

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

Gordon G. Cooper, Master-in-Equity Judge

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Case No.: 2012-CP-42-3549  
2012-CP-42-2874

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Appellate Case No. 2016-000099

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U.S. Bank, NA, as trustee  
relating to the Chevy Chase  
Funding, LLC Mortgage  
Backed Certificates, Series  
2004-B,

Plaintiff,

v.

Alyce F. Otto, Individually;  
Alyce F. Otto Trustee Under  
Declaration of Trust of Alyce  
F. Otto dated the 17<sup>th</sup> of  
November 2009; TD Bank,  
NA; The United States of  
America, acting by and  
through its agency, the  
Internal Revenue Service;  
Laura Kerhulas Giese, as Co-  
Trustee of the Theodore  
Ernest Kerhulas Trust Under  
Declaration of Trust dated  
May 25, 2004; Mark Warner  
Kerhulas, as Co-Trustee of the  
Theodore Ernest Kerhulas  
Trust Under Declaration of  
Trust dated May 25, 2004;  
Jackson L. Munsey, Jr.;  
Citibank, NA,

Defendants,

Of whom Jackson L. Munsey,  
Jr., is the

and

U.S. Bank, NA and Alyce F.  
Otto are the

Appellant.

**RECEIVED**

JUL 25 2016

SC Court of Appeals

Respondents.

Alyce F. Otto, Trustee,

Plaintiff,

v.

Jackson L. Munsey, Jr.,

Defendant,

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**DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON  
APPEAL**

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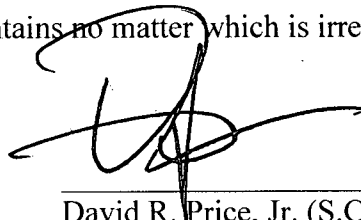
Appellant proposes the following to be included in the Record on Appeal:

- (1) Summons and Complaint, 2012-CP42-3549
- (2) Summons and Complaint, 2012-CP-42-2874
- (3) Third Party Summons and Answer, Counterclaims, and Cross-Claims Against Defendant Alyce F. Otto, Individually and as Trustee
- (4) Contract for Deed, Entered in to Evidence During November 24, 2015 Foreclosure Hearing
- (5) Settlement Statement, Entered in to Evidence During November 24, 2015 Foreclosure Hearing
- (6) Motion for Relief from Entry of Default, Affidavit of Stephanie Munsey, and Exhibits, Filed on November 23, 2015
- (7) Motion to Set Aside Default and Leave to File Answer Outside of Time, Affidavit of Jackson Munsey, and Exhibit, Filed on February 4, 2013
- (8) U.S. Bank's Certificate of Default and Non-Military Service
- (9) Transcript of Testimony from May 6, 2013
- (10) Order Denying Defendant Jackson L. Munsey, Jr.'s Motion to Set Aside Default

and Leave to File Answer Outside of Time, Dated May 6, 2013

- (11) Order on Defendant Jackson L. Munsey's Motion for Relief from Entry of Default, Dated December 22, 2015
- (12) Transcript of Testimony from November 24, 2015
- (13) Three Checks, Entered in to Evidence During November 24, 2015 Foreclosure Hearing
- (14) Order on Jackson L. Munsey, Jr.'s Motion to Alter or Amend, and Exhibit, Dated April 19, 2016
- (15) Order as to Otto vs. Munsey, Filed December 15, 2015
- (16) Judgment of Foreclosure and Sale, Dated December 22, 2015
- (17) Transcript of Testimony, February 15, 2016
- (18) Order as to Otto vs. Munsey, Dated December 14, 2015
- (19) Plaintiff's Memorandum in Opposition to Defendant Jackson L. Munsey, Jr.'s Motion to Set Aside Default and Leave to File Answer Outside of Time, dated May 1, 2013
- (20) Otto's Affidavit of Default
- (21) Appellant's Motion to Alter or Amend filed on January 7, 2016

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



---

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Samuel B. Tooker (S.C. Bar # 78999)  
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Attorneys for the Appellant

Greenville, South Carolina  
Date: July 20, 2016

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Alyce F. Otto, Trustee,

Plaintiff,

v.

Jackson L. Munsey, Jr.,

Defendant,

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**CERTIFICATE OF COUNSEL**

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In accordance with Rule 210(c), SCACR, 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.



---

David R. Price, Jr. (S.C. Bar # 75140)  
Samuel B. Tooker (S.C. Bar # 78999)  
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Attorneys for Appellant

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Date: July 20, 2016

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Court of Common Pleas

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Alyce F. Otto, Trustee,

Plaintiff, **RECEIVED**  
**JUL 25 2016**  
**SC Court of Appeals**

v.

Jackson L. Munsey, Jr.,

Defendant,

---

**PROOF OF SERVICE**

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I certify that I have served the INITIAL BRIEF OF APPELLANT, DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL, AND CERTIFICATE OF COUNSEL on the Respondents by depositing a copy of it in the United States mail, postage prepaid, on July 20, 2016, addressed to the counsels of record and unrepresented parties at the following addresses:

Other Counsel of Record:

Erica Greer Lybrand, Esq.  
Richard C. Kelley, Esq.  
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Funding, LLC Mortgage Backed Certificates,  
Series 2004-B

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---

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Date: July 20, 2016



**DAVID R. PRICE, JR., P.A.**  
ATTORNEYS AT LAW

DAVID R. PRICE, JR.

SAMUEL B. TOOKER

July 20, 2016

Ms. Jenny Abbot Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

**RECEIVED**  
JUL 25 2016  
SC Court of Appeals

**RE: U.S. Bank, NA vs. Alyce F. Otto, et al.**  
**Appellate Case No.: 2016-000099**

Dear Ms. Kitchings:

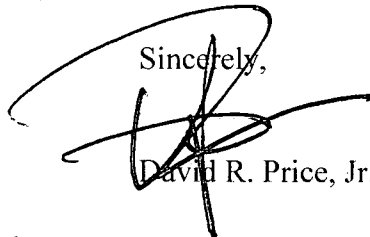
Enclosed you will find an original and two (2) copies of the *Initial Brief of Appellants, Designation of Matter to be Included in the Record on Appeal and the Proof of Service* in connection with the above referenced appeal.

I would ask that you please file the original and return the clocked copies to me in the envelope provided for same.

By copy of this letter to Respondents' Counsel, Erica Greer Lybrand, Richard C. Kelley, Kenneth C. Anthony, Sarah Patrick Spruill and Eric Culbertson, I am serving them a copy of same.

Thank you for your assistance. Please feel free to contact my office with any questions or concerns you may have.

Sincerely,



David R. Price, Jr.

DRP/dcb  
Enclosures

cc: Eric Lybrand  
Richard C. Kelly  
Kenneth C. Anthony  
Sarah Patrick Spruill  
Erin Culbertson

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SC Court of Appeals

Ms Jenny Abbot Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
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