

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

RECEIVED

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

JAN 23 2018

The Honorable Charles B. Simmons, Jr., Master-in-Equity

SC Court of Appeals

Docket No.: 2014-CP-23-04097

First Citizens Bank and Trust Company, Inc.,Respondent,

v.

Ronald D. Taylor and Ted D. Smith,Defendants,

Of Whom the Smith Family, LLC, WHS Properties, LLC, and Wanda H. Smith are the Appellants.

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

The Respondent, First Citizens Bank and Trust Company, Inc., designates the following
be included in the Record on Appeal (in chronological order):

1. Summons and Complaint, filed 7/28/2014;
2. Answer, filed 8/28/2014;
3. Order Granting Plaintiff's Motion for Summary Judgment, filed 10/1/2015;
4. Order Denying Motion to Reconsider, filed 10/29/2015;
5. Writ of Execution, 11/13/2015;
6. Verified Petition for Supplemental Proceedings, filed 11/2/2016;
7. Rule to Show Cause and Order of Reference, filed 11/10/2016;

8. Hearing Transcript (in its entirety), dated 1/23/2017;
9. Motion to Compel and Exhibits, filed 2/16/2017;
10. Motion to Compel and Exhibits, filed 3/2/2017;
11. Order on Motion to Compel, filed 3/15/2017;
12. Order on Plaintiff's Motion to Compel, filed 3/17/2017;
13. Defendants' Motion to Quash, filed 5/2/2017;
14. Plaintiff's Memorandum in Opposition of Motion to Quash and Exhibit, filed 5/16/2017;
15. Order on Motion to Quash, filed 5/22/2017;
16. Deposition Transcript of Ted Smith (in its entirety), dated 5/24/2017;
17. Deposition Transcript of Wanda Smith (in its entirety), dated 5/24/2017;
18. Consent Order, filed 6/1/2017;
19. Motion to Join Additional Parties and Exhibit, filed 6/1/2017;
20. Motion to Execute and Exhibit, filed 6/1/2017;
21. Hearing Transcript (in its entirety),¹ dated 6/23/2017;
22. Memorandum in Support of Motion to Execute and Exhibits, filed 6/19/2017;
23. Order, filed 7/5/2017;
24. Defendant's Motion to Alter or Amend, filed 7/7/2017;
25. Plaintiff's Motion to Compel, filed 7/15/2017;
26. Order ruling on multiple motions, filed 8/7/2017;
27. Motion for Supersedeas, filed 8/9/2017;
28. Notice of Appeal, filed 8/16/2017;

¹ To include the redacted and Bates labeled United Community Bank exhibit discussed at pages 3 and 34 of the hearing transcript.

29. Order Regarding Supersedeas, filed 9/6/2017;
30. Plaintiff's Motion to Compel and Exhibit, filed 10/5/2017; and
31. Order Regarding Modification of Supersedeas, filed 10/20/2017.

BRUNER, POWELL, WALL & MULLINS, LLC



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January 23, 2018
Columbia, South Carolina

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CERTIFICATE OF COUNSEL

Pursuant to Rule 209(c), SCACR, the undersigned certifies that this Designation of Matter contains no matter which is irrelevant to the appeal.

BRUNER, POWELL, WALL & MULLINS, LLC



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PROOF OF SERVICE

I, Katie Gjennestad, with the law firm of Bruner, Powell, Wall & Mullins, LLC, Attorneys for the Respondent, do hereby certify that on this 23rd day of January, 2018, I served the **INITIAL BRIEF OF RESPONDENT AND RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** upon counsel for the Appellants by depositing a copy of same in the U.S. Mail, first class, postage prepaid, addressed as follows:

Via U.S. Mail

Randall S. Hiller, Esquire
Randall S. Hiller, P.A.
850-B Wade Hampton Blvd.
Greenville, SC 29609

January 23, 2018
Columbia, SC


Katie Gjennestad

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SC Court of Appeals

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court -The South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

**RE: First Citizens Bank & Trust Company, Inc. v. Ronald Taylor, et al.
Appellate Case No.: 2017-001700
BPWM File No.: 8-2545.119**

Dear Ms. Kitchings:

Enclosed herewith you will find an original and two (2) copies of the **Initial Brief of Respondent and Respondent's Designation of Matter to be Included in the Record on Appeal**. Also enclosed is a Proof of Service evidencing service of the same upon counsel for the Appellants. I kindly ask that your staff file the original and copies in accordance with your procedures. Thereafter, I ask that your staff return two (2) filed copies back to my runner who will be waiting. Feel free to call me if you, or a member of your staff, have any questions.

With my kindest regards, I am

Sincerely,



Katie Gjennestad

/kg

Enclosures

cc: Randall S. Hiller, Esq. (Via U.S. Mail w/copy of Encl.)