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SEP 02 2015

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM YORK COUNTY

In the Court of Common Pleas

S. Jackson Kimball, Special Circuit Judge

Case No. 2007-CP- 46-4305

SunTrust Mortgage, Inc.,.....Respondent,

v.

Mark Ostendorff.....Appellant.

DESIGNATION OF MATTER TO BE

INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

1. Order to Restore Case;
2. Notice of Motion And Motion For Order To Restore Case;
3. Notice Of Sale Deficiency Judgment Against Mark Ostendorff;
4. York County Clerk of Court's office sheet showing existing appeals in place;
5. Ostendorff's letter to both of SunTrust's attorneys and to York County Clerk of Court office objecting to sale of house;
6. Complaint;

7. Reply;
8. ( There was no transcript as there was no hearing);
9. Susan Walker's affidavit;
10. Affidavit of Mark Ostendorff, dated August 28, 2015;
11. Master-In- Equity's foreclosure sale listing;
12. Ostendorff's email to York County Clerk of Court regarding foreclosure sale;
13. SC Supreme Order denying Ostendorff's Petition for Writ;
14. Ostendorff's Motion to SC Supreme Court to Reinstate ;
15. SC Supreme Court's letter regarding Ostendorff's Motion to Reinstate ;
16. Ostendorff's Petition for Writ to the US Supreme Court;
17. The US Supreme Court's letter of response to Ostendorff's Petition for Writ;
18. Ostendorff's letter to SC Supreme Court regarding the US Supreme Court's letter of response to Ostendorff's Petition for Writ;
19. Order of October 9, 2013 (foreclosure);
20. Order of December 18, 2009 (summary judgment on counterclaim);
21. Transcript of Proceedings from October 1, 2013 (foreclosure) ;
22. Testimony from Richard Willits;
23. Transcript of Proceedings from December `10, 2009 ( compulsory counterclaim)
24. Mark Ostendorff's affidavit dated Jan 15, 2014;
25. Judge Kimball's emails to Ostendorff from earlier hearings;
26. Ostendorff's motion to compoel discovery;
27. All other designation of material in the compulsory counterclaim appeal;
28. All other designation of material in the foreclosure hearing appeal.

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

August 27, 2015



Mark Ostendorff  
135 Cedar Creek Circle  
Central, SC 29630  
(864) 640-3340  
Appellant, Pro Se

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S. Jackson Kimball, Special Circuit Judge

Case No. 2007-CP- 2007-46- 04305

SunTrust Mortgage, Inc.,.....Respondent,

V.

Mark Ostendorff, .....Appellant.

AFFIDAVIT OF MARK OSTENDORFF

I, Mark Ostendorff, submit this affidavit for the above case:

I, Mark Ostendorff, have personally prepared this affidavit and swear to its accuracy and truthfulness to best of my personal knowledge. I am over eighteen years old and I am competent to testify to the matters stated therein.

1.

I was never served a copy of the Motion and Order to Restore Case as stated by SunTrust's attorney's  
CERTIFICATE OF MAILING of December 10, 2014.

2.

The above CERTIFICATE OF MAILING was addressed to:

Mark Ostendorff  
1207 Cabin Creek Court  
Fort Mill, SC 29715

That address is not my address of record.

I have never used this address for the US Mail. I always used PO Box 772, Fort Mill, SC 29716.

The mail box at that address did not exist. I had the mail box up for only the week of October 31, 2005. I was required to have a mail box with the street address to receive my Certificate of Occupancy( CO) by York County Building Codes. I received the CO on October 31, 2005. I immediately and lawfully removed my mailbox . I wanted to use only my PO Box for mail to prevent any identity theft.

3.

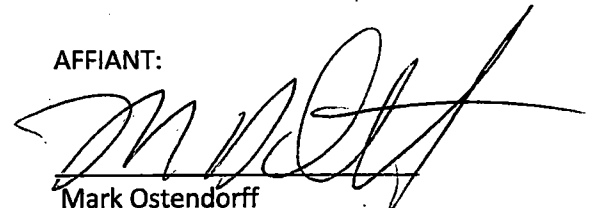
With the exception of the above Motion by Susan B. Shaw and my similar appeal regarding Brian Tatum's notice of foreclosure hearing, I have always received all legal correspondence for this case. I have had addresses at : the PO Box in Fort Mill, SC, a PO Box in Greenville, SC, a street address in Greenville, SC, an earlier street address in Central, SC, and my current address in Central, SC. All mail has been forwarded to me by the US Mail.

