

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY  
Court of Common Pleas

The Honorable Joe M. Crosby, Master-in-Equity

Case No. 2011-CP-22-00342

Appellate Case No. 2015-000295

TD Bank, N.A., successor by merger to Carolina First  
Bank, N.A., .....

Respondent,

v.

Sunil V. Lalla and Sharon W. Lalla, .....

Appellants.

**RESPONDENT'S DESIGNATION OF MATTER  
FOR THE RECORD ON APPEAL**

Pursuant to Rule 209, SCACR, Respondent TD Bank, N.A., successor by merger to Carolina First Bank, N.A ("Respondent"), designates the following material for inclusion in the record on appeal. Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to the appeal:

**ORDERS**

1. Consent Order of Reference filed October 5, 2012;
2. Final Order filed May 10, 2013;
3. Order Granting Respondent's Motion to Alter or Amend and Foreclosure Judgment and Order of Sale filed February 4, 2015;
4. Form 4 Judgment filed March 9, 2015;

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SC Court of Appeals

## **PLEADINGS**

5. Complaint filed March 15, 2011, with Exhibits; Exhibits itemized below:
  - a. Promissory Note dated November 13, 2006;
  - b. Mortgage dated November 13, 2006;
  - c. Assignment of Leases and Rents dated November 13, 2006;
6. Answer and Counterclaim filed April 13, 2011;
7. Answer to Counterclaim filed May 3, 2011;

## **MOTIONS AND MEMORANDA**

8. Respondent's Post-Trial Memorandum dated January 31, 2013;
9. Motion to Amend or Alter Court's Order filed June 7, 2013, with Exhibit; Exhibit itemized below:
  - a. Public Documentation from Office of the Secretary of State of South Carolina;

## **MISCELLANEOUS**

10. Affidavit of Jason Bristol filed August 16, 2011;
11. Supplemental Affidavit of Jason Bristol filed November 8, 2011;
12. Affidavit of Sunil Lalla dated December 6, 2011;
13. Second Supplemental Affidavit of Jason Bristol filed September 20, 2012;
14. Letter to Judge Crosby from Moore dated July 15, 2014;
15. Notice of Appeal filed February 17, 2015;
16. Letter to Judge Crosby from McGee dated June 18, 2015, with proposed corrected Form 4; and

## **TRANSCRIPTS**

17. Transcript of Hearing of December 10, 2012, with Exhibits; Exhibits itemized below:

- a. Order Approving the Acquisition of a Bank Holding Company;
- b. Form S-8;
- c. Copy of mortgage dated November 13, 2006;
- d. Copy of promissory note dated November 13, 2006; and
- e. Printout of payment record.

NELSON MULLINS RILEY & SCARBOROUGH LLP

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Attorneys for Respondent TD Bank, N.A., successor by  
merger to Carolina First Bank, N.A

Columbia, South Carolina

June 29, 2015

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In The Court of Appeals

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Appellate Case No. 2015-000295

TD Bank, N.A., successor by merger to Carolina First  
Bank, N.A., ..... Respondent,

v.

Sunil V. Lalla and Sharon W. Lalla, ..... Appellants.

CERTIFICATE OF COUNSEL

The undersigned certifies that the Designation of Matter to be Included in the Record on Appeal contains no matter which is irrelevant to the appeal pursuant to Rule 209(c), SCACR.

[Signature Page Follows]

NELSON MULLINS RILEY & SCARBOROUGH LLP

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Attorneys for Respondent TD Bank, N.A., successor  
by merger to Carolina First Bank, N.A

Columbia, South Carolina

June 29, 2015.

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY  
Court of Common Pleas  
Honorable Joe M. Crosby, Master-in-Equity

Case No. 2011-CP-22-00342  
Appellate Case No. 2015-000295

TD Bank, N.A., successor by merger to Carolina First  
Bank, N.A., ..... Respondent,  
v.  
Sunil V. Lalla and Sharon W. Lalla, ..... Appellant.

PROOF OF SERVICE


I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for TD Bank, N.A., successor by merger to Carolina First Bank, N.A., do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Respondent's Designation of Matter for the Record on  
Appeal

Counsel Served:

S. Jahue Moore, Esquire  
Moore Taylor & Thomas, PA  
Post Office Box 5709  
West Columbia, SC 29171

  
\_\_\_\_\_  
Lisa P. Whitehurst  
Administrative Assistant

June 27, 2015

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY  
Court of Common Pleas  
Honorable Joe M. Crosby, Master-in-Equity

Case No. 2011-CP-22-00342  
Appellate Case No. 2015-000295

TD Bank, N.A., successor by merger to Carolina First  
Bank, N.A., ..... Respondent,

v.

Sunil V. Lalla and Sharon W. Lalla, ..... Appellant.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for TD Bank, N.A., successor by merger to Carolina First Bank, N.A., do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Certificate of Counsel

Counsel Served:

S. Jahue Moore, Esquire  
Moore Taylor & Thomas, PA  
Post Office Box 5709  
West Columbia, SC 29171



\_\_\_\_\_  
Lisa P. Whitehurst  
Administrative Assistant

June 29, 2015

# Nelson Mullins

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June 29, 2015

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

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SC Court of Appeals

RE: TD Bank, NA, Successor by merger to Carolina First Bank, N.A., Respondent  
v. Sunil V. Lalla and Sharon W. Lalla, Appellants  
Appellate Case No. 2015-000295  
Our File No. 04387/01834

Dear Ms. Kitchings:

Enclosed please find the original and one copy of:

1. Initial Brief of Respondent TD Bank, N.A., Successor by Merger to Carolina First Bank, N.A.;
2. Respondent's Designation of Matter for the Record on Appeal;
3. Certificate of Counsel for Designation of 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 copies of these pleadings.

Very truly yours,



A. Mattison Bogan

AMB:lpw

Enclosures

cc: S. Jahue Moore, Esquire