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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Bentley D. Price, Circuit Court Judge

Case No. 2020-CP-10-00209  
Appellate Case No. 2019-001030

Eugene J. Zurlo, Individually and as Co-Trustee of the Eugene J. Zurlo Living Trust Dated December 11, 1997; 1776, LLC; Beach Fenwick, LLC; The Beach Company; Seamon, Whiteside & Associates, Inc.; Penny Creek Associates, LLC; John Doe and Mary Roe,

..... Respondents,

v.

Maybank 2754, LLC, .....Appellant.

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

Respondent Eugene J. Zurlo, Individually and as Co-Trustee of the Eugene J. Zurlo Living Trust dated December 11, 1997 designates the following material for inclusion in the Record on Appeal in addition to the material designated by Appellant:

1. Order of Hon. Judge Mikell R. Scarborough dated June 21, 2017 and filed on June 23, 2017;
2. Complaint filed December 16, 2013 in *Zurlo v. Penny Creek Associates, LLC, et al.*, case no. 2013-CP-10-7280;
3. Complaint filed August 14, 2014 in *Wells Fargo Bank, N.A. v. Penny Creek Associates, LLC, et al.*, case no. 2014-CP-10-04946;
4. Complaint filed April 13, 2020 in *Maybank 2754, LLC v. Buist, Byars & Taylor, LLC, et al.*, case no. 2020-CP-10-01811;
5. Maybank First Notice of Appeal, dated July 15, 2020;
6. Maybank Second Notice of Appeal, dated November 9, 2020;

7. Transcript of September 24, 2020 hearing – Hon. Judge Bentley Price<sup>1</sup>;
8. Affidavit of Lisa Brown filed May 14, 2020 in *Maybank 2754, LLC v. Buist, Byars & Taylor, LLC, et al.*, case no. 2020-CP-10-01811;
9. Plaintiff's Motion to Compel Defendant 1776, LLC's Answers to Interrogatories and Requests for Production dated September 3, 2020;
10. 1776, LLC's Memorandum in Support of Motion to Dismiss and Motion to Refer to Master dated June 10, 2020;
11. 1776, LLC's Reply to Plaintiff's Opposition to Motion to Dismiss and Motion to Refer to Master dated June 15, 2020;
12. 1776, LLC's Memorandum in Opposition to Plaintiff's Motion for Reconsideration dated November 2, 2020;
13. Mortgage recorded in the Register of Deeds in Charleston County on August 8, 2000, in Book P-352 at Page 613;
14. Mortgage recorded in the Register of Deeds in Charleston County on April 7, 2006, in Book G-579, at Page 249;
15. Articles of Organization of Penny Creek Associates, LLC dated January 15, 1999;
16. Third Amended and Restated Operating Agreement of Penny Creek Associates, LLC dated October 15, 2005;
17. Resolution of the Sole Shareholder of Penny Creek Associates, LLC dated October 7, 2013.

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

s/ J. Rutledge Young, Jr.  
J. Rutledge Young, Jr. (SC Bar 05737)  
Patrick C. Wooten (SC Bar 77985)  
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*Attorneys for Eugene J. Zurlo,  
Individually and as Co-Trustee of the  
Eugene J. Zurlo Living Trust dated  
December 11, 1997*

April 6, 2021

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<sup>1</sup> The date on the transcript is August 24, 2020, but this is a result of a clerical error by the court reporter. The hearing was, in fact, held on September 24, 2020.

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..... Respondents,

v.

Maybank 2754, LLC, .....Appellant.

**PROOF OF SERVICE**

I hereby certify that on this date I have served the **DESIGNATION OF MATTER OF RESPONDENT EUGENE J. ZURLO, INDIVIDUALLY AND AS CO-TRUSTEE OF THE EUGENE J. ZURLO LIVING TRUST DATED DECEMBER 11, 1997** on Appellant and all other parties to their respective e-mail addresses, pursuant to the Order of the Supreme Court Appellate Case No. 2020-000447(g)(3).

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***VIA E-MAIL***

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RE: Maybank 2754, LLC v. Eugene J. Zurlo, et al.  
Case No. 2020-CP-10-209  
Appellate Case No. 2020-001030

Dear Ms. Kitchings:

Pursuant to the Supreme Court Appellate Case No. 2020-000447(c)(6), enclosed please find for filing Respondent Eugene J. Zurlo, Individually and as Co-Trustee of the Eugene J. Zurlo Living Trust Dated December 11, 1997's Initial Brief, Designation of Matter to be Included in the Record on Appeal, and Proofs of Service as to same.

Should you have any questions or concerns, please do not hesitate to contact me.

Respectfully,

  
Liane M. Berns  
Paralegal

Enclosures

cc: all counsel of record (*via email w/ enclosures*)