

IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

Marvin H. Dukes, III

Master in Equity and Special Circuit Court Judge

Case No. 2011-CP-07-01778

**RECEIVED**

JUL 14 2015

SC Court of Appeals

BENJAMIN GECY, ..... Appellant,

v.

SOUTH CAROLINA BANK & TRUST, JAIME HAMNER and  
DEBORAH HAMNER, ..... Respondents.

**APPELLANT'S DESIGNATION OF MATTER  
(To Be Included in the Record on Appeal)**

The Appellant, Benjamin Gecy, by and through his undersigned attorney, submits that the following items should be included in the Record on Appeal.

1. The transcript of the hearing held on February 21, 2014.
2. The Affidavit of the Plaintiff dated February 19, 2014, as well as all exhibits thereto, as submitted for the hearing on February 21, 2014.
3. The Affidavit of Ken Tootle dated February 19, 2013, as well as all exhibits thereto, as submitted for the hearing on February 21, 2014.
4. The affidavit of any other person submitted in support of or in opposition to the motion for summary judgment heard on February 21, 2014.
5. The entire Uniform Residential Loan Application for Mr. and Mrs. Hamner dated February 13, 2010, with all Truth-in-Lending, H.U.D. and other attachments, as well as any other document annexed thereto.

6. The entire Uniform Residential Loan Application for Mr. and Mrs. Hamner dated March 3, 2010, with all Truth-in-Lending, H.U.D. and other attachments, as well as any other document annexed thereto.
7. The transcript of the hearing held on August 5, 2014.
8. The depositions of the following persons including all exhibits thereto:
  - (a) Benjamin Gecy taken on February 4, 2014;
  - (b) Jaime Hamner taken on February 10, 2014;
  - (c) Bruce VanHorn taken on February 10, 2014;
  - (d) Doug Jacobs taken on February 11, 2014;
  - (e) John Ferguson taken on February 12, 2014; and
  - (f) Diana Chalmers taken on February 12, 2014.
9. All exhibits from the depositions of Deborah Hamner, Patrice Moody, Richard Poole and Frampton Harper.
10. Plaintiff's Motion to Compel dated February 20, 2014, with all exhibits and attachments thereto.
11. Plaintiff's Motion to Continue dated February 20, 2014, with all exhibits and attachments thereto.
12. The Motion for Summary Judgment filed by the Defendant SCB&T, together with the Affidavit of Diana Chalmers served in conjunction therewith.
13. The brief delivered to the trial judge by SCB&T on or before the hearing held on February 21, 2014.
14. Real Estate Contract between the Plaintiff and the Hamner Defendants dated February 3, 2010, together with any amendment or addendum thereto.
15. New Construction Contract between the Plaintiff and the Hamner Defendants dated February 3, 2010, together with any amendment or addendum thereto.
16. The Answers and/or Responses served by the Defendant SCB&T and by the Hamner Defendants in response to the Plaintiff's First and Second Interrogatories, First and Second Request for Production and First and Second Request for Admissions.
17. The Complaint of the Plaintiff.
18. The First Amended and Verified Complaint of the Plaintiff.

19. The Answers of the Defendants in response to Items 17 and 18 above.
20. The Order dated June 5, 2014.
21. The Order dated on or about September 18, 2014.
22. The SCB&T credit denial letter to Mr. and Mrs. Hamner dated March 10, 2010.
23. All correspondence, including that sent electronically, between the Plaintiff and/or the closing attorney, Ken Tootle, and (a) Doug Jacobs, (b) Bruce Van Horn, (c) Jaime Hamner, and (d) Diana and/or Ed Chalmers, provided that it has been entered into the record.
24. All correspondence, including that sent electronically, between or among any of the persons identified in sub-paragraphs 23(a),(b),(c) and (d) above; provided that it has been entered into the record.
25. All evidentiary documents to which reference is made in the Initial Brief and the Reply Brief of the Appellant.

Respectfully Submitted,



By: \_\_\_\_\_

Robert V. Mathison, Jr.  
Attorney for the Appellant  
Benjamin Gecy

MATHISON & MATHISON  
Post Office Box 5271  
Hilton Head Island  
South Carolina 29938-5271  
Telephone: (843) 785-6503  
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July 10, 2015

Hilton Head Island, South Carolina.

THE STATE OF SOUTH CAROLINA

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**PROOF OF SERVICE**

I, Robert V. Mathison, Jr., hereby certify that on July 10, 2015, I filed and served by mail the original and copies of the Appellant's Initial Brief and the Appellant's Designation of Matter To Be Included in the Record on Appeal, both of which are dated July 10, 2015, by depositing same, with sufficient first class postage prepaid, at the United States Post Office at Asheville, North Carolina, addressed as follows:

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

Thomas A. Holloway, Esquire  
Harvey & Battey, P.A.  
Post Office Box 1107  
Beaufort, South Carolina 29901

James J. Wegmann, Esquire  
Weidner, Wegmann & Harper, LLC  
6 Professional Village Circle  
Beaufort, South Carolina 29907



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Attorney for the Appellant  
Benjamin Gecy

July 10, 2015

Hilton Head Island, South Carolina.

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July 10, 2015

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

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Re: Benjamin Gecy v. South Carolina Bank & Trust, et al.  
Case No. 2011-CP-07-01778

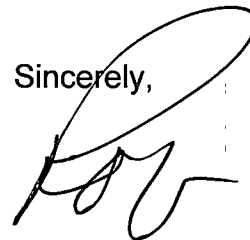
Dear Ms. Kitchings:

Enclosed please find the Appellant's Initial Brief, as well as the Appellant's Designation of Matter to be included in the Record on Appeal.

Also enclosed is the Proof of Service with respect to the brief and designation.

Thank you for your many courtesies.

Sincerely,

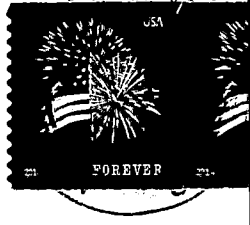
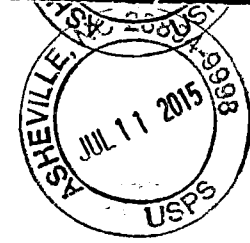
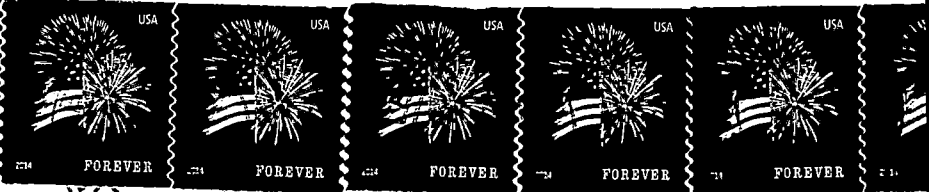
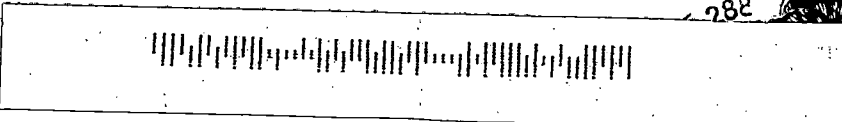


Robert V. Mathison, Jr.

RVM:bh

Enclosures

cc: Thomas A. Holloway, Esquire  
James J. Wegmann, Esquire  
Mr. Benjamin C. Gecy



*Mathison  
 Post office Box 5271  
 Hilton Head Island  
 South Carolina 29938*

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