

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM Horry COUNTY

Court of Common Pleas

Cynthia Graham Howe, Master-in-Equity Judge

Case No.: 2016-001550

Branch Banking and Trust Company,Respondent,

v.

Cindy B. Hunt; Willow Greens

Homeowners Association, Inc.;

CJ Developers, LLC,.....Defendant(s),

Of whom Cindy B. Hunt isAppellant

DESIGNATION OF MATTER FOR THE RECORD ON APPEAL

Cindy B. Hunt, (SC Bar # 65408)
Pro Se
195 D Willow Green Drive
Conway, SC 29526
(843) 488-1131

Counsel of Record:

Sean Foerster
Rogers, Townsend & Thomas, PC
PO BOX 100200
Columbia, SC 29202

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Designation of Matter

Orders in Lawsuit #1 include:

3/23/2011 Order (exhibit # 41)
11/29/2011 Order (exhibit # 39)
5/16/2012 Judgment of USDC affirmed (exhibit # 40)
6/26/2012 Order USCA reconsideration denied (exhibit # 40)

Orders in Lawsuit #2 include:

3/13/2013 Order (exhibit # 52)
3/13/2013 Judgment (exhibit # 52)

Orders in Lawsuit #3 include:

Report and Recommendation (RR) (exhibit # 61)
3/13/2013 Order dismissing lawsuit # 2 (exhibit # 43)
3/13/2013 Judgment (exhibit # 43)

Orders in Lawsuit # 4 include:

10/4/2013 – re General Order of Reference
5/6/2014 - re Scheduling Order
10/20/2014 Order – re Motion for Sanctions (MFS)
10/22/2014 Order – re Motions involving the 8/2/2013 Counterclaims.
10/28/2014 Order – re Hunt’s Motion for Default Judgment
1/13/2015 Order – re BBT’s 2nd Motion to Dismiss
4/15/2015 Report and Recommendation - (see exhibit # 85)
5/8/2015 ORDER of Remand from the USDC with envelope - (see exhibit # 86)

5/11/2015 ORDER of Remand from the HC clerk of court filed
5/11/2015 - (see exhibit # 87)

6/3/2015 Order – re Hunt’s Motion under Rule 41, SCRCF.

6/15/2016 Order – re the 11/10/2015 hearing on three motions: (1)

10/30/2014 MTAOA under Rule 59(e), SCRCF; (2) 8/11/2015 Motion:

Lack of Jurisdiction, Rule 59 and 60, SCRCF [re the order filed on

6/3/2015]; and (3) 8/11/2015 Motion: Lack of Jurisdiction, Rule 59

and 60, SCRCF re Order filed on 1/13/2015]

Pleadings

Lawsuit # 1 see below at exhibit #s 47, etc.

Lawsuit # 2 see below at exhibit #s 48, etc

Lawsuit # 3 see below at exhibit #s 49, etc

Lawsuit # 4 Pleadings:

4/16/2013 Complaint

8/2/2013 Answer

8/2/2013 Counterclaims

9/5/2013 MTD the Counterclaims

6/6/2014 First Amended Counterclaims (FAC)

6/25/2014 2nd MTD the FAC

08/06/2012 Notice of Removal (NOR)

11/10/2014 Notice of Removal (NOR) at exhibit # 80

Transcripts¹

February 6, 2014 no
September 17, 2014 no
May 20, 2014 xx
October 14, 2014 all pages
November 10, 2015 all pages

Briefs

5/20/2014 Brief all pages (filed on 10/16/2014 by the Court)
10/14/2014 Brief all pages (filed on 10/16/2014 by the Court)
11/10/2015 Brief all pages.

Motions

9/30/2014 MFDJ, etc all pages.

10/30/2014 MTAOA – all pages.

5/27/2015 Motion under SCRCP 41: all pages

8/11/2015 Motion: Lack of Jurisdiction, SCRCP 59 and SCRCP 60 re
Order filed on 1/13/2015: all pages.

8/11/2015 Motion: Lack of Jurisdiction, SCRCP 59 and SCRCP 60 [re
Order filed on 6/3/2015]: all pages.

