

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

C. Heath Ruffner, Special Referee

Appellate Case No. 2016-001838

RECEIVED
MAR 14 2017
SC Court of Appeals

AMERICAN COMMUNITY BANK,
a division of Yadkin Valley Bank & Trust, Respondent,

vs.

MICHAEL R. BROWN; C. W. HORNE;
SHORTT AUCTION & REALTY CO., INC.;
BANK OF AMERICA, N.A.; and
JAGUAR PORTFOLIO, LLC, Defendants,

of whom MICHAEL R. BROWN is Appellant.

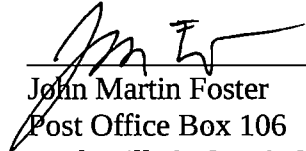
DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

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

1. Order of the Honorable J. Michael Baxley dated July 27, 2012 and recorded August 6, 2012
2. Order of the Honorable J. Michael Baxley dated November 5, 2012 and recorded November 7, 2012
3. Order of Foreclosure of the Honorable C. Heath Ruffner dated July 25, 2016 and recorded July 26, 2016
4. Complaint of Respondent, with attachments, recorded May 4, 2010
5. *Lis Pendens*, recorded May 4, 2010
6. Answer, Counterclaim and Third Party Complaint of Appellant recorded September 13, 2010
7. Respondent's Motion for Summary Judgment, dated March 9, 2012
8. Respondent's Memorandum in Support of Motion for Summary Judgment
9. Appellant's Memorandum in Opposition to Motion for Summary Judgment, dated July 11, 2012

10. Appellant's Motion to Alter or Amend Judgment, recorded August 21, 2012
11. Transcript of Hearing, July 22, 2016, p. 3-27.

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



John Martin Foster
Post Office Box 106
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(803) 324-8100
Attorney for Appellant

March 8, 2017

Rock Hill, South Carolina

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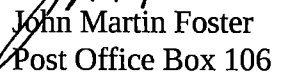
PROOF OF SERVICE

I certify that I have served the Initial Brief of Appellant and Designation of Matter to Be Included in the Record on Appeal, dated March 8, 2017, on the following counsel of record:

James W. Sheedy
Susan E. Driscoll
Driscoll Sheedy, P.A.
11520 North Community House Road, Suite 200
Charlotte, North Carolina 28277

by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known addressees) of those attorney(s) and/or persons set out below, all pursuant to Rule 233(b), S.C.A.C.R.

March 8, 2017



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JOHN MARTIN FOSTER

Attorney at law

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223 East Main Street Suite 520	Rock Hill SC	803 324 8109 Fax
Rock Hill South Carolina 29730	29731-6106	jmfoster@comporium.net

March 8, 2017

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

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SC Court of Appeals

Re: American Community Bank, Respondent
v. Michael R. Brown, Appellant
Appellate Case No. 2016-001838

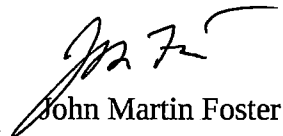
Dear Ms. Kitchings:

In accordance with Rules 208 and 209, S.C.A.C.R., enclosed herewith please find the original and one (1) copy of the Appellants' Initial Brief and Designation of Matter to be Included in the Record on Appeal, together with the Certificate of Service for the same in the above referenced case.

By copy of this letter, I am serving the attorneys for the Respondent with copies of the Initial Brief and Designation, as evidenced by the Certificate of Service.

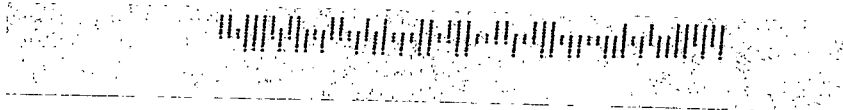
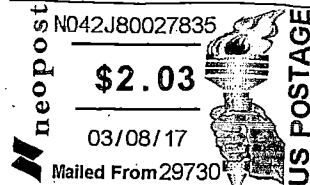
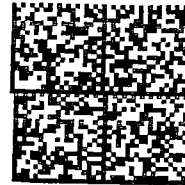
Please return the extra conformed copy to my office in the enclosed self-addressed, stamped envelope. As always, thank you, and your staff, for your assistance in these matters.

Sincerely yours,


John Martin Foster

jmf/
enclosures

cc: James W. Sheedy
Susan E. Driscoll
Driscoll Sheedy, P.A.
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11520 North Community House Road, Suite 200
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John Martin Foster Attorney

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TO:

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
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Columbia, S.C. 29211

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