

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY

Court of Common Pleas

James B. Jackson, Jr., Master in Equity

2015-001112

**RECEIVED**  
JUN 22 2015  
SC Court of Appeals

South Carolina Federal Credit Union

Respondent,

v.

Dorothy Harley Sistrunk aka Dorothy  
Harley-Sistrunk aka Dorothy A. Harley  
aka Dorothy Sistrunk

Appellant.

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

June 22, 2015

Dorothy Harley Sistrunk  
423 Bayne Street  
Orangeburg, South Carolina 29115  
Ph: (803) 268-0716  
Fx: (803) 534-6727

Moore & Van Allen, PLLC  
Reid E. Dyer  
78 Wentworth Street  
Post Office Box 22828 (29413-2828)  
Charleston, SC 29401-1428  
Ph: 843-579-7045  
Fx: 843-579-8754  
Attorney/s for Respondent:  
South Carolina Federal Credit Union

Comes now the Appellant/Defendant, Dorothy Harley Sistrunk, to designate matters that will be included in Record on Appeal, i.e., South Carolina Federal Credit Union, Respondent v. Dorothy Harley Sistrunk, Appellant – Case No. 2015-001112.

(a) Pursuant to Rule 10(c), F. R. App. P, that clearly states in pertinent parts; “[I]f the transcript of a hearing or trial is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best available means, including the appellant’s recollection.”

(b) The United States Supreme Court defines a **Court Record** as “[A] written account of the proceedings in a case, including all pleadings, evidence, and exhibits submitted in the course of the case.”

(c) Rule 56(c), SCRCP (providing summary judgment is appropriate when "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law"); Spence v. Wingate, 395 S.C. 148, 156, 716 S.E.2d 920, 925 (2011)

(d) “[A] fact is ‘material’ if a dispute over it might affect the outcome of a suit under the governing law; factual disputes that are ‘irrelevant or unnecessary’ do not affect the summary judgment determination.” Holcomb v. Powell, 433 F.3d at 895 (quoting Anderson v. Liberty Lobby, Inc., 477 U.S. at 248). An issue is “genuine” if the evidence is such that a reasonable fact finder could return a verdict for the nonmoving party. Anderson v. Liberty Lobby, Inc., 477 U.S. at 248; Holcomb v. Powell, 433 F.3d at 895.

(1) Rule 209(a)-(c), SCACR clearly states in pertinent parts;

“(a) At the same time a party serves his initial brief(s) under Rule 208, to include a reply brief, he shall also serve on all parties to the appeal a Designation of Matter to be Included in the Record on Appeal which shall set forth with specificity those parts of the transcript, pleadings, orders, exhibits, or other materials which he proposes to include in the record on appeal. One copy of this Designation with proof of service shall immediately be filed with the clerk of the appellate court.”

“(b) The Designation must clearly identify what the party desires to have included in the Record on Appeal, and the Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [See Rule 210(c)]. A party shall not include any matter in his Designation which is not relevant to the appeal.”

“(c) The Designation shall be accompanied by a certificate signed by the party’s counsel of record that the Designation contains no matter which is irrelevant to the appeal.”

(2) Rule 210(c), SCACR, clearly states in pertinent parts; “[T]he Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal.”

**I. ORDERS, PETITIONS AND/OR OFFICIAL COMPLAINTS FILED IN THE COURT OF COMMON PLEAS**

The following Court Orders will be included in the Record on Appeal:

- (a) Order Denying Motions for Summary Judgment – Dated: 4/21/2014. Filed: April 23, 2014. (Also marked as Exhibit49)
- (b) Consent Order for Hearing Before Judge James B. Jackson, Jr., - Dated: 04/25/2014. Filed: April 30, 2014. (Also marked as Exhibit 50)
- (c) Order of Judgment – Dated: March 26, 2015. Filed: March 26, 2015. (Also marked as Exhibit 41)
- (d) Order Denying Reconsideration - Dated: April 20, 2014. Filed: April 20, 2015. (Also marked as Exhibit 46)
- (e) Order Denying Motion to Set Aside Judgment – Dated: May 21, 2015. Filed: May 21, 2015. (Also marked as Exhibit 47 & 48)

**II. COMPLAINT, ANSWER, AMENDMENTS, OBJECTIONS, RESPONSES, REPLIES & APPEAL NOTIFICATIONS**

The Appellant’s Pleadings will be included in the Record on Appeal.

