

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

Appellate Case No. 2016-002192

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RECEIVED

JUN 14 2017

SC Court of Appeals

Bank of North Carolina,

Respondent,

v.

Anthony 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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**RESPONDENT DAVID SWANSON'S DESIGNATION OF MATTERS  
TO BE INCLUDED IN THE RECORD ON APPEAL**

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

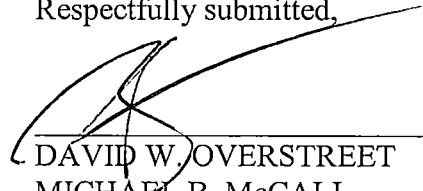
1. Form 4 Order Denying Motion to Dismiss entered June, 30, 2016 in Berkeley County  
Action 2012-CP-08-2618
2. Form 4 Order Denying Motion to Dismiss entered June, 30, 2016 in Berkeley County  
Action 2012-CP-08-3478

3. Order Granting Respondent's Rule 59(e) motion entered September 29, 2016 in Berkeley County Action 2012-CP-08-2618
4. Order Granting Respondent's Rule 59(e) motion entered September 29, 2016 in Berkeley County Action 2012-CP-08-3478
5. Plaintiff's Complaint filed September 7, 2012 in Berkeley County Action 2012-CP-08-2618
6. Plaintiff's Complaint filed December 7, 2012 in Berkeley County Action 2012-CP-08-3478
7. Appellant's Fifth (misabeled as Fourth) Amended Answer, Affirmative Defenses, Crossclaim and Counterclaim dated March 4, 2016 in Berkeley County Action 2012-CP-08-2618
8. Appellant's Fourth Amended Answer, Affirmative Defenses, Crossclaim and Counterclaim Dated March 4, 2016 in Berkeley County Action 2012-CP-08-3478
9. Plaintiff's Reply to Defendant's Fourth Answer, Affirmative Defenses, and Counterclaim dated May 8, 2014 in Berkeley County Action 2012-CP-08-2618
10. Plaintiff's Reply to Defendant's Third Answer, Affirmative Defenses, and Counterclaim dated May 8, 2014 in Berkeley County Action 2012-CP-08-3478
11. Appellant's Fifth (misabeled as Fourth) Amended Answer, Affirmative Defenses, Crossclaim and Counterclaim dated March 21, 2016 in Dorchester County Action 2014-CP-18-1793
12. Appellant's Fourth Amended Answer, Affirmative Defenses, Crossclaim and Counterclaim dated March 4, 2016 in Dorchester County Action 2014-CP-18-1792
13. Appellant's Amended Answer, Affirmative Defenses, Crossclaim and Counterclaim dated March 4, 2016 in Dorchester County Action 2014-CP-18-0358
14. Plaintiff's Complaint in the Charleston County Action (2012-CP-10-5887) dated September 5, 2015
15. Plaintiff's Reply to Third Amended Answer, Affirmative Defenses and Counterclaims in the Charleston County Action (2012-CP-10-5887) dated September 10, 2014
16. Appellant's Fifth Amended Answer, Affirmative Defenses, Crossclaim and Counterclaims in the Charleston County Action (2012-CP-10-5887) dated September 8, 2016

17. Respondent Swanson's Answer to Defendant/Third Party Plaintiff's Amended Answer, Affirmative Defenses Crossclaim, Counterclaims and Third Party Complaint dated April 4, 2016 in Berkeley County Action 2012-CP-08-2618
18. Respondent Swanson's Answer to Defendant/Third Party Plaintiff's Amended Answer, Affirmative Defenses Crossclaim, Counterclaims and Third Party Complaint dated April 4, 2016 in Berkeley County Action 2012-CP-08-3478
19. Respondent Swanson's Motion to Strike or Dismiss Defendant/Third Party Plaintiff's Complaint dated April 4, 2016 in Berkeley County Action 2012-CP-08-2618
20. Respondent Swanson's Motion to Strike or Dismiss Defendant/Third Party Plaintiff's Complaint dated April 4, 2016 in Berkeley County Action 2012-CP-08-3478
21. Appellant's Memorandum in Opposition to Respondent Swanson's Motion to Strike or Dismiss Defendant/Third Party Plaintiff's Complaint dated June 24, 2016 in Berkeley County Action 2012-CP-08-2618
22. Appellant's Memorandum in Opposition to Respondent Swanson's Motion to Strike or Dismiss Defendant/Third Party Plaintiff's Complaint dated June 24, 2016 in Berkeley County Action 2012-CP-08-3478
23. Respondent Swanson's Rule 59(e) Motion dated July 11, 2016 in Berkeley County Action 2012-CP-08-2618
24. Respondent Swanson's Rule 59(e) Motion dated July 11, 2016 in Berkeley County Action 2012-CP-08-3478
25. Appellant's Notice of Appeal Dated October 21, 2016 in in Berkeley County Action 2012-CP-08-2618
26. Appellant's Notice of Appeal Dated October 21, 2016 in Berkeley County Action 2012-CP-08-3478
27. Transcript of Hearing, June 28, 2016 in Berkeley County
28. Transcript of Hearing, September 20, 2016 in Berkeley County

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

Respectfully submitted,



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DAVID W. OVERSTREET

MICHAEL B. McCALL

STEVEN R. KROPSKI

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(843) 972-9404

Attorneys for Respondent Swanson

June 9, 2017

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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**CERTIFICATE OF SERVICE**

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I certify that on the date indicated below, I served *Initial Brief of Respondent David Swanson*, as well as *Respondent David Swanson's Designation of Matters to be Included in the Record on Appeal* upon Appellant and Respondents by U.S. Mail on June 9, 2017, postage paid, addressed to their attorneys of record as follows:

Brent S. Halverson, Esq.  
Halversen & Associates, LLC  
171 Church Street, Suite 300  
Charleston, SC 29401

Andrew J. McCumber, Esq.  
Daniel S. Slotchiver, Esq.  
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**Attorneys for Appellant**

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**Attorneys for Respondent Bank of  
North Carolina**

Paul B. Ferrara, III, Esquire  
Ferrara Law Firm, PLLC  
2300 Otranto Road  
N. Charleston, SC 29406  
**Attorneys for Respondent Cindy  
Whitfield**

This 9<sup>th</sup> day of June, 2017.



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June 9, 2017

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SC Court of Appeals

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

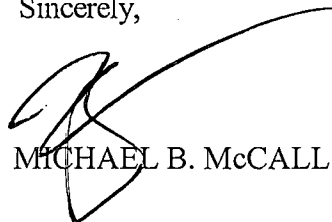
Re: Bank of North Carolina v. Whitfield v. Swanson  
Appellate Case No.: 2016-002192  
EO File No.: 130-0163

Dear Ms. Kitchings:

Enclosed please find for filing in the above-reference matter the Initial Brief of Respondent David Swanson, Respondent David Swanson's Designation of Matters to be Included in the Record on Appeal, and proof of service of the same.

By copy of this correspondence, I have served the same upon all counsel of record. If you have any questions or concerns, please do not hesitate to contact me. Thank you in advance for your attention to this matter.

Sincerely,

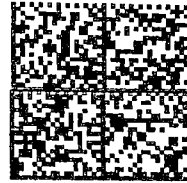


MICHAEL B. McCALL

MBM:tmm

Enclosures

cc: Brent Halversen, Esq.  
Andrew J. McCumber, Esq.  
Brian C. Duffy, Esq.  
Paul B. Ferrera, Esq.



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 Charleston, SC 29413

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 Clerk of Court for SC Court of Appeals  
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 Columbia, South Carolina 29211

