

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

Gordon G. Cooper, Master-in-Equity  
2012-CP-42-3549 and 2012-CP-42-2874 (consolidated)

**RECEIVED**  
**Sep 18 2020**  
SC Court of Appeals

U.S. Bank, NA, as Trustee relating to the Chevy Chase  
Funding, LLC Mortgage Backed Certificates, Series 2004-B,..... Plaintiff,

v.

Alyce F. Otto, Individually; Alyce F. Otto Trustee Under Declaration of Trust of Alyce F. Otto  
dated November 17, 2009; TD Bank, NA; The United States of America, acting by and through  
its agency, the Internal Revenue Service; Laura Kerhulas Giese, as Co-Trustee of the Theodore  
Ernest Kerhulas Trust Under Declaration of Trust dated May 25, 2004; Mark Warner Kerhulas, as  
Co-Trustee of the Theodore Ernest Kerhulas Trust Under Declaration of Trust dated May 25, 2004;  
Jackson L. Munsey, Jr.; Citibank, NA. .... Defendants,

AND

Alyce F. Otto, Trustee Under Declaration of Trust of Alyce F. Otto  
dated November 17, 2009 ..... Plaintiff,

v.

Jackson L. Munsey, Jr.,.....Defendant.

Of whom Jackson L. Munsey, Jr., is the.....Appellant,

and

Alyce F. Otto, individually; Alyce F. Otto, Trustee Under Declaration of Trust of Alyce F. Otto  
dated November 17, 2009; TD Bank, NA; Laura Kerhulas Giese, as Co-Trustee of the Theodore  
Ernest Kerhulas Trust Under Declaration of Trust dated May 25, 2004; and Mark Warner  
Kerhulas, as Co-Trustee of the Theodore Ernest Kerhulas Trust Under Declaration of Trust dated  
May 25, 2004 are the ..... Respondents,

**RESPONDENT, ALYCE F. OTTO, INDIVIDUALLY; ALYCE F. OTTO, TRUSTEE  
UNDER DECLARATION OF TRUST OF ALYCE F. OTTO DATED NOVEMBER 17,  
2009 DESIGNATION OF MATTER**

In addition to those materials previously designated by the Appellant, Respondent Alyce  
F. Otto, individually; Alyce F. Otto, Trustee Under Declaration of Trust of Alyce F. Otto dated

November 17, 2009 (“Otto”), proposes the following matter to be included in the Record on Appeal:

1. Contract for Deed
2. Transcript of Merits Hearing 11/24/2015, Otto’s Trial Exhibits 2, 5, 6, 7
3. Transcript of Hearing 2/15/2016
4. Orders filed December 15, 2015, December 22, 2015, January 13, 2016, January 29, 2016, April 19, 2016, February 17, 2020, February 28, 2020
5. Munsey’s Motion to Alter or Amend dated January 6, 2016
6. Munsey’s Affidavit of Undertaking

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

Respectfully submitted,

s/ Sarah P. Spruill

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*Attorneys for Respondent Alyce F. Otto,  
individually; Alyce F. Otto, Trustee Under  
Declaration of Trust of Alyce F. Otto dated  
November 17, 2009*

September 18, 2020

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Common Pleas Case Nos.: 2012-CP-42-3549 and 2012-CP-42-2874 (consolidated)

U.S. Bank, NA, as Trustee relating to the Chevy Chase  
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the Internal Revenue Service; Laura Kerhulas Giese, as Co-Trustee of  
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Jackson L. Munsey, Jr.; Citibank, NA. .... Defendants,

and

Alyce F. Otto, Trustee Under Declaration of Trust of Alyce F. Otto  
dated November 17, 2009 ..... Plaintiff,

v.

Jackson L. Munsey, Jr., ..... Defendant.

of whom Jackson L. Munsey, Jr., is the ..... Appellant,

and

Alyce F. Otto, individually; Alyce F. Otto, Trustee Under Declaration of Trust of Alyce F.  
Otto dated November 17, 2009; TD Bank, NA; Laura Kerhulas Giese, as Co-Trustee of the  
Theodore Ernest Kerhulas Trust Under Declaration of Trust dated May 25, 2004; and Mark  
Warner Kerhulas, as Co-Trustee of the Theodore Ernest Kerhulas Trust Under Declaration  
of Trust dated May 25, 2004 are the ..... Respondents,

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**PROOF OF SERVICE**


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I, the undersigned employee of Haynsworth Sinkler Boyd, P.A., do hereby certify that I have this 18th day of September, 2020, caused the Initial Brief of Respondent Alyce F. Otto, Individually; Alyce F. Otto Trustee Under Declaration of Trust of Alyce F. Otto dated November 17, 2009, and the Designation of Matter to be Included in the Record on Appeal to be served via electronic mail only, on counsel of record at the addresses shown below:

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September 18, 2020

**Via Email Only ([ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org))**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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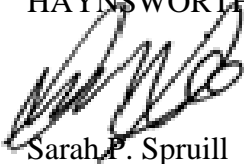
Re: Otto v. Munsey  
C/A #.: 2012-CP-42-3549 and 2012-CP-42-2874  
Appellate Case No.: 2020-000454

Dear Ms. Kitchings:

This firm represents Respondent Alyce F. Otto, individually and as trustee under declaration of trust of Alyce F. Otto dated the 17<sup>th</sup> of November 2009, in the above matter. Enclosed herewith for filing is an original and one (1) copy of the Initial Brief of Respondent and the Designation of Matter to be Included in the Record on Appeal regarding the above-referenced case together with a Proof of Service.

If you have any questions, please give me a call. Thank you for your assistance in this matter. Please note service on counsel of record by copy of this letter. Sincerely yours,

HAYNSWORTH SINKLER BOYD, P.A.



Sarah P. Spruill

SPS/jmb  
Enclosures

cc: Andrew S. Radeker (via email only [drew@harrisonfirm.com](mailto:drew@harrisonfirm.com))  
Max T. Hyde, Jr. (via email only [max@maxhydelawfirm.com](mailto:max@maxhydelawfirm.com))  
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