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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master in Equity for Charleston County

Appellate Case No. 2015-001182

The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-17, Mortgage Pass-Through Certificates, Series 2005-17,

Respondent,

v.

Martin H. Seppala, Thomas F. True III, as Trustee of the Jate IV Trust utd 7-7-2000, The Jate IV Trust utd 7-7-2000, David A. Collins, William J. Thrower, The United States of America, The South Carolina Department of Revenue, 4th National Harbor Realty Trust, Snee Farms Community Foundation, Inc.

Of Whom Thomas F. True as Trustee of the Jate IV Trust utd 7-7-2000, The Jate IV Trust utd 7-7-2000, David A. Collins, and William J. Thrower are

Appellants.

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

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

1. Lis Pendens, Summons and Complaint in Civil Action No. 2011-CP-10-08412, filed November 14, 2011;
2. Certification of Exemption from S.C. Supreme Court Administrative Order 2011-05-02-01, filed November 14, 2011;
3. Answer of Defendants Thomas F. True, III, as Trustee of the Jate IV Trust, David A. Collins, and William J. Thrower, filed January 4, 2012;

Bank of New York Mellon, as Trustee, et al. v. Seppala
Appeal from Charleston County Court of Common Pleas
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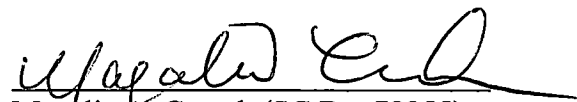
4. Affidavit of Default, filed March 22, 2012;
5. Order of Reference to Master in Equity, filed March 22, 2012;
6. Order Striking Case from Active Docket, filed May 25, 2012;
7. Order Restoring Case to Active Docket, filed October 8, 2012;
8. Motion to Intervene, filed November 6, 2012;
9. Consent Scheduling Order, filed June 2, 2014;
10. Order Denying Motion to Intervene, filed June 4, 2014;
11. Plaintiff/Respondent's Motion for Summary Judgment filed November 7, 2014;
12. Plaintiff/Respondent's Affidavit in Support of Motion for Summary Judgment filed November 7, 2014;
13. Defendants/Appellants' Opposition to Summary Judgment, filed December 1, 2014;
14. Defendant John True/Appellant's Affidavit in Opposition to Summary Judgment, filed December 1, 2014;
15. Plaintiff/Respondent's Notice of Summary Judgment Hearing, filed January 12, 2015;
16. Plaintiff/Respondent's Affidavit of Verified Statement of Account, filed January 22, 2015;
17. Form 4C Order Granting Summary Judgment, filed March 24, 2015;
18. Order and Judgment of Foreclosure and Sale, filed March 24, 2015;
19. Defendants/Appellants' Motion for Reconsideration, filed April 7, 2015;
20. Order Denying Defendants/Appellants' Motion for Reconsideration, filed April 27, 2015;
21. Defendants/Appellants' Motion for Supersedeas Bond, filed May 1, 2015;
22. Order Establishing Foreclosure Bond, filed May 1, 2015;

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23. Defendants/Appellants' Notice of Appeal, filed June 1, 2015;
24. Defendant/Appellant Jate IV Trust Notice of Chapter 11 Bankruptcy Filing, filed July 22, 2015;
25. Order Granting Motion to Dismiss Defendant/Appellant Jate IV Trust Bankruptcy Case, filed December 20, 2016;
26. Certificate of Service for Notice of Sale, filed January 20, 2017;
27. Defendants/Appellants' Motion for Entry of TRO, filed February 6, 2017
28. Form 4C Order Denying Form 4C Defendants/Appellants' Motion for Entry of TRO, filed February 14, 2017;
29. Filed Master's Order of Sale and Disbursement, filed February 14, 2017; and
30. Master Deed, recorded February 22, 2017.

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

Respectfully submitted,



Magalie A. Creech (SC Bar 78855)
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Attorney for Respondent

April 18, 2017

THE STATE OF SOUTH CAROLINA
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Respondent,

v.

Martin H. Seppala, Thomas F. True III, as Trustee of the Jate IV Trust utd 7-7-2000, The Jate IV Trust utd 7-7-2000, David A. Collins, William J. Thrower, The United States of America, The South Carolina Department of Revenue, 4th National Harbor Realty Trust, Snee Farms Community Foundation, Inc.

Of Whom Thomas F. True as Trustee of the Jate IV Trust utd 7-7-2000, The Jate IV Trust utd 7-7-2000, David A. Collins, and William J. Thrower are

Appellants.

PROOF OF SERVICE

I certify that I have served the *Respondent's Initial Brief and Designation of Matter* by depositing a copy of same in the United States Mail, postage prepaid, on April 18, 2017, addressed to Appellants' counsel of record, Peter H. Rosenthal, Esquire, 647 Pleasant Street, Weymouth, MA 02189.

(SIGNATURE PAGE FOLLOWS)

Bank of New York Mellon, as Trustee, et al. v. Seppala
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Attorney for Respondent

January 18, 2017



MAGALIE A. CREECH
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REPLY TO:
CHARLESTON LITIGATION

April 18, 2017

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

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SC Court of Appeals

RE: Bank of New York Mellon, as Trustee, et al. v. Seppala
Appellate Case No.: 2015-001182
Our File No.: 53960.48575

Dear Ms. Kitchings:

Enclosed for filing is the *Respondent's Initial Brief and Designation of Matter* and related *Proof of Service* in the above-referenced case, which we kindly ask you to file and return in the attached, self-addressed, stamped envelope.

Should you have any questions concerning this matter, please do not hesitate to contact our office at your earliest convenience.

With kind personal regards, we are

Yours very truly,

FINKEL LAW FIRM

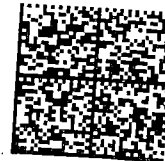
Magalie A. Creech

CC: Peter H. Rosenthal, Esquire

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