- (a) Answer to Summons, Complaint, Fair Debt Collection Notice And Corporate Verification of Account With Counterclaims, Affirmative Defenses And A Demand For A Jury Trial; that was filed on December 21, 2011.
- (b) Defendant Dorothy Harley Sistrunk’s Legal Memorandum In Support Of Notice Of Motion And Motion For Summary Judgment; that was filed on April 25, 2012.
- (c) Defendant Dorothy Harley Sistrunk’s Statement Of Material Facts That Are Not In Dispute that was filed on April 25, 2012.
- (d) Defendant Dorothy Harley Sistrunk’s Response To Plaintiff’s Motion For Summary Judgment, Affidavit of Amy Rogers In Support of Motion For Summary Judgment and The Plaintiff’s Reply To Defendant’s Answer And Counterclaims; that was filed on May 18, 2012.
- (e) Defendant Dorothy Harley Sistrunk’s Rebuttals To Any Statement Made By The Plaintiff Or The Plaintiff’s Attorneys That Is Not Consistent With The Filed Complaint, Exhibits Or The Filed Affidavits During The Hearing For Summary Judgment Scheduled For Tuesday, June 19, 2012 At 2:25 O’clock PM; that was filed on June 12, 2012.

(f) Defendant Dorothy Harley Sistrunk's Memorandum Of Points And Authorities In Opposition To Summary Judgment For The Plaintiff --- Hearing Date: June 19, 2012 --- Judge: The Honorable Diane Shafer Goodstein --- Time: 2:25 O'clock PM --- Today's Date: June 19, 2012; that was filed on June 20, 2012.

(g) Defendant Dorothy Harley Sistrunk's Opposition To Summary Judgment For The Plaintiff --- Hearing Date: June 19, 2012 -- Judge: The Honorable Diane Shafer Goodstein -- - Time: 2:25 O'clock PM -- Today's Date: June 19, 2012; that was filed on June 20, 2012.

(h) Defendant Dorothy Harley Sistrunk's Objections To Dismissal Pursuant To SCRCF Rule 41(a)(2); Response To The Plaintiff's Stipulation Of Dismissal, And Counter Stipulations For Dismissal --- Today's Date: January 3, 2013; that was filed on January 3, 2013.

(i) Request To Submit For A Decision Pursuant To Rule 56(e), SCRCF --- Today's Date: November 18, 2013; that was filed on November 18, 2013.

(j) Defendant Dorothy Harley Sistrunk Objects To Notice Of Continuance And Files A Second Settlement Offer To The Plaintiff, South Carolina Federal Credit Union (SCFCU), Pursuant To Rule 43(k), SCRCF For A Return Of \$4,660.89 Back To The Defendant For An Equitable Settlement --- Today's Date: March 17, 2014; that was filed on March 17, 2014.

(k) Defendant Dorothy Harley Sistrunk's Objections To The Plaintiff's Memorandum In Support Of Plaintiff's Renewed Motion For Summary Judgment --- **Notification: This Is A Verified Pleading** --- Today's Date: April 8, 2014; that was filed on April 8, 2014.

(l) Defendant Dorothy Harley Sistrunk Does Not Object To Plaintiff's Re-nued Motion For Summary Judgment. The Defendant Encourages The Court To Accept The Motion As Written And The New Evidence As Presented & Deny Any Attempt By The Plaintiff To Withdraw The Motion And/Or The Evidence And/Or Alter Amy Rogers' Filed Affidavit In Support Of The Plaintiff's Renewed Motion For Summary Judgment --- Today's Date: April 8, 2014; that was filed on April 8, 2014.