¹ For BBT not sealed.

Other

Affidavit of Chestnut all pages.

Affidavit of Teal all pages.

7/15/2014 Affidavits of Default all pages

7/15/2014 Affidavits of Default and Response to Plaintiff's motion to dismiss the first amended counterclaims. all pages.

12/22/2014 Hunt's Response to MTR (exhibit # 82) all pages.

7/27/2015 Letter to the HC clerk of court (exhibit # 97) all pages.

8/27/2015 Email to BBT (exhibit # 95) - all pages.

6/17/2016 Order – these are Hunt's objections (in the form of an order) to the proposed Order that Hunt received on a Friday afternoon from BBT on 6/10/2016; BBT mailed Hunt a copy of the Order. Hunt received the Order on 6/28/2016. The Order was filed on 6/15/2016. Rule 6a, SCRPC. all pages.

Exhibit No.

- | | | |
|---|------------------------------------|------------|
| 1 | IRS Form 1098 ² | all pages. |
| 2 | Articles of merger for BBT and CFB | all pages. |
| 3 | Affidavit of CB Hunt | all pages. |
| 4 | POD signature card | all pages. |

² Exhibits 1-42 where submitted in CASE NO: 2012-CP-26-5264 -- c/a 4:12-cv-02216-MGL.

- 5 Setoff 225.25 against POD account all pages.
- 6 Affidavit of Davis (p.2-3), credit report (p.4-5), twice no
accounts (p.6-7), mortgage loan appl (p.8-11), application
(p.21-24), Note (p.34-36).
- 7 CBH 5/2007 Loan Application all pages.
- 8 Butcher Loan Officer's Information all pages.
- 9 CD (10/2006-5/2007) all pages.
- 10 Customer Profile all pages.
- 11 Merger documents (5/2007) all pages
- 12 **Affidavit of Davis** (6/2008) all pages.
- 13 Craven to CBH all pages.
- 14 CBH to FDIC all pages.
- 15 TEAL TO FDIC on 4/11 all pages.
- 16 Setoff 855.00 against POD account all pages.
- 17 Letter FDIC TO HUNT 5/8 all pages.
- 18 Letter FDIC TO BBT 5/8 all pages.
- 19 Letter FROM BOOZ TO FDIC all pages.
- 20 Letter CBH TO FDIC 6/6 all pages.
- 21 Letter TEAL TO FDIC 6/27 all pages.
- 22 Letter FDIC TO BBT 6/12 all pages.
- 23 Blank – see exhibit # 44
- 24 Blank – see exhibit # 45

25	FDIC TO HUNT	all pages.
26	2/10/2011 Affidavit of CBH	all pages.
27	3/17/2008 demand from CBH & 9/9/2008 from Okay	all pages.
28	9/24/2010 dispute to BBT from CBH	all pages.
29	9/27/2010 from BBT (does not reflect these loans)	all pages.
30	HCPD Crime Report	all pages.
31	Search Warrant	all pages.
32	Return of Search Warrant	all pages.
33	BBT Identity Theft	all pages.
34	3/28/2008 & 6/12/2008 from FDIC to BBT	all pages.
35	9/2/2008 from FDIC to CBH	all pages.
36	5/19/2008 closure of IOLTA & POD w/ exit interview	all pages.
37	June 4, 2012 letter to BBT mortgage	all pages.
38	SAC: Doc. # 38 of 4:09-2151	all pages.
39	Order: Doc. # 124 of 4:09-2151	all pages.
40	USCA Orders: May 16, 2012; Reconsideration & June 26, 2012	all pages.
41	Order: Doc. # 110 of 4:09-2151	all pages.
42	3/13/2012 financial statement of BBT	all pages.
Exhibit No.		
43	Order: Doc. #s 30-31 of 4:12-2216	all pages.
44	BSA # 1 (old # 23)	all pages.
45	BSA # 2 (old # 24)	all pages.

