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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Marvin H. Dukes, III, Special Circuit Court Judge

Appellate Case No. 2015-000035
Lower Case No. 2013-CP-07-00610

RECEIVED
JUN 08 2015
SC Court of Appeals

First South BankRespondent,

v.

John E. Rosenberg and Phillip J. Brust..... Defendants,

Of Whom The Estate of Phillip J. Brust is.....Appellant.

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

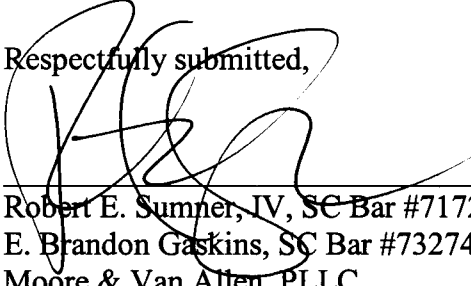
Appellant The Estate of Phillip J. Brust proposes the following to be included in
the Record on Appeal:

1. Complaint dated March 8, 2013;
2. Defendant Brust's Motion to Dismiss dated April 17, 2013 and supporting memorandum;
3. Defendant Brust's Supplemental Memorandum in Support of Motion to Dismiss dated July 31, 2013;
4. The Honorable Marvin H. Dukes' Order denying Motion to Dismiss dated August 22, 2013;
5. Defendant Brust's Answer dated September 9, 2013;
6. October 2, 2013 Order granting Plaintiff's Motion for Summary Judgment against Defendant Rosenberg;
7. Plaintiff's Motion for Summary Judgment against Defendant Brust dated October 23, 2013;

8. Defendant Brust's First Set of Interrogatories and Requests for Production to Plaintiff dated October 9, 2013;
9. Plaintiff's Responses to Discovery Requests dated December 20, 2013;
10. Defendant Brust's Motion to Compel dated January 28, 2014;
11. Protective Order dated March 18, 2014;
12. Plaintiff's Supplemental Responses to Discovery Requests dated April 2, 2014;
13. Plaintiff's Second Supplemental Responses to Discovery Requests dated May 1, 2014;
14. Defendant Brust's Motion to Amend Answer and Cross-claims against Defendant Rosenberg dated May 30, 2014;
15. Defendant Brust's Memorandum in Response to Plaintiff's Supplemental Memorandum in Support of Motion for Summary Judgment dated July 7, 2014;
16. Defendant Brust's Supplemental Memorandum in Opposition to Motion for Summary Judgment dated July 28, 2014;
17. The Honorable Marvin H. Dukes Order granting Plaintiff's Motion for Summary Judgment against Defendant Brust dated August 5, 2014;
18. Defendant Brust's Motion for Reconsideration of the Summary Judgment Order dated August 18, 2014;
19. First South Bank's Opposition to Motion to Amend dated September 11, 2014;
20. Defendant Brust's Supplemental Memorandum in Support of Motion for Reconsideration dated October 15, 2014;
21. Plaintiff's Reply to Defendants' Supplemental Memorandum in Support of Motion for Reconsideration dated November 3, 2014;
22. The Honorable Marvin H. Dukes Order denying Brust's Motion for Reconsideration dated December 2, 2014;
23. The Honorable Marvin H. Dukes Order denying Brust's Motion to Amend dated December 10, 2014;
24. Notice of Appeal dated January 9, 2015;
25. Deposition of Patrick Wright;
26. Deposition of Patrick Wright Exhibits 2 (First South Bank policies), 4 (January 9, 2006 Commitment Letter), 5 (January 18, 2006 instruction letter), 8 (Guaranty), and 9 (2006 Power of Attorney);
27. Deposition of Terry Finger;
28. Deposition of Finger Exhibit 1 (2001 Power of Attorney);
29. Affidavit of William C. Barksdale;
30. Transcript of Summary Judgment Hearing dated June 3, 2014;

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

Respectfully submitted,



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Attorney for Appellant Phillip J. Brust

June 5, 2015

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Moore & Van Allen

June 5, 2015

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

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RE: First South Bank v. John E. Rosenberg and Phillip J. Brust
Appellate Case No. 2015-000035
MVA File No. 038043.1

Dear Ms. Kitchings:

Enclosed for filing, please find an original and one (1) copy of each of the following:

- (1) Initial Brief of Appellant;
- (2) Appellant's Designation of Matter to be Included in the Record on Appeal; and
- (3) Proof of Service.

By copy of this letter, I am serving all counsel of record with a copy of the same.

Thank you for your assistance in this matter.

Sincerely,

Moore & Van Allen PLLC


Robert E. Sumner, IV

Enclosures: as stated

cc: Jeffrey L. Silver, Esquire

Charlotte, NC
Research Triangle Park, NC
Charleston, SC