(m) Dorothy Harley Sistrunk's Legal Memorandum Of Law And Authorities Supporting Motion To Alter Or Amend The Judgment Pursuant To Rule 59(e), SCRCF; that was filed on April 6, 2015.

(n) Legal Memorandum Of Law & Authorities Supporting Motion To Set Aside The Judgment And Vacate The Order Ending This Case Due To Judicial Errors That Do Not Comply With Rules 42(b), 52(b), 54(b), 56(c)-(d), 60(b)(3), SCRCF, South Carolina's Policies Of Law, Precedents, And The 7<sup>th</sup> Amendment To The Constitution of the United States of America. ---- **Judicial Notice Requested Pursuant To Rule 201, SCRE.** --- Today's Date: April 30, 2015.

(o) Dorothy Harley Sistrunk's Objections to Judicial Errors; Re: A Judgment On A Complaint That Was Never Filed; A Denial Of A Motion Never Filed, And Additional Errors Of Fact Or Law That Are Not In Accordance With South Carolina's Rules Of Civil Procedure, Rules of Evidence, Precedent And Amendment VII to the Constitution of the United States of America; that was filed on April 30, 2015.

### **III. CERTIFICATE, STATEMENT OF THE EVIDENCE AND/OR TRANSCRIPTS**

The Appellant's Certificate and Statement of the Evidence will be included in the Record on Appeal; as well as any transcripts ordered by the Appellate Court or Respondent/South Carolina Federal Credit Union.

- (a) Appellant's Certificate That No Transcript Will Be Ordered by Appellant for the Appeal in a Civil Case - Filed on June 3, 2015.
- (b) Appellant's/Defendant's – Statement of the Evidence – that was filed in the Court of Common Pleas/Lower Court on June 15, 2015.
- (c) Pursuant to Rule 212(a), SCACR, any transcripts ordered by the Appellate Court.
- (d) Pursuant to Rule 212(b), SCACR, any transcripts ordered by South Carolina Federal Credit Union.

### **IV. AFFIDAVITS**

The Appellant's filed Affidavits will be included in the Record on Appeal.

- (a) Defendant Dorothy Harley Sistrunk's Affidavit of Facts Material Facts & Truth To Rebut Any Statement Made By the Plaintiff or the Plaintiff's Attorney/s That is not Consistent With the Plaintiff's Filed Complaint, Filed Exhibits and Filed Affidavits During the Hearing for Summary Judgment Scheduled for Tuesday June 19, 2012 at 2:25 O' Clock P.M., filed on June 14, 2012.
- (b) Defendant Dorothy Harley Sistrunk's Response to Plaintiff's Motion for Summary Judgment, Affidavit of Amy Rogers in Support of Motion for Summary Judgment and the Plaintiff's Reply to Defendant's Answer and Counterclaims, filed on May 18, 2012.
- (c) Defendant Dorothy Harley Sistrunk's Counter Affidavit to Amy Rogers in Support of Plaintiff's Motion for Summary Judgment, also filed on May 18, 2012.

### **V. APPELLANT'S/DEFENDANT'S EXHIBITS**

The Appellant's Exhibits will be included in the Record on Appeal.

- (a) Exhibits I-VII
- (b) Exhibits 1-50
- (c) Exhibits A-N

**VI. OTHER RECORDS, DOCUMENTS, EXHIBITS AND/OR WRITINGS FILED IN COURT OR ANY LETTER/S SENT AND/OR MAILED THAT ARE RELEVANT TO THIS ACTION AND APPEAL FROM DECEMBER OF 2011 TO THE PRESENT**

The following items will be included in the Appellant's Record on Appeal

- (a) Any subpoena/s or request for subpoena/s if allowed by the Appellate Court.
- (b) Any note/s written by a Judge in the Court's record/s or file/s that are relative to Case 2011-CP-38-1392.
- (c) Any other matter contained within the Court's records or files that are relative to Case 2011-CP-38-1392.
- (d) Notice of Motion Roster Publications issued by the Court from 2011-2015, if allowed by the Appellate Court.