- 46 **Affidavit of Hunt-** all pages.
- 47 Civil Docket in 4:09-2151;³ all pages
- entry # 36 (page 2 of 4 - unauthenticated document) all pages
- entry # 38⁴ (SAC); all pages
- entry # 41⁵ (motion to dismiss) with exhibits 41-1; all pages
- entry # 96-1⁶ (Affidavit of Teal); all pages
- entry # 97⁷ (loans paid off at footnote 1); all pages
- entry # 105 (motion to amend); all pages
- entry # 105-1 (proposed TAC); all pages
- entry # 108 (BBT's response to motion to amend TAC); all pages
- entry # 110⁸ (USDC partial dismissal of # 38); all pages
- entry # 114 (Reply); all pages
- entry # 124⁹ (USDC denial of FRCP 59(e); all pages
- entry # 137-138¹⁰ (USCA affirms); all pages
- USCA entry # 9 (BBT's Jurisdictional Statement) none

³ Law suit # 1

⁴ See above at exhibit # 38.

⁵ See below at exhibit # 49 entry # 16-2 (mtd), entry 16 (mtd memo) and entry 16-1 (affidavit of Booz).

⁶ See below at exhibit # 50.

⁷ See below at exhibit # 51.

⁸ See above at exhibit # 41.

⁹ See above at exhibit # 39.

¹⁰ See above at exhibit # 40.

- 48 Civil Docket in 4:11-0870;¹¹ all pages
 entry # 9¹² (FAC); all pages
 entry # 34 (motion to dismiss); all pages
 entry # 63-64¹³ (order of dismissal). all pages
- 49 Civil Docket in 4:12-2216 aka 2012-CP-26-5264;¹⁴ all pages
 entry # 1 (Lawsuit # 3 Complaint & index to exhibits); all pages
 entry # 9 (motion to dismiss) & exhibits 9-1 thru 9-3; all pages
 entry # 14 (response MTD) & exhibits 14-1 thru 14-6; all pages
 entry # 15¹⁵ with exhibits 15-1 thru 15-8; all pages
 entry # 16 (4:09-2151 w/ exhibits 16-1 thru 16-2) all pages
 entry # 16-3 all pages
 entry # 16-4 all pages
 entry # 16-5 none
 entry # 22;¹⁶ all pages
 entry # 30-31¹⁷ (FRCP 12(b)(6) partial dismissal) all pages
- 50 Doc. # 96-1 in 4:09-2151 (1/22/2011 Affidavit of Teal) all pages.
- 51 Doc. # 97 in 4:09-2151 (loans paid off at footnote #1) all pages.
- 52 Order: Doc. #s 63-64 of 4:11-00870 all pages.

¹¹ Law suit # 2

¹² See below at exhibit # 49 entry # 15-8.

¹³ See below at exhibit # 52.

¹⁴ Law suit # 3

¹⁵ 2003 CBH settlement on 195 D Willow Green Drive.

¹⁶ See below at exhibit # 61 (Magistrate's report and recommendation)

¹⁷ See above at exhibit # 43.

- 53 June 17, 2013 email Order of Judge Culbertson¹⁸ all pages.
- 54 Michele Loftis – listed as notary at SC Secretary of State all pages.
- 55 Affidavit for Order of Publication all pages.
- 56 Order for Publication all pages.
- 57 Index of exhibits¹⁹ all pages.
- 58 Email from attorney for WGHOA all pages.
- 59 Emails between BIC for WGHOA & attorney for WGHOA all pages.
- 60 Answer of WGHOA²⁰ & Motion to Strike Answer WGHOA all pages.
- 61 Magistrate's report & recommendation in lawsuit # 3²¹ all pages.
- 62 Exhibit # 49 entry # 1: 2012-CP-26-5264 aka 4:12-cv-02216²² all pages.
- 63 Letter to FDIC – OIG from the HC Solicitor's Office all pages.
- 64 USDC's 9/21/2011 hearing transcript with 60 day stay of lawsuit #1 on pages 27-29 of 40
- 65 USPTO²³ 2013 certificate all pages.
- 66 List of IOLTA financial partners from the SC Bar Foundation
- 67 BLANK
- 68 CJ Developers, LLC – dissolved on 03/09/2006 all pages.
- 69 Withdrawal of the Answer of WGHOA - 11/05/2013 all pages.

