

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

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

Honorable Steven C. Kirven, Master-In-Equity

Case No. 2011-CP-37-1056

Appellate Case No. 2017-000886

Federal National Mortgage Association.....RESPONDENT

v.

John D. Dalen, Julie A. Dalen and Wawtockace Hills Property Owners
Association,.....DEFENDANTS

Of whom John D. Dalen and Julie A. Dalen are.....APPELLANTS

v.

Bank of America, N.A., successor by merger to BAC Home Loans Servicing, L.P. f/k/a
Countrywide Home Loans Servicing, L.P..... RESPONDENT

**RESPONDENT BANK OF AMERICA, N.A.'S
DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL**

Respondent Bank of America, N.A., successor by merger to BAC Home Loans
Servicing, L.P. f/k/a Countrywide Home Loans Servicing, L.P. ("BANA"), hereby submits the
following Designation of Matter to be included in the Record on Appeal:

1. Complaint filed October 31, 2011

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2. Assignments of Mortgage (recorded May 16, 2011 and April 22, 2015) filed March 2, 2017
3. The Dalens' Motion to Dismiss filed November 22, 2011
4. The Dalens' Answer, Affirmative Defenses, Counterclaims, and Demand for Jury Trial filed February 21, 2012
5. Order Denying Motion to Dismiss entered March 7, 2012
6. BANA's Affidavit filed April 13, 2012
7. Order Denying Motion for Reconsideration entered June 20, 2012
8. BANA's Motion for Summary Judgment filed December 4, 2013
9. Order Denying BANA's Motion for Summary Judgment entered July 9, 2014
10. The Dalen' Motion for Summary Judgment filed November 17, 2014
11. Motion to Strike Jury Trial Demand and Refer to the Master-in-Equity filed November 17, 2014
12. Form 4 Order entered January 28, 2015
13. Order Denying the Dalens' Motion for Summary Judgment and Granting BANA's Motion to Strike Jury Trial Demand and Refer to the Master-in-Equity entered February 25, 2015
14. The Dalens' Motion to Compel Discovery filed March 17, 2015
15. The Dales' Motion to Compel Mediation filed March 17, 2015
16. BANA's Motion to Substitute Plaintiff filed June 1, 2015
17. Order Substituting Plaintiff entered September 23, 2015
18. BANA's Motion to Amend Scheduling Order filed February 16, 2016
19. BANA's Renewed Motion for Summary Judgment filed March 9, 2016

20. BANA's Memorandum of Law in Support of Renewed Motion for Summary Judgment, including all attached exhibits, filed March 21, 2016
21. The Dalens' Motion to Dismiss filed May 5, 2016
22. Order removing foreclosure action from active docket entered on May 11, 2016
23. Order restoring foreclosure action to active docket entered on July 28, 2016
24. Order Granting BANA's Renewed Motion for Summary Judgment entered July 28, 2016
25. Motion for Reconsideration of Summary Judgment filed August 8, 2016
26. Order Denying Motion for Reconsideration entered October 13, 2016
27. Order Denying the Dalens' Motion to Dismiss entered on October 13, 2016
28. Order Dismissing Appeal of Order Denying Motion to Dismiss entered November 18, 2016
29. Transcript of March 23, 2016 Hearing before the Honorable Ellis B. Drew, Jr., Master-in-Equity, including all Exhibits entered into evidence during the Hearing including:
 - i. September 12, 2014 Transcript of Deposition of Zachary Chromiak
 - ii. September 12, 2014 Transcript of John Dalen
30. Transcript of March 2, 2017 Hearing before the Honorable Steven C. Kirven, Master-in-Equity, including all Exhibits entered into evidence on during March 2, 2017 Hearing:
 - i. Mortgage
 - ii. Promissory Note
 - iii. Assignments of Mortgage
 - iv. Summary of Payment Amount Due
 - v. Payment History
 - vi. Demand Letter, and

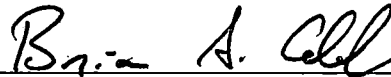
vii. Affidavit of Attorney's Fees and Costs

31. Amended Notice of Appeal filed April 20, 2017

The undersigned counsel hereby certifies that this Designation contains no matter which is irrelevant to the appeal.

Date: July 14, 2017

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*Attorney for Respondent Bank of America, N.A.,
successor by merger to BAC Home Loans Servicing,
L.P. f/k/a Countrywide Home Loans Servicing, L.P.*

CERTIFICATE OF SERVICE

The undersigned certifies that Respondent Bank of America, N.A., successor by merger to BAC Home Loans Servicing, L.P. f/k/a Countrywide Home Loans Servicing, L.P.'s *Designation of Matter to be Included in the Record on Appeal* was served on the parties to this action by depositing a copy thereof in the United States Mail, first class, postage prepaid, on July 14, 2017, to the following:

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July 14, 2017

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Jenny Abbott Kitchings
Court of Appeals Clerk of Court
1220 Senate Street
Columbia, SC 29201

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RE: *Federal National Mortgage Association v. John D. Dalen, et al.*
Court of Appeals No. 2017-000886
Court of Common Pleas No. 2011-CP-37-001056

Dear Ms. Kitchings:

Enclosed for filing are the original and one copy of *Respondent Bank of America, N.A.'s Initial Brief and Designation of Matter* in this matter. Please file the documents, and return file-stamped copies to me in the self-addressed, stamped envelope also included.

Thank you for your attention to this matter. If you have any questions, please contact our office.

Sincerely,

MCGUIREWOODS LLP



Cindy J. Smith
Practice Assistant to Brian A. Calub

/cjs
Enclosures

cc: John D. Dalen & Julie A. Dalen, *Pro Se* (w/encl.)
Charles S. Gwynne, Jr. (w/encl.)

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TO **JENNY ABBOTT KITCHINGS**
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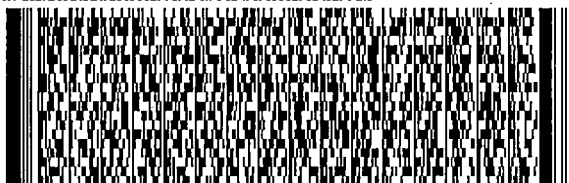
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