

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY  
Court of Common Pleas

Daniel W. Stacy, Jr., Special Referee

Case No. 2016-CP-22-00334

The Bank of New York  
Mellon, f/k/a The Bank of  
New York, as trustee for the  
certificateholders of the  
CWABS, Inc., Asset-Backed  
Certificates, Series 2005-16,

Respondent,

v.

Janet M. Smith, Portfolio  
Recovery Associates, LLC and  
James E. Byrdic,

Defendants

Of whom Janet M. Smith is the Appellant.

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DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL

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

1. Order filed May 6, 2019
2. Order Setting Aside Judgment, Vacating Sale, and Dismissing Case Nunc Pro Tunc filed January 16, 2019
3. Plaintiff's Motion and Order for Reference filed August 17, 2016
4. Special Referee's Order and Judgment of Foreclosure and Sale filed September 20, 2016
5. Special Referee's Report on Sale and Order Confirming Sale filed November 28, 2016
6. Complaint
7. Motion to Set Aside Order Vacating Judgment
8. Supplemental Memorandum of Authorities in Opposition to Motion to Set Aside Order Vacating Judgment
9. Affidavit of Defendant Janet M. Smith

10. Defendant's Exhibit B: Emails between Defendant and Plaintiff's Attorney
11. Plaintiff's Exhibit A: Judgment of Foreclosure and Sale filed April 8, 2015, in docket no. 2014-CP-45-0445
12. Plaintiff's Exhibit B: Order Setting Aside Judgment of Foreclosure as to the Third Cause of Action Only and Sale filed December 5, 2018, in docket no. 2014-CP-45-0445
13. Plaintiff's Exhibit E: Order for Writ of Assistance and Writ of Assistance filed January 10, 2017; and Affidavit of Service filed March 20, 2017
14. Plaintiff's Exhibit H: Mortgage
15. Amended Notice of Sale filed October 13, 2016
16. Special Referee's Deed recorded November 28, 2016

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



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Attorney for Janet M. Smith  
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Date: July 3, 2019

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Case No. 2016-CP-22-00334

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Of whom Janet M. Smith is the Appellant.

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PROOF OF SERVICE

I, Jon A. Ozolins, do hereby certify that on July 3, 2019, I served on the following parties the Initial Brief of Appellant and the Designation of Matter to be Included in the Record on Appeal in the above-captioned case by placing a copy of the same in the United States mail, first class mail, postage pre-paid, and addressed as follows:

Theodore von Keller  
Attorney for Respondent  
P.O. Box 4216  
Columbia, SC 29240

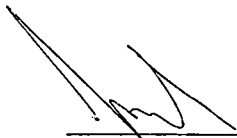
Daniel W. Stacy, Jr.  
Oxner & Stacy, P.A.  
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Pawleys Island, SC 29585

James E. Brydic  
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Portfolio Recovery Associates, LLC  
Adam S. Tesh, Esq.  
Richardson, Plowden, & Robinson, P.A.  
1900 Barnwell Street  
Columbia, SC 29201

Conway, SC

Date: July 3, 2019



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*Balancing the Scales of Justice*

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July 3, 2019

South Carolina Court of Appeals  
1015 Sumter St. Ste5  
Columbia, SC 29201

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SC Court of Appeals

RE: The Bank of New York Mellon et al. v. Janet M. Smith  
Case No.: 2016-CP-22-00334

Dear Sir or Madam:

Please allow me to withdraw the Motion to Enlarge Time to File Initial Brief of Appellant in the above referenced matter. On review of the Appellate Rules, we determined that the Enlargement was no longer necessary. If it has not yet been filed, we would appreciate the return of the filing fee.

Enclosed please find the Initial Brief of Appellant and the Designation of Matter to be Included in the Record on Appeal along with a Proof of Delivery to all parties. If you have any questions or concerns, please do not hesitate to give me a call.

Sincerely,

**South Carolina Legal Services**  
Jon Oxolins  
Staff Attorney



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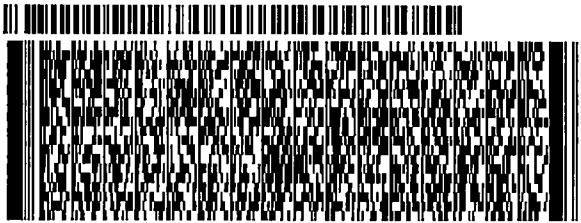
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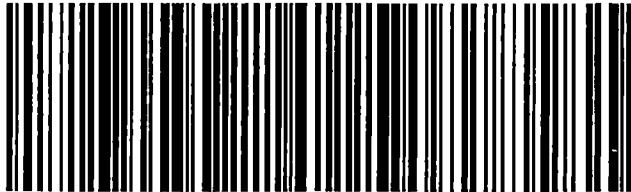
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