

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

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SC Court of Appeals

RE: First Citizens Bank v. Clyde Livingston
Appellate Case No. 2014-001634
Our File No. 00689/01777

Dear Ms. Kitchings:

Enclosed please find the original and one copy each of First Citizens' Initial Respondent's Brief and First Citizens' Designation of Matter for Inclusion in the Record on Appeal in regard to the above-referenced matter. We would ask that you file the originals and return clocked-in copies to us via our courier.

By copy of this letter to counsel of record, we are serving them with a copy of this pleadings.

Very truly yours,



A. Mattison Bogan

AMB:lpw
Enclosures
cc: Andrew S. Radeker, Esquire