

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEE COUNTY
R. Ferrell Cothran, Jr., Circuit Court Judge

Lower Case No. 2009-CP-31-131

RECEIVED
MAY 06 2016
SC Court of Appeals

United States of America, acting through the
Farmers Home Administration, United States
Department of Agriculture..... Plaintiff/Respondent

v.

Maxie Lee Thomas, Jr. a/k/a Maxie Lee
Thomas, deceased, and all other heirs at law
and/or distributes of Maxie Lee Thomas, Jr.
a/k/a Maxie Lee Thomas, deceased, his
heirs, personal representatives, executors,
administrators, successors and assigns, and
any spouses if any he has, and all persons
entitled to claim under or through him or
any of them; all persons unknown claiming
any right, title, estate, interest in or lien upon
the real estate described in the Complaint
herein, any and all persons who may be in
the military service of the United States of
America, being a class designated as John
Doe; and any unknown minors or persons
under a disability being a class designated as
Richard Roe, Laura Ann Toney, and
Brittany Nicole Thomas.....Defendants

Of Whom Laura Ann Toney is..... Appellant

APPELLATE CASE NO. 2015-002380

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

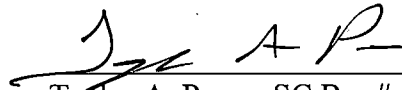
Respondent proposes the following be included in the Record on Appeal:

1. Summons and Complaint filed June 24, 2009;
2. Answer and Counterclaim of Laura Ann Toney filed July 14, 2009;
3. Amended Summons and Complaint filed August 17, 2009;
4. Reply to Amended Answer and Counterclaim of Defendant Laura Ann Toney filed September 11, 2009;
5. Reply to Amended Answer and Counterclaim of Defendant Laura Ann Toney filed September 29, 2009;
6. Amended Counterclaim of Defendant Laura Ann Toney filed November 23, 2009;
7. Notice of Motion and Motion to Bifurcate and for Reference to Lee County filed December 11, 2009;
8. Amended Answer and Counterclaim and Amended Return to Motion filed January 4, 2010
9. Order to Bifurcate filed January 26, 2010;
10. Notice of Appeal regarding Order to Bifurcate dated February 10, 2010;
11. Order Dismissing Appeal regarding Order to Bifurcate filed March 2, 2010;
12. Motion for Rehearing regarding South Carolina Court of Appeals Order Dismissing Appeal dated March 11, 2010;
13. Order Denying Motion for Rehearing in South Carolina Court of Appeals filed May 24, 2010;
14. Petition for a Writ of Certiorari regarding Order to Bifurcate dated June 22, 2010;
15. Order of South Carolina Regarding Petition for a Writ of Certiorari dated October 20, 2011;
16. Notice of Motion and Motion to Dismiss Jury Trial Demand of Defendant Laura Ann Toney filed September 19, 2013;
17. Notice of Motion and Motion for Summary Judgment as to Defendant Laura Ann Toney's Counterclaims filed October 31, 2013;
18. Memorandum in Support of Motion for Summary Judgment as to Defendant Laura Ann Toney's Counterclaims filed March 20, 2014;
19. Memorandum in Support of Motion to Dismiss Jury Trial Demand of Laura Ann Toney filed March 21, 2014;
20. Correspondence from N. Russell Parker, Jr., Law Clerk to the Honorable R. Ferrell Cothran, Jr., to Defendant Laura Ann Toney and Donald W. Tyler, Jr. Esq., former counsel for Plaintiff dated January 5, 2015
21. Correspondence from Crystal L. Bilka, paralegal to Taylor A. Peace, Esq., counsel for Plaintiff dated January 16, 2015;
22. Order on Plaintiff's Motion for Summary Judgment and to Dismiss Jury Demand dated March 26, 2015
23. Notice of Ex-Parte Application and Ex-Parte Application to Vacate Order filed April 8, 2015;
24. Correspondence from Taylor A. Peace, Esq. to N. Russell Parker, Jr. dated April 10, 2015;
25. Correspondence from Taylor A. Peace, Esq. to Defendant Laura Ann Toney dated April 10, 2015;
26. Amended Notice of Ex-Parte Application and Ex-Parte Application to Vacate Order filed April 23, 2015;
27. Notice of Hearing to Defendant Laura Ann Toney dated September 28, 2015

