

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APR 11 2013

APPEAL FROM BEAUFORT COUNTY
Master-In-Equity

The Honorable Marvin H. Dukes, III

SC Court of Appeals

Court of Appeals Tracking No. 2012-210910

CitiMortgage, Inc., Respondent,

v.

Daniel Junk a/k/a Daniel L. Junk and Christine H. Junk
and Oldfield Community Association, Defendants,

Of Whom Daniel L. Junk and Christine H. Junk are Appellants,

_____ Daniel L. Junk and Christine H. Junk, Counterclaim
Appellants,

v.

_____ CitiMortgage, Inc. Counterclaim
Respondent.

_____ Daniel L. Junk and Christine H. Junk, Third-party
Appellants,

v.

Riley Pope & Laney, LLC, Heidi Carey, Esq., Roy
Laney, Esq., T. Lowndes Pope, Esq., Bayview Loan
Servicing, LLC, MERSCORP, Inc., Mortgage
Electronic Registration Systems, Inc., Citi Master
Servicing, Citigroup Global Markets Realty Corp.,
Citigroup Mortgage Loan Trust, Inc., John Does 1-
5,000, Jennifer Oakes, Robert G. Hall, Security
Connections, Inc., Krystal Hall, Danielle Sterling, ABC
Appraisal Group, Inc., Mark A. Ruplinger, Linda
Heller, Harry Jones, Colonial Coast Title Agency, Inc.,
Lawyers Title Insurance Corporation, Corelogic, Inc.
and American Home Mortgage Holdings, Inc. Third-Party
Respondents.

Amended Designation of Matters to be Included in the Record on Appeal

The undersigned Respondents propose the following be included in the Record on Appeal:

Orders

1. Order filed April 12, 2011
2. Order of February 22, 2012
3. Order of April 24, 2012
4. Order of May 3, 2012
5. Order filed October 3, 2011
6. Consent Order substituting counsel filed May 13, 2010
7. Order granting voluntary non-suit to AHM filed on October 5, 2009

Pleadings and Motions

8. The Junks' Original Quiet Title Amended Complaint filed September 11, 2009
9. The Junks' Original Quiet Title Complaint with all exhibits
10. Proof of Service on all parties, including MERS of the Summons and Amended Quiet Title Complaint
11. Foreclosure Complaint dated October 27, 2009
12. Amended Answer, Counterclaims, and Third Party Complaint filed June 16, 2011 in the Foreclosure Action
13. MERS Answer to the Amended Quiet Title Complaint
14. Motion for Sanctions against RPL dated November 24, 2010
15. The Junks' Notice of Motion and Motion to Join All Third Party Defendants as Counterclaim Defendants dated September 23, 2011
16. Third-Party Defendant Colonial Coast Title Agency, Inc.'s Motion for Relief from Entry of Default and Leave to Plead in Response to Third-Party Complaint

17. Third-Party Defendant RPL, Carey, Laney, and Pope's motion to dismiss filed July 25, 2011
18. CitiMortgage's motion to dismiss filed August 22, 2011
19. MERS, MERSCORP, CitiMaster, CitiGroup Global, CitiGroup Trust, and Oakes' motion to dismiss filed August 22, 2011
20. Bayview and Hall's motion to dismiss filed August 22, 2011
21. Corelogic's motion to dismiss filed August 29, 2011
22. Security Connections and Hall's motion for relief from entry of default filed August 18, 2011
23. Heller and Jones' motion for relief from entry of default filed September 9, 2011
24. Bayview and CitiMortgage Rule 25, SCRCP, Motion to Substitute
25. The Junks' Brief in Opposition to Colonial Coast Motion for Relief from Entry of Default
26. Motion for Default Judgment against AHMH
27. The Junks' motion in opposition to MERS' motion to dismiss the Quiet Title Action
28. Answer of Fidelity National Title Insurance Company, successor by merger to Lawyers Title Insurance Corporation
29. The Junks' motion to reconsider the 2011 order dismissing Quiet Title action
30. Suggestion of Bankruptcy filed on September 9, 2009

