

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Master-in-Equity
The Honorable Joseph M. Strickland

Appellate Case No. 2015-000367

RECEIVED
MAY 12 2015
SC Court of Appeals

Royals Portfolio, LLC, an assignee of Bank of America, N.A., formerly known as NationsBank, N.A., which is Successor in Merger to NCNB South Carolina, Respondent,

v.

Charlie Kelly and Dorothy Simpson, Appellants.

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

Appellants Charlie Kelly and Dorothy Simpson designate the following documents to be included in the Record on Appeal:

1. Notice of Appeal, filed February 23, 2015
2. Orders:
 - a. Master's Decree and Judgment of Foreclosure Sale, filed January 25, 2015
 - b. Order Denying Defendants' Motion to Stay Foreclosure Action, dated January 26, 2015
3. Pleadings:
 - a. Summons and Complaint, filed November 28, 2012
 - i. Exhibit A: \$950,000 Note dated September 13, 1989
 - ii. Exhibit B: Mortgage dated September 13, 1989
 - iii. Exhibit C: \$350,000 Note dated December 17, 1993
 - iv. Exhibit D: Mortgage dated December 17, 1993
 - v. Exhibit E: Myrtlecrest Plat

- vi. Exhibit F: Assignment of Mortgage
 - vii. Exhibit G: Title to Real Estate dated March 19, 2004
 - viii. Exhibit H: Deed of Distribution dated May 2, 2007
 - ix. Exhibit I: Boone's Farm Subdivision Plat
 - x. Exhibit J: Agreement Regarding Existing Debt
 - xi. Exhibit K: Acknowledgment of Existing Liens and Mortgage of Real Estate
- b. Answer and Counterclaim, filed January 25, 2013
 - c. Reply to Counterclaim, filed February 14, 2013
 - d. Plaintiff's Motion for Summary Judgment, filed July 10, 2013
 - i. Exhibit: Deposition Transcript of Charlie Kelly
 - ii. Exhibit: Deposition Transcript of Dorothy Simpson
 - e. Notice of Motion and Motion to Compel Plaintiff to Comply with Supreme Court Administrative Order 2011-05-02-01, filed July 31, 2013
4. Transcript of proceedings: pp. 1-155
- a. Plaintiff's Exhibit 1: 2009 Agreement Regarding Existing Debt
 - b. Plaintiff's Exhibit 2: 2009 Acknowledgment of Existing Liens and Mortgage of Real Estate
 - c. Plaintiff's Exhibit 5: January Demand Letter
 - d. Plaintiff's Exhibit 6: March 20 Demand and Acceleration Letter
 - e. Plaintiff's Exhibit 7: Spreadsheet
 - f. Defendants' Exhibit 2: September 11, 2009 letter
 - g. Defendants' Exhibit 3: March 22, 2012 letter

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

[signature block appears on the following page.]

May 7, 2015

Respectfully Submitted,

Kathleen C. Barnes

Kathleen Chewing Barnes, SC Bar No. 78854

BARNES LAW FIRM, LLC

kbarnes@barneslawfirm.com

Post Office Box 897

Hampton, SC 29924

(803) 943-4529

Brian L. Boger

Phillip A. Curiale

The Law Offices of Brian L. Boger

1331 Elmwood Ave., Suite 210

Columbia, SC 29201

803-252-2880

Attorneys for Appellants

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Master-in-Equity
The Honorable Joseph M. Strickland

RECEIVED

MAY 12 2015

SC Court of Appeals

Appellate Case No. 2015-000367

Royals Portfolio, LLC, an assignee of Bank of America, N.A., formerly known as NationsBank, N.A., which is Successor in Merger to NCNB South Carolina, Respondent,

v.

Charlie Kelly and Dorothy Simpson, Appellants.

PROOF OF SERVICE

The undersigned hereby certifies that on May 7, 2015, the foregoing **APPELLANTS'**

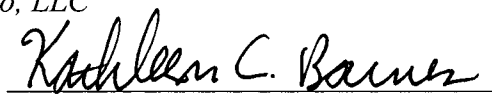
DESIGNATION OF MATTER was served on all counsel of record via First Class U.S. Mail as

follows:

Paul D. Harrill
McNair Law Firm
Post Office Box 11390
Columbia, South Carolina 29211

Attorneys for Respondent Royals Portfolio, LLC

May 7, 2015


Kathleen Chewning Barnes, SC Bar No. 78854
BARNES LAW FIRM, LLC
kbarnes@barneslawfirm.com
P.O. Box 897
607 2nd Street East
Hampton, SC 29924
(803) 943-4529

Brian L. Boger
Phillip A. Curiale
The Law Offices of Brian L. Boger
1331 Elmwood Ave., Suite 210
Columbia, SC 29201
803-252-2880

Attorneys for Appellants

BARNES

LAW FIRM | LLC

Kathleen C. Barnes

Admitted: Georgia | South Carolina

May 7, 2015

The Honorable Jenny Abbott Kitchings
Clerk of Court for the Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RECEIVED

MAY 12 2015

SC Court of Appeals

Via U.S. Mail

Re: *Royals Portfolio, LLC v. Charlie Kelly and Dorothy Simpson*
Appellate Case No. 2015-000367

Dear Mrs. Kitchings:

Enclosed for filing please find the original and one copy of Appellants Charlie Kelly and Dorothy Simpson's Initial Brief of Appellants and Designation of Matter to be Included in the Record on Appeal in the above-referenced case. Also enclosed is proof of service of the Initial Brief of Appellants and Designation of Matter on Respondent Royals Portfolio, LLC. Please file the documents and return a file-stamped copy to me in the enclosed self-addressed, stamped envelope.

By copy of this letter, I am serving all counsel of record with a copy of the same. If you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

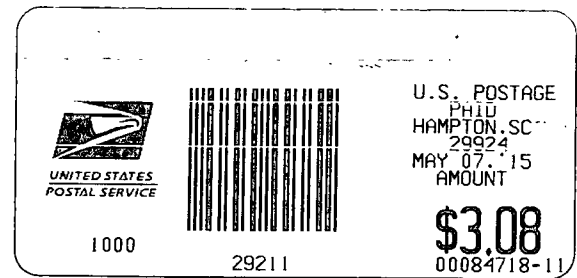


Kathleen C. Barnes

Enclosures

cc: Paul D. Harrill
Brian Boger (via email only)
Phillip Curiale (via email only)

Barnes Law Firm, LLC
Post Office Box 897
Hampton, SC 29924



RECEIVED
MAY 12 2015
SC Court of Appeals

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

