

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Robert E. Hood, Circuit Court Judge

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Appellate Case No. 2017-000180

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U.S. Bank National Association, as  
Trustee, as Successor-in-Interest to Bank of  
America, N.A., as Successor by Merger to  
Lasalle Bank National Association, as  
Trustee for the Registered Holders of Bear  
Stearns Commercial Mortgage Securities,  
Inc., Commercial Mortgage Pass-Through  
Certificates, Series 2007-TOP26,

Respondents,

v.

AW-MAGPIG, LLC; HW-MAGPIG, LLC;  
and MW-MAGPIG, LLC,

Appellants,

v.

Wells Fargo Bank, N.A., and Meridian  
Capital Group, LLC,

Third-Party Defendants.

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SC Court of Appeals

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

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

ORDERS

1. Order Denying Motion for Reconsideration or In the Alternative Staying Enforcement;
2. Order Requiring Turnover of Collateral and Sequestering Rents;
3. Form 4 Order Denying The Motion to Dismiss or In the Alternative to Add a Necessary Party;

## PLEADINGS

4. Defendants and Third Party Plaintiffs' Answer to Plaintiffs' First Amended Complaint, Counterclaims and Third-Party Complaint;
5. First Amended Summons and Complaint;
6. Plaintiff's Reply to Defendant's Counterclaims;
7. Answer of Third-Party Defendant Wells Fargo Bank, N.A. to Third-Party Complaint;
8. Defendants and Third Party Plaintiffs' First Amended Answer, Counterclaims and Third-Party Complaint;
9. Defendants and Third Party Plaintiffs' Answer, Counterclaims and Third-Party Complaint;
10. Summons and Complaint;

## HEARING TRANSCRIPTS

11. Hearing Transcript – Transcript of Record Before The Honorable Robert E. Hood, October 26, 2016;
12. Hearing Transcript – Transcript of Record Before The Honorable Jean H. Toal, Decemeber 14, 2016;

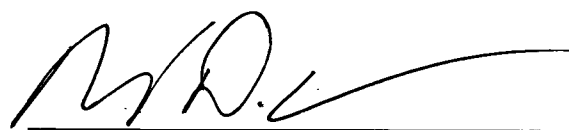
## MOTIONS AND SUPPORTING MEMORANDUM OF LAW

13. Notice of Motion and Motion for Reconsideration of In The Alternative Requiring that Plaintiff Post a Bond for The Injunction It Obtained and/or In The Alternative Staying Enforcement of Court's Previous Order Pending Appeal;
14. Defendant's Supplemental Memorandum of Law in Opposition to Plaintiffs' Motion For Order Requiring Turnover of Collateral and Sequestering Rents;
15. Plaintiff's Memorandum of Law in Support of Motion for Order Requiring Turnover of Collateral and Sequestering Rents;
16. Memorandum of Law in Opposition to Plaintiffs' Motion for Order Requiring Turnover of Collateral and Sequestering Rents;
17. Motion for Order Requiring Turnover of Collateral and Sequestering Rents;

## OTHER

18. Affidavit of Richard Faulkenberry;
19. Verification of S. Michael Dickerson, Servicing Officer of C-III Asset Management LLC;
20. Affidavit of David Weiss;
21. Affidavit of S. Michael Dickerson.

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



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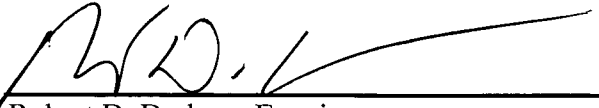
Third-Party Defendants.

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PROOF OF SERVICE

I certify that I have served Appellants' Initial Brief and Designation of Matter on Respondents U.S. Bank National Association, as Trustee, as Successor-in-Interest to Bank of America, N.A., as Successor by Merger to Lasalle Bank National Association, as Trustee for the Registered Holders of Bear Stearns Commercial Mortgage Securities, Inc., Commercial Mortgage Pass-Through Certificates, Series 2007-TOP26 by depositing a copy of it in the United States Mail, postage prepaid, on May 30, 2017, addressed to their attorneys of record, James H. Pulliam, Esquire, David H. Simpkins, Esquire, Kilpatrick Townsend & Stockton, LLP, 214 N. Tryon Street, Suite 2400, Charlotte, NC 28202-2381.

May 30, 2017

  
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May 30, 2017

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SC Court of Appeals

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

RE: U.S. Bank National Association, as Trustee, as successor-in-interest to Bank of America, N.A., as successor by merger to LaSalle Bank National Association, as Trustee for the registered holders of Bear Stearns Commercial Mortgage Securities, Inc., and Commercial Mortgage Pass-Through Certifies, Series 2007-TOP26, Respondents, vs. AW-MAGPIG, LLC, HW-MAGPIG, LLC, AND MW-MAGPIG, LLC, Appellants.

Dear Ms. Kitchings:

Enclosed for filing is Appellants' Initial Brief and Designation of Matter in the above-referenced case.

May 30, 2017

A handwritten signature in black ink, appearing to read "R.D.", written over a horizontal line.

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