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July 28, 2017

**VIA FIRST CLASS MAIL AND EMAIL**

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Charleston, South Carolina 29401  
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Re: Bank of North Carolina v. Whitfield v. Swanson  
Appellate Case No.: 2016-002192 (Whitfield #1)  
EO File No.: 130-0163

Dear Brent, Dan and Andrew:

We write to address certain deficiencies with the Record on Appeal in the above referenced Berkeley County appeals. As an initial matter, we have repeatedly requested that you provide an index of the materials in the Record on Appeal as is required by Appellate Court Rule 210, however, we have not received a response. In this regard, it is not entirely clear which documents you intend to be included in the Record on Appeal. Moreover, the Record on Appeal does not comply with Rule 210 in that it is not organized in the manner required by the Rule.

Furthermore, there are several deficiencies in the Record on Appeal as served which prohibit us from being able to complete and file our Final Brief, while other documents in the Record on Appeal were not designated by any party. In particular, the Plaintiff's Summons and Complaint in both Berkeley County Cases (Items 5 and 6 on Respondent Swanson's Designation of Matter) are not included in the Record on Appeal. Conversely, the Order denying Whitfield's Motion to Reconsider in the Dorchester County 2014-CP-18-0358 action, and the Order granting Respondent Swanson's Motion to Dismiss in the same Dorchester County action were not designated by any party. Similarly, Appellant Whitfield's Motion to Alter/Amend filed in the previously referenced Dorchester County action was not designated by any party.

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AUG 28 2017

SC Court of Appeals

Brent S. Halversen, Esquire  
Daniel S. Slotchiver, Esquire  
Andrew J. McCumber, Esquire  
August 28, 2017

Due to these deficiencies in the current Record on Appeal, we are unable to submit a proper Final Brief with citations to the Record on Appeal as required by Rule 211. Please correct these deficiencies as soon as possible and serve a corrected Record on Appeal.

By copy of this correspondence, we are serving the same upon all counsel of record and the South Carolina Court of Appeals to serve as notice of the deficiencies within the Record on Appeal. 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,

A handwritten signature in black ink, appearing to read "STEVEN R. KROPSKI", is written over a dotted grid background.

STEVEN R. KROPSKI

SRK:tmm

Enclosures

cc: Clerk, South Carolina Court of Appeals  
Brian C. Duffy, Esq.  
Paul B. Ferrera, Esq.

# Fax

## FACSIMILE

**Date:** 8/28/2017  
**To:** 8037341839  
**From:** Steve Kropski  
**Subject:** Bank of North Carolina v. Whitfield v. Swanson; Appellate Case No.:2016-002192 (Whitfield #1)

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AUG 28 2017

SC Court of Appeals

Good evening,

Please see the attached correspondence regarding the above matter. Please feel free to contact our office if you have any questions.

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[image: EO Logo] <<http://earhartoverstreet.com/>>

\*Steven R. Kropski\*

Attorney

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