¹⁸ Exhibit #s 53-57 were submitted on August 21, 2013 with the motions under SCRCF 59(e), etc.

¹⁹ Updated on - 9/27/2013 and 4/21/2014.

²⁰ Exhibit # 60 was submitted with Hunt's correction/addendum response to proposed motion for order of reference to the master-in-equity on 10/17/2013.

²¹ Exhibit # 61 was submitted with Hunt's Supplement to response to notice of hearing on 1/02/2014.

²² Exhibit #s 1-42 are already in the file.

²³ United States Patent and Trademark Office.

70 Affidavit of Hunt 5/19/2014 all pages.

71 BLANK

72 Proof of service where answer, counterclaims/defenses and
summary judgment motion was mailed to attorneys for BBT on -
8/03/2013 all pages.

73 BT's motion to dismiss in the current law suit # 4 – mailing
label dated - 9/05/2013 all pages

74 Blank

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**Exhibit #s 46, 53 & 80 - 107 were submitted with the
11/10/2015 Brief at page 3; and see the 11/10/2015
transcript at page 8 line 1 – page 9 line 6:**

80: 11/10/2014 Notice of Removal to the USDC all pages.

81: 12/08/2014 BBT's Motion to Remand (11, 11-1 & 11-2) all pages.

82: 12/22/2014 Hunt's response to Motion to Remand all pages.

83: 1/03/2015 BBT's Reply to Hunt's Response (13, 13-1, 13-2) all
all pages.

84: ORDER filed 1/13/2015 [received from HC clerk on 8/10/2015]
with envelope all pages.

- 85: 4/15/2015 Report and Recommendation of USDC Magistrate all pages.
- 86: 5/8/2015 ORDER of Remand w/ envelope all pages.
- 87: ORDER of Remand - HC clerk of court filed 5/11/2015 all pages.
- 88: BBT's MTD (lawsuit # 3) & exhibit # 49 entry #9, 9-1, 9-2, 9-3 all pages.
- 89: BBT's 9/05/2013 motion to dismiss (lawsuit # 4)..... all pages.
- 90: BBT's 6/25/2014 motion to dismiss (lawsuit # 4) all pages.
- 91: Documents served on 10/30/2014 all pages.
- 92: Hunt's Santee Cooper Power Service all pages.
- 93: SC SOS: RA for WGHOA all pages.
- 94: ORDER Filed 10/28/2014 from BBT all pages.
- 95: 8/27/2015 Email to BBT all pages.
- 96: Documents served on 8/11/2015 all pages.
- 97: 7/27/2015 Letter to the HC clerk of court all pages.
- 98: ORDER filed 6/3/2015 all pages.
- 99: 9/11/2013 Notice [of Motion Scheduling] w/ envelope all pages.
- 100: Affidavit of Hunt re credit card statements. all pages.
- 101: 11/25/2014 ORDER from the USDC all pages.
- 102: Blank
- 103: Blank
- 104: 6/20/2013 Affidavit of non service (See Order of publication,
Exhibit #s 53 & 92 all pages.
- 105: 7/15/2014 Cert of Service, 9/30/2014 Cert of Service, 9/30/2014
Receipt for MFDJ and 9/30/2014 Notice of Hearing all pages.

106: 11/2/2015 Amended Notice of Hearing, 11/2/2015 Cert of Service and 11/2/2015 Cert Return Receipt – USPS all pages.