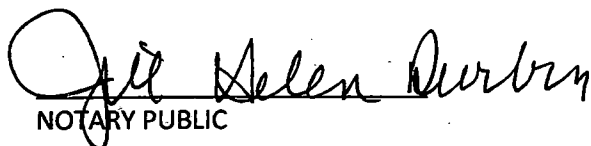
4.

Only by "fishing " through the York County Clerk's office and the Master-In-Equity's websites did I find that my house was ordered to be sold. I promptly filed my appeal. The Master-In- Equity does not post on its website upcoming hearings on foreclosures, only sale dates.

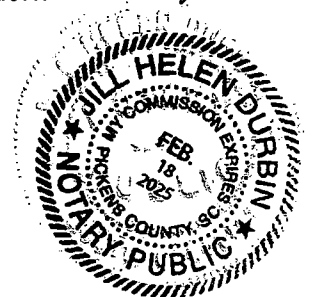
Sworn to subscribed before me  
This 28<sup>th</sup> day of August 2015

AFFIANT:

  
Mark Ostendorff

  
NOTARY PUBLIC

Jill Helen Durbin  
Notary Public  
State of South Carolina  
February 18, 2025



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Case No. 2007- CP- 46-04305

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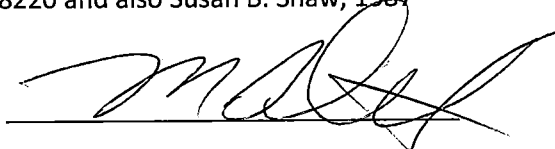
v.

Mark Ostendorff,.....Appellant.

PROOF OF SERVICE

I, Mark Ostendorff, Appellant, hereby certify that I placed a copy of Initial Brief , also Designation of Matter, also Affidavit of Mark Ostendorff, in the US Postal Service, postage prepaid, to Respondent's attorneys at : Brian S. Tatum , PO Box 11250, Charlotte, NC 28220 and also Susan B. Shaw, 1587 Northeast Expressway, Atlanta, GA 30329.

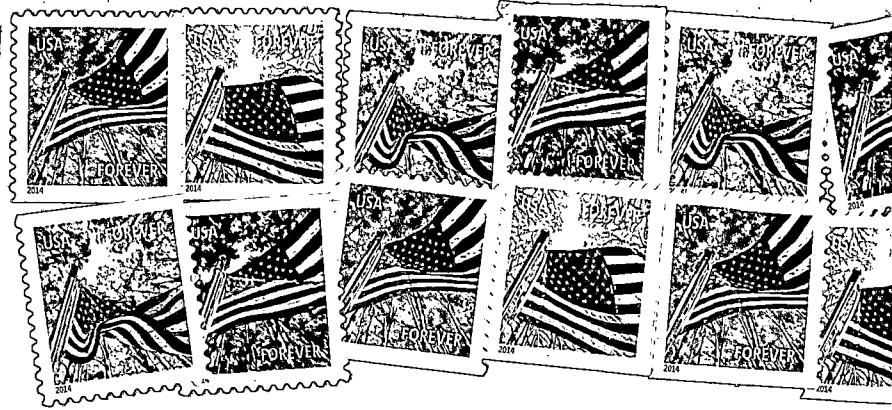
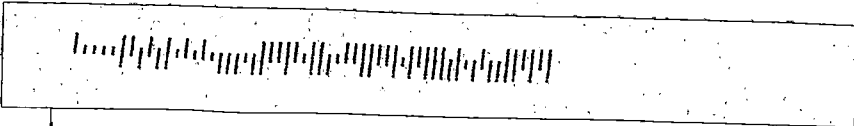
August 28, 2015



Mark Ostendorff  
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Central, SC 29630  
(864) 640-3340  
Appellant, Pro Se



Mark Ostendorff  
135 Cedar Creek Cir.  
Central, SC 29630



SC COURT OF AP  
1015 SUMMER ST  
COLUMBIA, SC 2920

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