**VII. COMMENT, EXPLANATION & CONCLUSION**

1. As I have previously stated, other than the Rules of Civil and Appellate Procedure, I am proceeding in this matter without any guidance or instructions whatsoever. The Designation of Matters format that is seen in this presentation to the Appellate Court is based on information placed online by litigants in other states; most notably, Texas, Missouri and Florida. Therefore, in the interest of Justice, I ask the Appellate Court's indulgence and understanding of my best effort defense and factual presentations. I cannot find an Appellate Handbook for Pro Se Litigants that is published by South Carolina's Judicial System.

2. I certify that this Designation of Matters to be Included in the Record on Appeal contains no matter which is irrelevant to this appeal.

June 22, 2015

*Is Dorothy Harley Sistrunk*  
Dorothy Harley Sistrunk  
423 Bayne Street  
Orangeburg, South Carolina 29115  
Ph: (803) 268-0716 Fx: (803) 534-6727

CC:

Moore & Van Allen, PLLC., c/o Reid E. Dyer  
78 Wentworth Street  
Post Office Box 22828 (29413-2828)  
Charleston, SC 29401-1428  
Ph: 843-579-7045 Fx: 843-579-8754  
Attorney/s for Respondent South Carolina Federal Credit Union

**VIII. NOTARY CERTIFICATION**

*IN WITNESS WHEREOF*, The undersigned, being duly *SWORN*, and under the *PENALTY OF PERJURY* declares the afore stated facts in "The Designation of Matters to be Included in the Record on Appeal" are true and correct as of her own knowledge. When it comes to matters stated therein that are based upon information and/or belief; as to those matters, she believes them to be true. Accordingly, based on the stated facts, has signed, sealed and executed her attestations on this 22nd day of June, in the year 2015, in the City and County of Orangeburg, in the State of South Carolina.

Rule 11(c), SCRCP clearly states in pertinent parts; "[A]ffidavits or verifications authorized or permitted under these Rules shall be written statements or declarations by a party or his attorney of record or of a witness, sworn to or affirmed before an officer authorized to administer oaths, that the affiant knows the facts stated to be true of his own knowledge, except as to those matters stated on information and belief and as to those matters that he believes them to be true."

Affiant Signature: Dorothy Harley-Sistrunk

Notary's Signature as Witness (1): Lillian D. Buck

***Signed, Sealed and Delivered in the Presence of:***

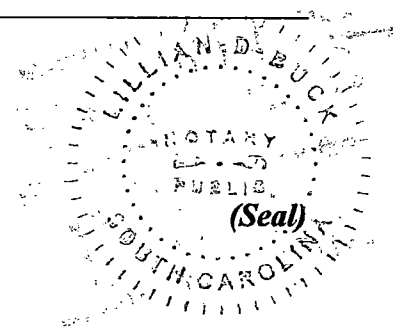
**STATE OF SOUTH CAROLINA  
COUNTY OF ORANGEBURG**

On 6/22/15 before me appeared Dorothy Sistrunk and proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the "Designation of Matters to be Included in the Record on Appeal" presents this document to the Appellate Court.

***WITNESS My Hand and Official Seal:***

Notary's Signature: Lillian D. Buck

Commission Expires: \_\_\_\_\_ My Commission Expires  
July 24, 2022





THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY  
Court of Common Pleas

James B. Jackson, Jr., Master in Equity

2015-001112

RECEIVED

JUN 22 2015

SC Court of Appeals

South Carolina Federal Credit Union

Respondent,

v.

Dorothy Harley Sistrunk aka Dorothy  
Harley-Sistrunk aka Dorothy A. Harley  
aka Dorothy Sistrunk

Appellant.

