

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

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MAR 19 2015

APPEAL FROM LAURENS COUNTY

SC Court of Appeals

Court of Common Pleas
The Honorable Eugene C. Griffith, Jr., Circuit Court Judge

Case No. 2010-CP-30-1141
Appellate Case No. 2014-002295

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

v.

Park at Durbin Creek, LLC and
Kenneth E. Clifton.....Appellants.

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

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

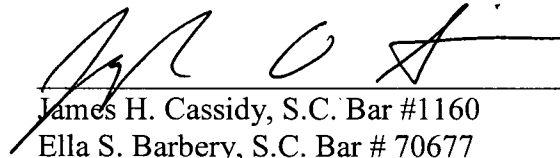
- 1) Amended Complaint filed October 20, 2010
- 2) Stipulation of Dismissal filed April 21, 2014
- 3) Transcript of Record for trial on June 26, 2014
- 4) Order to Set Aside Conveyances executed August 5, 2014
- 5) Motion to Reconsider, Alter, or Amend filed August 13, 2014
- 6) First Citizen's Return to Motion to Reconsider filed August 25, 2014
- 7) Order Denying Defendants' Motion to Reconsider executed September 25, 2014
- 8) Defendants' Exhibit #1 email
- 9) Defendants' Exhibit #2 email
- 10) Plaintiff Exhibit #1 – Timeline Plantation Holdings, LLC Foreclosure
- 11) Plaintiff Exhibit #2 – Timeline Edge Water, LLC Foreclosure
- 12) Plaintiff Exhibit #3 – Timeline Shellbrook Plantation, LLC Foreclosure
- 13) Plaintiff Exhibit #4 – Deed Timeline

- a) Deed to Clifton and Whiteman for Laurens Property recorded June 6, 1995
- b) Quit-Claim Deed Laurens Property to Park at Durbin Creek recorded Sept. 22, 2008
- c) Assignment of Clifton's interest in Park at Durbin Creek, LLC to Streamline Management, LLC, executed Aug. 5, 2009
- d) Streamline Management, LLC Certificate of Existence, Jan. 12, 2010
- e) Amended Articles of Organization for Park at Durbin Creek, LLC, filed Aug. 19, 2010
- f) Deed to Clifton and Whiteman for Hwy. 14 Property, recorded Aug. 18, 1993
- g) Quit-Claim Deed Hwy. 14 Property to Gardens at Fourteen, LLC recorded Aug. 1, 2008
- h) Deed to Clifton and Whiteman for Pelham Property dated June 2, 1992
- i) Quit-Claim Deed Pelham Property to Pelham at Boiling Springs, LLC recorded Sept. 19, 2008
- j) Quit-Claim Deed Clifton to Pawley Investments, LLC recorded Sept. 22, 2008
- 14) Plaintiff Exhibit #5 - Clifton Financial Statement, Jan. 23, 2008
- 15) Plaintiff Exhibit #6 - Insurance Policy for Laurens Property, March 11, 2008
- 16) Plaintiff Exhibit #7 - Email chain Nov. – Dec. 2008
- 17) Plaintiff Exhibit #8 - Certificate of Existence Park at Durbin Creek Aug. 4, 2008
- 18) Plaintiff Exhibit #9 – Agreement Whiteman investment in Gardens at Batesville, July 7, 2008
- 19) Plaintiff Exhibit #11 – Clifton Financial Statement with handwriting showing disposition of properties
- 20) Notice of Appeal dated October 24, 2014

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

(signature page to follow)

ROE CASSIDY COATES & PRICE, P.A.



James H. Cassidy, S.C. Bar #1160

Ella S. Barbary, S.C. Bar # 70677

Joseph O. Smith, S.C. Bar # 77475

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Attorneys for Respondent

March 17, 2015

Other Counsel Of Record:

J. Calhoun Pruitt, Jr.

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Attorney for Appellants

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM LAURENS COUNTY
COURT OF COMMON PLEAS
Eugene C. Griffith, Circuit Court Judge

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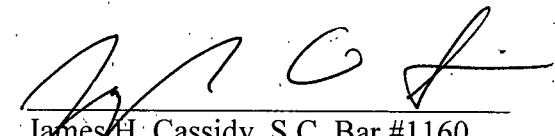
PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **INITIAL BRIEF OF RESPONDENT** and **RESPONDENT'S DESIGNATION OF MATTER** was served upon counsel of record for the Respondent in the above-referenced action this 17th day of March, 2009, by depositing same in the United States Mail, sufficient postage affixed thereon, and addressed as follows:

J. Calhoun Pruitt, Jr.
PRUITT & PRUITT
101 North Murray Avenue
Anderson, SC 29625-4301
Attorney for Appellants

Terry G. Chasteen
Anderson and Chasteen
217 E. Park Avenue
Greenville, SC 29601
Attorney for Defendant, Linda G. Whiteman

(Signature Page Follows)



James H. Cassidy, S.C. Bar #1160
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First Citizens Bank and Trust Company, Inc.

Greenville, South Carolina

March 17, 2015

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Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

Re: First Citizens Bank & Trust Company, Inc. v. Park at Durbin Creek, LLC, Kenneth E. Clifton, and Linda G. Whiteman, of Whom Park at Durbin Creek and Kenneth G. Clifton are Appellants
C.A. No. 2010-CP-30-1141
Appellate Case No. 2014-002295

Dear Ms. Kitchings:

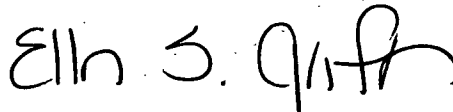
Enclosed please find the original and one copy of the **Initial Brief of Respondent** and **Designation of Matter** in the above-referenced appeal. Also enclosed is a Proof of Service for the same. Please file the enclosed documents in your usual manner and kindly return a clocked copy of the same to me in the stamped, self-addressed envelope provided herein.

If you have any questions or concerns, please do not hesitate to call.

With highest regards, I am

Sincerely,

ROE CASSIDY COATES & PRICE

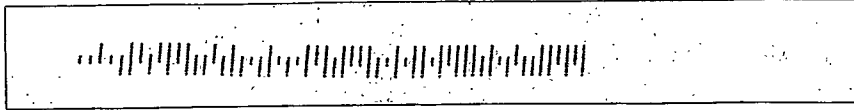



Ellen S. Griffin
Paralegal to Joseph O. Smith

Enclosure: (as stated above)

cc: J. Calhoun Pruitt, Jr.
Attorney for Appellants, Park at Durbin Creek, LLC
And Kenneth E. Clifton

Terry G. Chasteen
Attorney for Defendant, Linda G. Whiteman



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**Jenny Abbott Kitchings
 Clerk, South Carolina Court of Appeals
 Post Office Box 11629
 Columbia, South Carolina 29211**