28. Transcript of Hearing on Defendant Laura Ann Toney's Amended Notice of Ex-Parte Application and Ex-Parte Application to Vacate Order dated October 1, 2015
29. Order Denying Amended Notice of Ex-Parte Application and Ex-Parte Application to Vacate Order dated October 22, 2015
30. Objections to Proposed Order to Deny Amended Notice of Ex-Parte Application and Ex-Parte Application to Vacate Order dated November 5, 2015;
31. Notice of Appeal dated November 10, 2015.
32. Judgment of Foreclosure and Order for Sale dated April 21, 2016.

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

May 6th, 2016



Taylor A. Peace, SC Bar # 100206
Donald W. Tyler, SC Bar # 5664
Tyler, Cassell, Jackson, Peace & Silver, LLC
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*Attorneys for Respondent United States of
America, acting through the Farmers Home
Administration, United States Department
of Agriculture*

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APPEAL FROM LEE COUNTY
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United States of America, acting through the
Farmers Home Administration, United States
Department of Agriculture..... Plaintiff/Respondent

v.

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Thomas, deceased, and all other heirs at law
and/or distributes of Maxie Lee Thomas, Jr.
a/k/a Maxie Lee Thomas, deceased, his
heirs, personal representatives, executors,
administrators, successors and assigns, and
any spouses if any he has, and all persons
entitled to claim under or through him or
any of them; all persons unknown claiming
any right, title, estate, interest in or lien upon
the real estate described in the Complaint
herein, any and all persons who may be in
the military service of the United States of
America, being a class designated as John
Doe; and any unknown minors or persons
under a disability being a class designated as
Richard Roe, Laura Ann Toney, and
Brittany Nicole Thomas.....Defendants

Of Whom Laura Ann Toney is..... Appellant

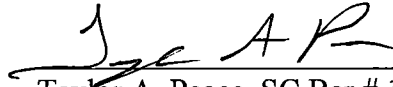
APPELLATE CASE NO. 2015-002380

PROOF OF SERVICE

I certify that I have served the **Initial Brief of Respondent and the Designation of Matter To Be Included in the Record on Appeal** upon Appellant, by depositing a copy of the same in

the United States Mail, postage prepaid, on May 6th, 2016, upon Appellant Laura Ann Toney, addressed to P.O. Box 722, Bishopville, South Carolina 29010.

May 6th, 2016



Taylor A. Peace, SC Bar # 100206
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SC Court of Appeals

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THOMAS B. JACKSON, III
M. ALAN PEACE
JEFFREY L. SILVER

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May 6, 2016

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: United States of America, acting through the Farmers Home Administration,
United States Department of Agriculture v. Maxie Lee Thomas, Jr., et al.
Of Whom Laura Ann Toney is Appellant
Appellate Case No. 2015-002380
Our File No.: 2518.23031/DWT

Dear Ms. Kitchings:

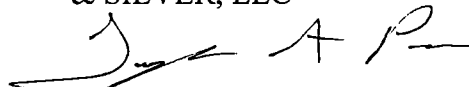
With regard to the above referenced matter, enclosed please find the original and one (1) copy each of the **Initial Brief of Respondent** and **Designation of Matter To Be Included in the Record on Appeal**, along with a **Proof of Service** of same. Please file the original with the Court and return a clocked copy to me in the enclosed self-addressed return envelope.

By copy of this letter, I am herewith serving the above documents on Appellant Laura Ann Toney.

If you have any questions or need anything further in this regard, please do not hesitate to contact us at any time.

Sincerely,

TYLER, JACKSON, PEACE,
& SILVER, LLC



Donald W. Tyler
Taylor A. Peace

TAP/rd

Enclosures

cc: Laura Ann Toney, Appellant