

STATE OF SOUTH CAROLINA
APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

RECEIVED

The Honorable James R. Barber, Circuit Court Judge

MAR 21 2016

Appellate Case No. 2015-002537

SC Court of Appeals

Bank of America, N.A., Plaintiff,

v.

Theda B. Vaughan a/k/a Theda L. Vaughan; James R. Vaughan; LBB & HHV II, LLC; Hometrust Bank, N.A.; Quality Business Solutions, Inc.; Creative Builders, Incorporated; Matthew J. Bynum; Ann Bynum; Mayfield Dairy Farms, LLC; TD Bank, N.A., as successor by merger with Carolina First Bank; Butler Improvements, LLC; Discover Bank; Suiza Dairy Group, LLC; FIA Card Services, N.A.; Wells Fargo Bank, N.A., as successor by merger to Wachovia Bank, National Association; L. Stewart Spinks; Dillanos Coffee Roasters, Inc.; Branch Banking and Trust Company; Spaulding Farm Homeowners Association, Inc.; TCP Leasing, Inc.; First South Bank; Brookfield South Associates, LLC; Green Tree Servicing, LLC formerly known as Green Tree Financial Servicing Corporation, a Limited Liability Company under the laws of the State of Delaware; Bank of Travelers Rest; Comprehensive Legal Solutions, Inc.; The South Carolina Department of Revenue,Defendants.

of which

Bank of America, N.A.,Respondent,

v.

LBB & HHV II, LLC,Appellant.

**APPELLANT'S DESIGNATION OF MATTER
TO BE INCLUDED IN RECORD ON APPEAL**

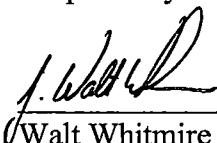
Appellant proposes the following to be included in the Record on Appeal:

1. Lis Pendens, Summons and Complaint filed February 24, 2015;
2. Lis Pendens, Answer and Counterclaim filed April 9, 2015;

3. Amended Lis Pendens, Amended Answer and Counterclaims filed May 1, 2015;
4. Plaintiff's Rule 12 Motion to Dismiss in Lieu of Answer;
5. Transcript of Record dated October 14, 2015;
6. Defendant's Memorandum in Opposition to Plaintiff's Motion to Dismiss;
7. Proposed Order denying and Dismissing Defendant's Motion to Dismiss Pursuant to Rule 12(b)(6) in Part; and
8. Order Granting Plaintiff's Rule 12 Motion to Dismiss in Lieu of Answer.

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

Respectfully submitted,



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ATTORNEY FOR RESPONDENT

March 18, 2016

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable James R. Barber, Circuit Court Judge

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Bank of America, N.A., Plaintiff,

v.

Theda B. Vaughan a/k/a Theda L. Vaughan; James R. Vaughan; LBB & HHV II, LLC; Hometrust Bank, N.A.; Quality Business Solutions, Inc.; Creative Builders, Incorporated; Matthew J. Bynum; Ann Bynum; Mayfield Dairy Farms, LLC; TD Bank, N.A., as successor by merger with Carolina First Bank; Butler Improvements, LLC; Discover Bank; Suiza Dairy Group, LLC; FIA Card Services, N.A.; Wells Fargo Bank, N.A., as successor by merger to Wachovia Bank, National Association; L. Stewart Spinks; Dillanos Coffee Roasters, Inc.; Branch Banking and Trust Company; Spaulding Farm Homeowners Association, Inc.; TCP Leasing, Inc.; First South Bank; Brookfield South Associates, LLC; Green Tree Servicing, LLC formerly known as Green Tree Financial Servicing Corporation, a Limited Liability Company under the laws of the State of Delaware; Bank of Travelers Rest; Comprehensive Legal Solutions, Inc.; The South Carolina Department of Revenue,Defendants.

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Bank of America, N.A.,Respondent,

v.

LBB & HHV II, LLC,Appellant.

CERTIFICATE OF SERVICE

I, J. Walt Whitmore, of McCabe, Trotter & Beverly, P.C., attorney for LBB & HHV II,

LLC, do hereby certify that a copy of the foregoing documents have been served upon the below named individual and/or counsel on 18th day March, 2016, via Regular U.S. Mail and email, addressed as follows:

DOCUMENTS SERVED

Appellant's Initial Brief and Designation of Matter to Be Included in the Record on Appeal

PARTIES SERVED

<p>Adam Crittenden Bach, Esq. Eller Tonnsen Bach, LLC 2201 Augusta St., Ste. 200 Greenville, SC 29605 (Attorney for Quality Business Solutions, Inc.)</p>	<p>Brittany Lauren Kilpatrick, Esq. S.C. Department of Revenue Office of General Counsel Tax & Regulatory Service P.O. Box 12265 Columbia, SC 29211 (Attorney for SC Department of Revenue)</p>
<p>Robert Paul Davis, Esq. Rogers Townsend & Thomas 220 Executive Center Drive Columbia, SC 29210 (Co-counsel for Bank of America, N.A.)</p>	<p>Milton Gary Kimpson, Esq. S.C. Department of Revenue Office of General Counsel Tax & Regulatory Service P.O. Box 12265 Columbia, SC 29211 (Attorney for SC Department of Revenue)</p>
<p>Trent M. Grissom, Esq. McGuireWoods, LLP 201 North Tryon Street, Ste. 3000 Charlotte, NC 28202 (Co-counsel for Bank of America, N.A.)</p>	<p>Dana Covington Mitchell, III, Esq. P.O. Box 10285 Greenville, SC 29603 (Attorney for Stewart L. Spinks) dmitchell@danamitchelllaw.com</p>
<p>Robert A. Muckenfuss, Esq. McGuireWoods, LLP 201 North Tryon Street, Ste. 3000 Charlotte, NC 28202 (Co-counsel for Bank of America, N.A.)</p>	<p>James R. Vaughan 100 Sanderling Drive Greenville, SC 29607 (Regular U.S. Mail Only)</p>
<p>Richmond McPherson, III, Esq. 201 North Tryon Street, Ste. 3000 Charlotte, NC 28202 (Co-counsel for Bank of America, N.A.)</p>	<p>James R. Vaughan 203 Looper Road Pelzer, SC 29669 (Regular U.S. Mail Only)</p>

James H. Cassidy, Esq. Roe Cassidy Coates & Price, P.A. P.O. Box 10529 Greenville, SC 29603 (Attorney for Dillanos Coffee Roasters, Inc.)	Theda B. Vaughan a/k/a Theda L. Vaughan 309 Townes Street Greenville, SC 29601 (Regular U.S. Mail Only)
Sean D. Faulkner, Esq. Nelson Mullins Riley Scarborough, LLP 104 S. Main St., Ste. 900 Greenville, SC 29601 (Attorney for Hometruster Bank)	



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February 18, 2016

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

RECEIVED

MAR 21 2016

SC Court of Appeals

Re: Bank of America, NA v. LBB & HHV, II, LLC
Appellate Case No. 2015-002587
MTB File No. 20515.1

Dear Ms. Kitchings:

Enclosed please find the original and two copies of Appellant's Initial Brief and Designation of Matter to Be Included in the Record on Appeal, with attached Proof of Service in the above-referenced matter. Please have a member of your staff return the clocked in copies to our office in the enclosed self-addressed envelope.

If you have any questions, please do not hesitate to contact me.

Sincerely,

J. Walt Whitmire

JWW:th
Enclosures

cc: All Counsel of Record