CERTIFICATE OF RELEVANCE

I certify that the "**Designation of Matters to be Included in the Record on Appeal**" contains no matter which is irrelevant to the appeal. I have served a copy of this "Certificate of Relevance" on South Carolina Federal Credit Union, (hereafter called SCFCU) by depositing a copy of it in United Parcel Service, postage prepaid, on Monday, June 22, 2015, addressed to SCFCU's attorney/s of record that are listed below.

Date: June 22, 2015

/s/ *Dorothy Harley-Sistrunk*  
Dorothy Harley Sistrunk  
423 Bayne Street  
Orangeburg, South Carolina 29115  
Ph: (803) 268-0716  
Fx: (803) 534-6727

Moore & Van Allen, PLLC  
Reid E. Dyer  
78 Wentworth Street  
Post Office Box 22828 (29413-2828)  
Charleston, SC 29401-1428  
Ph: 843-579-7045  
Fx: 843-579-8754

Attorney/s for Respondent: South Carolina Federal Credit Union



**Dorothy Harley Sistrunk**

**423 Bayne Street • Orangeburg, SC 29115 • Ph: 803-268-0716 • Fx: 803-534-6727**

June 22, 2015

The Honorable Jenny Abbot Kitchings & V. Claire Allen  
Clerk of Court & Deputy Clerk of Court; Respectively,  
South Carolina Court of Appeals  
POB 11629  
Columbia, SC 29211

**RECEIVED**

JUN 22 2015

SC Court of Appeals

RE: South Carolina Federal Credit Union v. Dorothy Harley Sistrunk  
Civil Action Case #2011-CP-38-1392  
Appellate Case #2015-001112

Ms. Kitchings and/or Ms. V. Claire Allen,

Pursuant to Rule 203(b)(1), SCACR, “[A] notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment.”

**Time Line For Appeal**

This time line is included so that all parties will be in accordance with the scheduling rules.

**April 23, 2015** – Date of receipt of the Denial of Motion to Alter or Amend. The Denial was filed on April 20<sup>th</sup>, 2015 {Review Exhibit 46}

**April 24, 2015** – Effective date time line begins pursuant to Rule 263(a), SCACR, that clearly states in pertinent parts; “[t]he day of the act, event, or default after which the designated period of time begins to run is not to be included.”

**May 24, 2015** - Pursuant to Rule 203(b)(1), SCACR, date **Notice of Appeal** was due.

**June 24, 2015** – Pursuant to Rule 208(a)(1), SCACR, date **“Initial Brief”** is due, if no transcript is ordered. I am not ordering a transcript.

In accordance with Rule 208(a)(1), SCACR, I am enclosing my **“Initial Brief”**. A copy of my **“Initial Brief”** has been served on all parties listed on page 2. One copy to the Appellate Court is not punched, bound or stapled.

**Designation of Matters to be Included in the Record on Appeal**

Rule 209(a), SCACR clearly states in pertinent parts; “[a)] At the same time a party

serves his initial brief(s) under Rule 208, to include a reply brief, he shall also serve on all parties to the appeal a "Designation of Matters to be Included in the Record on Appeal" which shall set forth with specificity those parts of the transcript, pleadings, orders, exhibits, or other materials which he proposes to include in the record on appeal. One copy of this Designation with proof of service shall immediately be filed with the clerk of the appellate court."

Therefore, in accordance with Rule 209(a), SCACR, I am also enclosing my "**Designation of Matters to be Included in the Record on Appeal**". A copy of my "**Designation of Matters**" for the Record on Appeal, with Proof of Service has also been served on all parties listed below. One copy to the Appellate Court is not punched, bound or stapled.

1s   
Dorothy Harley Sistrunk

Moore & Van Allen, PLLC.  
Reid E. Dyer  
78 Wentworth Street  
Post Office Box 22828 (29413-2828)  
Charleston, SC 29401-1428  
Ph: 843-579-7045  
Fx: 843-579-8754  
Attorney/s for Respondent  
South Carolina Federal Credit Union

Dorothy Sistrunk  
423 Bayne Street  
Orangeburg, South Carolina 29115

RECEIVED  
JUN 22 2015  
SC Court of Appeals

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