

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Gordon G. Cooper, Master-in-Equity Judge

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

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SEP 19 2016
SC Court of Appeals

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 17th 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 Appellant.

and

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

Alyce F. Otto, Trustee Plaintiff;

v.

Jackson L. Munsey, Jr., Defendant.

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

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

Orders:

1. Order of Reference in 2012-CP-42-2874, filed July 6, 2012;
2. Order of Reference in 2012-CP-42-3549, filed October 15, 2012;
3. Order Denying Defendant Jackson L. Munsey, Jr.'s Motion to Set Aside Default and Leave to File Answer Outside of Time, filed May 6, 2013;
4. Order to Consolidate with C.A. No. 2012-CP-42-2874 filed May 6, 2013;
5. Order as to Otto v. Munsey, as amended to include Exhibit A, filed December 15, 2015;
6. Order on Defendant Jackson L. Munsey's Motion for Relief from Entry of Default, filed December 22, 2015;
7. Judgment of Foreclosure and Sale, filed December 22, 2015;
8. Order on Jackson L. Munsey, Jr.'s Motion to Alter or Amend, filed April 19, 2016;

Pleadings:

9. Lis Pendens, Summons, and Complaint in 2012-CP-42-2874, filed July 6, 2012;
10. Lis Pendens, Summons, and Complaint in 2012-CP-42-3549, filed August 21, 2012;
11. Certificate of Default and Non-Military Service in 2012-CP-42-3549, filed October 15, 2012;
12. Affidavit of Default as to the Otto Matter, filed May 8, 2013;
13. Affidavit of Undertaking of Jackson L. Munsey, filed January 29, 2016

Motions:

14. Motion to Set Aside Default and Leave to File Answer Outside of Time, filed February 4, 2013, in 2012-CP-42-3549;
15. Motion to Consolidate with 2012-CP-42-2874, filed on February 4, 2013, in 2012-CP-42-3549;
16. Motion for Relief from Entry of Default, filed November 23, 2015;
17. Motion to Alter or Amend Order, filed January 7, 2016;

Documents:

18. Deed into Rudrick G. Otto and Alyce F. Otto, recorded 7/12/2004, in Book 80 at Page 257;
19. Adjustable Rate Note, dated August 18, 2004;
20. Mortgage, recorded 8/24/2004, in Book 3290 at Page 70;
21. Rudrick G. Otto Trust Deed, recorded 11/24/2009, in Book 95A at Page 435;
22. Alyce F. Otto Trust Deed, recorded 11/24/2009, in Book 95A at Page 439;
23. Alyce F. Otto, Successor Trustee Deed, recorded 2/10/2011, in Book 97 at Page 181;
24. Capital One Demand Letters dated November 2, 2011;
25. Affidavit of Service on Jackson L. Munsey, Jr. in 2012-CP-42-3549, filed September 4, 2012;
26. Rogers Townsend Letter to Clerk of Court, dated January 14, 2013, rejecting late answer filed by Munsey, filed January 25, 2013, with attached pleading served by Munsey;
27. Affidavit of Jackson L. Munsey, Jr., filed on February 4, 2013, in 20120-CP-42-3549;
28. Transcript of Hearing on May 6, 2013;
29. Transcript of Hearing on November 23, 2015;

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

Respectfully submitted,



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*Attorneys for Respondent U.S. Bank, NA as
Trustee relating to the Chevy Chase
Funding, LLC Mortgage Backed
Certificates, Series 2004-B*

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Attorneys for Respondent Alyce F. Otto

September 19, 2016

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Gordon G. Cooper, Master-in-Equity Judge

Case No.: 2016-000099
2012-CP-42-03549

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 17th 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
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Theodore Ernest Kerhulas Trust Under Declaration of Trust dated May 25, 2004;
Jackson L. Munsy, Jr.; Citibank, NA..... Defendants,

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

and

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

Alyce F. Otto, Trustee Plaintiff,

v.

Jackson L. Munsey, Jr., Defendant.

PROOF OF SERVICE

I HEREBY CERTIFY that I have served **RESPONDENTS' DESIGNATION OF MATTER** on Appellant Jackson L. Munsey Jr. by depositing copies of it in the United States Mail, postage prepaid, on September 19, 2016, addressed to counsel for the Appellant Samuel B. Tooker at P.O. Box 2446, Greenville, SC 29602.



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ROGERS TOWNSEND
ATTORNEYS AT LAW

September 19, 2016

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SC Court of Appeals

VIA HAND DELIVERY

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

RE: *U.S. Bank, NA as trustee relating to the Chevy Chase Funding, LLC Mortgage Backed Certificates, Series 2004-B v. Alyce F. Otto, individually; et al.*
Appeal Case # 2016-000099
RTT File # 505071.00160

Dear Ms. Kitchings:

Enclosed are an original and one copy of Respondent's Initial Brief and Designation of Matter and Proofs of Service in the above referenced matter. Please file the original documents and return the clocked copies to me.

With kind regards, I remain

Cordially yours,

Erica G. Lybrand

Enclosures

cc:

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