107: Transcript of 10/14/201[4] Hearing

ACRONYMS

AFCB – Attorney fees and Costs to BBT

AFCH – Attorney fees and Costs to Hunt

BSA – Banking Service Agreement

BOFD – Breach of Fiduciary Duty

CC – Counterclaims

CD – Certificate of Deposit

CRA – Credit Reporting Agency

FAC – First Amended Counterclaims

FDIC – Federal Deposit Insurance Corporation

GLBA – Gramm Leach Bliley Act

HC – Horry County

HCPD – Horry County Police Department

IOLTA – Interest on Lawyers Trust Account

MFAFC – Motion for Attorney Fees and Costs

MFDJ – Motion for Default Judgment

MTAOA – Motion to Alter or Amend

MTD – Motion to Dismiss

MTR – Motion to Remand

NOR – Notice of Removal
PD – Punitive Damages
POD – Payable on Death account
RR – Report and Recommendation of the Magistrate of the USDC.
SAC – Second Amended Counterclaims
SCPC – South Carolina Probate Code
SCSC – South Carolina Supreme Court.
SC SOS - South Carolina Secretary of State
SOL – Statute of Limitation
TAC - Third Amended Counterclaims
UFTPA – Unfair Trade Practice Act
USCA - United States Court of Appeals
USPS - United States Postal Service
USDC – United States District Court
USPTO – United States Patent and Trademark Office
WGHOA – Willow Green Homeowners Association.

The below ECF are used in exhibit # 82 (Hunt's response to BBT's MTR):

ECF 11-1 - see Affidavit of Service on WGHOA
ECF 11-2 - see Affidavit of Service on CJ Developers
ECF 14-2 - see exhibit # 49 entry # 14-2
ECF 22 - see exhibit # 61
ECF 29 - see exhibit # 46
ECF 30-31 - see exhibit # 43

ECF 64 - see exhibit # 52
ECF 97 - see exhibit # 51
ECF 108 - see exhibit # 47 entry # 108

Chronology of Events:

Pleadings, Orders, Transcripts and Other Materials

Lawsuit # 1 (see exhibit # 47, etc)
Lawsuit # 2 (see exhibit # 48, etc)
Lawsuit # 3 (see exhibit # 49, etc; and exhibit # 88 (8/9/2012 Motion to Dismiss))

Lawsuit # 4

4/16/2013 Summons, Complaint, etc
Affidavits of non service
Order of publication
Waiver
Motion for Injunction, Quash (see 8/27/2013 Order)
8/2/2013 Answer
8/2/2013 Counterclaims / Defenses
8/2/2013 Motion for Summary Judgment, etc
8/27/2013 Order
9/5/2013 Motion to Dismiss (see exhibit # 89)
11/4/2013 General Order of Reference
11/05/2013 Withdrawal of the answer of defendant Willow Greens Homeowners Association, INC. (see exhibit # 69)
2/17/2014 Hearing on scheduling order (see transcript)

4/21/2014 Hearing on motions re the 8/2/2013 counterclaims – see
10/22/2014 Order.

5/6/2014 Scheduling Order filed.

5/20/2014 Hearing on BBT' 9/5/2013 Motion to dismiss (No order has
been filed)

5/20/2014 Brief in opposition to the [9/5/2013] motion to dismiss [the
Brief was filed by the Court on 10/16/2014]

5/27/2014 Email re statute of limitations from BBT to Judge Howe

6/6/2014 First Amended Counterclaims (FAC) (Hunt reasserts the
8/2/2013 Answer)

6/6/2014 Motion for Sanctions

6/6/2014 Certificate of Service

6/25/2014 2nd Motion to Dismiss (see exhibit # 90)

7/15/2014 Affidavits of Default and Response to Plaintiff's motion to
dismiss the first amended counterclaims

7/15/2014 AFFIDAVIT OF DEFAULT (14)

7/15/2014 CERTIFICATE OF SERVICE

ENTRY OF DEFAULT (1-38, #WGHA and #CJD)

9/17/2014 Hearing on motion for sanctions – see 10/20/2014 Order,

9/17/2014 Brief

9/30/2014 Motion for Default Judgment (the Clerk's office refused to clock this document in but the clerk's office accepted the document and the fee as shown at exhibit 105)

9/30/2014 Notice of hearing (see exhibit # 105)

9/30/2014 CERTIFICATE OF SERVICE (see exhibit # 105)

10/14/2014 Hearing on BBT's 6/6/2014 2nd MTD and Hunt's 9/30/2014 Motion for Default Judgment (MFDJ) – see exhibit # 94 and exhibit # 97 and exhibit # 84.

