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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Honorable Judge Bentley D. Price, Circuit Court Judge

Appellate Case No. 2020-001030

Maybank 2754, LLCAppellant,

v.

Eugne 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.....Respondent.

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Respondent Seamon Whiteside & Associates, Inc. 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 Price¹;
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. Defendant Seamon Whiteside & Associates, Inc.’s Answer to Complaint, February 20, 2020;
10. Defendant Seamon Whiteside & Associates, Inc.’s Motion to Dismiss Plaintiff’s Complaint and Initial Memorandum in Support, February 20, 2020;
11. Defendant Seamon Whiteside & Associates, Inc.’s Supplement to Motion to Dismiss and/or Motion for Summary Judgment, August 26, 2020;
12. Defendant Seamon Whiteside & Associates, Inc.’s Response to Plaintiff’s Motion to Amend or Alter Judgment;
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.

Respectfully submitted,

COPELAND, STAIR, KINGMA & LOVELL, LLP

By: s/ Jordan N. Teich

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PROOF OF SERVICE

I certify that I have served *Respondent Seaman Whiteside & Associates, Inc.’s Designation of Matter* upon the parties below by electronic mail on **April 7, 2021**, pursuant to the Order of the Supreme Court Appellate Case No. 2020-000447(g)(3), addressed as follows:

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Respectfully submitted,

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REPLY TO JORDAN N. TEICH

April 7, 2021

VIA E-MAIL

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RECEIVED

Apr 07 2021

SC Court of Appeals

Re: Maybank 2754, LLC v. Seamon, Whiteside & Associates, Inc., *et al.*
C/A No.: 2020-CP-10-00209
Appellate Case No.: 2020-001030
CSKL File No.: 254-60045

Dear Ms. Kitchings:

Pursuant to the Supreme Court Appellate Case No.: 2020-000447(c)(6), attached please find for filing Respondent Seamon Whiteside & Associates, Inc.'s Initial Brief, Designation of Matter to be included in the Record on Appeal, and Proofs of Service as to the same.

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

Sincerely yours,

s/ Jordan N. Teich
JORDAN N. TEICH

JNT/map
Enclosures
cc: All Counsel of Record (via e-mail)