

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

**APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas**

*The Hon. R. Markley Dennis, Jr., Circuit Court Judge*

**Appellate Case No. 2016-002192**

*Civil Action No. 2012-CP-08-3478*

*Civil Action No. 2012-CP-08-2618*

**Bank of North Carolina**..... *Respondent,*

v.

**Anthony M. Whitfield and Cindy Whitfield** ..... *Defendants.*

Of whom Anthony M. Whitfield is the Appellant and Cindy Whitfield is a  
Respondent.

**Anthony M. Whitfield**..... *Appellant,*

v.

**David Swanson**..... *Respondent.*

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

**Andrew J. McCumber**  
*Slotchiver & Slotchiver, LLP*  
44 State Street  
Charleston, South Carolina 29401  
Telephone: (843) 577-6531

**COUNSEL FOR THE APPELLANT**

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

1. *Order Granting Motion to Reconsider dated September 29, 2016*
2. *Order Denying Motion to Dismiss Dated July 18, 2016.*
3. *Consent Order to Amend Answer*
4. *Summons & Complaint (Bank of North Carolina)*
5. *Answer (Anthony M. Whitfield)*
6. *Reply (Bank of North Carolina)*
7. *Amended Answer and Counterclaims (Anthony M. Whitfield)*
8. *Reply to Amended Answer (Bank of North Carolina)*
9. *Answer to Defendant's Third Party Claims (David Swanson)*
10. *Motion to Amend Answer and Add New Parties (Anthony M. Whitfield)*
11. *Motion to Dismiss (David Swanson)*
12. *Motion to Reconsider Pursuant to Rule 59(e) (David Swanson)*
13. *Memorandum in Opposition to Motion to Dismiss (Anthony M. Whitfield)*
14. *Transcript of Proceedings dated September 20, 2016*
15. *Notice of Appeal*
16. *Appellant's Brief (Bank of N. Carolina v. Whitfield, et al, App. Case No. 2016-002193)*

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**CERTIFICATION BY COUNSEL**

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I, the undersigned counsel, do hereby certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted this **10th** day of **May, 2017**.

By: 

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**COUNSEL FOR THE APPELLANT**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

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Case No. 2012-CP-08-3478  
Case No. 2012-CP-08-2618

Appellate Case No. 2016-002192

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Bank of North Carolina, Respondent,

v.

Anthony M. Whitfield and Cindy Whitfield, Defendants

Of whom Anthony Whitfield is the Appellant and Cindy Whitfield is a Respondent.

Anthony Whitfield, Appellant,

v.

David Swanson, Respondent.

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**PROOF OF SERVICE**

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**Andrew J. McCumber, Esquire**  
**Slotchiver & Slotchiver, LLP**  
*S.C. Bar No.: 101559*  
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**COUNSEL FOR APPELLANT**

I, the undersigned counsel of record, hereby certify that I have served the Appellant's Initial Brief and Designation of Matters to be Included in the Record on Appeal upon the Respondents Bank of North Carolina, Cindy Whitfield, and David Swanson by depositing a copy of same in the United States Mail, postage prepaid, on March 27, 2017 addressed to their attorney of record, as follows:

**David W. Overstreet, Esquire**  
Farhart Overstreet, LLC  
Post Office Box No. 22528  
Charleston, South Carolina 29413  
(843) 972-9400

ATTORNEY FOR RESPONDENT DAVID SWANSON

**Brian C. Duffy, Esquire**  
Duffy & Young, LLC  
96 Broad Street  
Charleston, South Carolina 29401  
(843) 720-2044

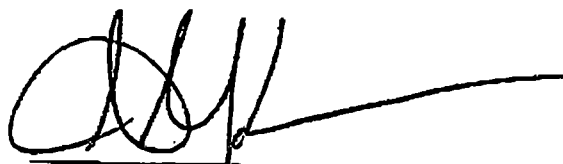
ATTORNEYS FOR RESPONDENT BANK OF NORTH CAROLINA

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ATTORNEY FOR RESPONDENT CINDY WHITFIELD

Respectfully submitted this 10th day of May, 2017.

By:



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May 10, 2017

VIA REGULAR MAIL & FACSIMILE:

THE HONORABLE JENNY ABBOTT KITCHINGS  
CLERK, SOUTH CAROLINA COURT OF APPEALS  
POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211

RECEIVED  
MAY 11 2017  
SC Court of Appeals

RE: Bank of North Carolina v. Anthony M. Whitfield  
Appellate Case No.: 2016-002192  
Case Nos.: 2012-CP-08-2618; 2012-CP-08-3478

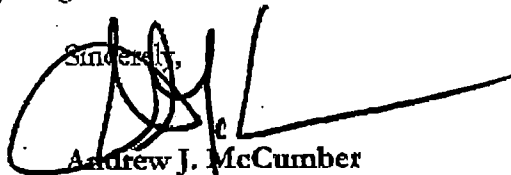
Dear Ms. Kitchings:

Enclosed you will please find two (2) copies of the Appellant's Initial Brief, along with two (2) copies of the Certificate of Service with regard to same for filing. Please return one clocked copy to my office using the self-addressed, postage-paid envelope you will also find enclosed.

Please note that I have copied all counsel of record to this correspondence pursuant the South Carolina Appellate Rules.

I thank you in advance for your time and attention to this matter, and please do not hesitate to let me know if the Court requires anything further from us in this regard.

Sincerely,



Andrew J. McCumber  
Attorney for the Appellant

AJM/ssh  
Enclosure(s) as stated.

cc: David W. Overstreet, Esquire (via regular mail)  
Brian C. Duffy, Esquire (via regular mail)  
Paul B. Ferrara, III, Esquire (via regular mail)  
Brent Halversen, Esquire (via email)  
Daniel S. Slotchiver, Esquire (via email)

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## FAX COVER SHEET

DATE: 5/10/17  
TO: SC COURT OF APPEALS  
FROM: ANDREW J. MCCUMBER  
RE: 2016-002192  
PAGES: 25 (INCLUDING COVER SHEET)

FAX NO: (803) 734-1839

**RECEIVED**

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SC Court of Appeals

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