10/14/2014 Brief in opposition to Plaintiff's 6/2[5]/2014 second motion to dismiss the first amended counterclaims; Brief in support of entry of default and default judgment [filed on 10/16/2014]

10/20/2014 Order denying 6/6/2014 motion for sanctions

10/22/2014 Order

10/28/2014 Order denying MFDJ (see exhibit # 94)

10/30/2014 Motion to alter or amend the Judgment/Orders of the Court under SCRCP 59(e) – re the [10/20/2014] Order Denying

Sanctions against BBT; and re the [10/22/2014] Order Denying the numerous Motions heard on 4/21/2014; and the [10/28/2014] Order Denying entry of default as moot.

11/10/2014 Notice of Removal to the USDC - (see exhibit # 80)

12/8/2014 BBT's Motion to Remand (11, 11-1 and 11-2) - (see exhibit # 81)

12/22/2014 Hunt's response to Motion to Remand - (see exhibit # 82)

1/3/2015 BBT's Reply to Hunt's Response (13, 13-1, 13-2) - (see exhibit # 83)

1/13/2015 ORDER [received from HC clerk on 8/10/2015] with envelope - (see exhibit # 84)

4/15/2015 Report and Recommendation - (see exhibit # 85)

5/8/2015 ORDER of Remand from the USDC with envelope - (see exhibit # 86)

5/11/2015 ORDER of Remand from the HC clerk of court filed

5/11/2015 - (see exhibit # 87)

5/27/2015 Motion under SCRCP 41

6/3/2015 ORDER denying motion under SCRCP 41 (see exhibit # 98)

7/27/2015 Letter to the HC clerk of court (see exhibit # 97)

8/11/2015 Motion: Lack of Jurisdiction, SCRC 59 and SCRC 60 re
Order filed on 1/13/2015

8/11/2015 Motion: Lack of Jurisdiction, SCRC 59 and SCRC 60 [re
Order filed on 6/3/2015]

[Certificate of Service of] Documents served on 8/11/2015 (see exhibit
96)

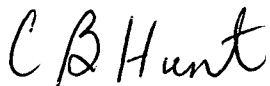
8/27/2015 Email to BBT (see exhibit # 95)

11/10/2015 Brief in support of motions under SCRC 59, 60 and lack
of jurisdiction to void the order of dismissal filed on 1/13/2015; and
reversal of the orders filed on 10/28/2014 & 6/3/2015.

6/15/2016 Order

Certification: I hereby certify that the Designation of Matter contains
no matter which is irrelevant to this appeal.

Respectfully submitted,



Cindy B. Hunt (SC Bar # 65408)
Pro Se
195 D Willow Green
Drive Conway, SC 29526
(843) 488-1131/(843) 347-7230

DATE: December 16, 2016

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM Horry COUNTY

Court of Common Pleas

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Branch Banking and Trust Company,Respondent

v.

Cindy B. Hunt; Willow Greens

Homeowners Association, Inc.;

CJ Developers, LLC.....Defendant(s),

Of Whom Cindy B. Hunt isAppellant

PROOF OF SERVICE

CERTIFICATE OF SERVICE BY MAIL

Appellate Case No. 2016-001550

I, the undersigned Pro Se Appellant and attorney, do hereby certify that I have served a copy of the below listed documents by US Mail, postage prepaid, on 16 December 2016, at the following addresses:

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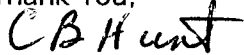
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Jenny Abbott Kitchings, Clerk

PO Box 11629

Columbia, SC 29211

To: Sean Foerster
Rogers Townsend & Thomas, PC
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Columbia, SC 29202

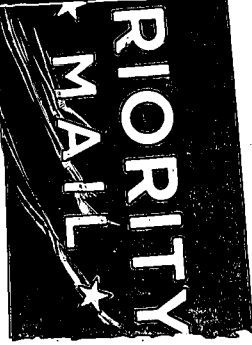
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Cindy B. Hunt, Pro Se. (SC Bar # 65408)

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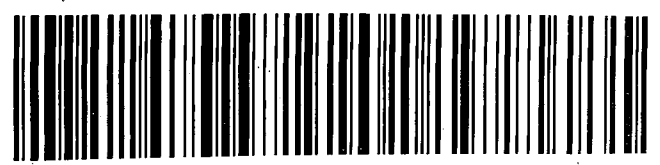
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