Appellate Documents

31. The Junks' Notice of Appeal dated May 12, 2011
32. The Junks' Notice of Appeal dated May 2, 2012
33. The Junks' Amended Notice of Appeal dated May 23, 2011
34. Court of Appeals' order dismissing appeal dated September 13, 2011
35. Supreme Court order denying the Junks' petition for a writ of certiorari filed February 7, 2013

36. Notice of Appeal dated March 23, 2012
37. Notice of Appeal dated May 21, 2012

Transcripts

38. Transcript of Proceedings dated September 14, 2011
39. Transcript of Proceedings dated January 17, 2012
40. Transcript of Proceedings dated February 23, 2012

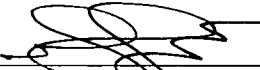
Miscellaneous

41. Affidavit of Susan P. McWilliams filed August 29, 2011
42. Amended and Supplemental Affidavit of Susan P. McWilliams filed September 6, 2011
43. Affidavit of Jennifer Oakes
44. Supplemental Affidavit of Jennifer Oakes
45. The Junks Objection on the Record to the February 10, 2012 Proffered Decision Written by Plaintiff, Counterclaim Defendants and Third Party Defendants at the Direction of the Court filed February 15, 2012
46. Certification Mortgagor Non-Compliance with S.C. Court Administrative Order 2011-05-02-01
47. Email from Judge Dukes to all counsel dated January 18, 2012
48. Email from Becker to Judge Dukes dated February 10, 2012
49. Email from Judge Dukes to all counsel dated January 19, 2012
50. Email from Crotty to Judge Dukes dated April 11, 2012
51. Email from Junk to McCleod dated April 24, 2012
52. The Junks' November 3, 2006 Mortgage
53. The Junks' November 3, 2006 Note
54. The Junks' satisfaction of mortgage filed on April 20, 2009
55. Assignment of Mortgage from MERS to Bayview recorded on October 19, 2009

56. Assignment of Mortgage from Bayview to CitiMortgage recorded on March 19, 2010

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

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

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Brian P. Crotty

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803.799.2000

Attorneys for Respondent/Counterclaim
Respondent CitiMortgage, Inc., and Third-Party
Respondents Bayview Loan Servicing, LLC,
Merscorp, Inc., Mortgage Electronic Registration
Systems, Inc., CitiMaster Servicing, Citigroup
Global Markets Realty Corp., Citigroup Mortgage
Loan Trust, Inc., Jennifer Oakes, and Robert G.
Hall.

Columbia, South Carolina

April 11, 2013

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Master-in-Equity

The Honorable Marvin H. Dukes, III

Court of Appeals Tracking Nos. 2012-210910, 2012-212115, and 2012-212148

CitiMortgage, Inc., Respondent,

v.

Daniel Junk a/k/a Daniel L. Junk and
Christine H. Junk, and Oldfield Community
Association,

Appellants,

Of Whom Daniel L. Junk and Christine H.
Junk are.....

Daniel L. Junk and Christine H. Junk, Counterclaim Appellants

v.

CitiMortgage Inc., Counterclaim Respondent,

Daniel L. Junk and Christine H. Junk, Third-Party Appellants,

v.

Riley Pope & Laney, LLC, Heidi Carey,
Esq., Roy Laney, Esq., T. Lowndes Pope,
Esq., Bayview Loan Servicing, LLC,
Merscorp, Inc., Mortgage Electronic
Registration Systems, Inc., Citi Master
Servicing, Citigroup Global Markets Realty
Corp., Citigroup Mortgage Loan Trust, Inc.,
John Does 1-5,000, Jennifer Oakes, Robert
G. Hall, Security Connections, Inc., Krystal
Hall, Danielle Sterling, ABC Appraisal
Group, Inc., Mark A. Ruplinger, Linda
Heller, Harry Jones, Colonial Coast Title
Agency, Inc., Lawyer Title Insurance
Corporation, Corelogic, Inc., and American
Home Mortgage Holdings, Inc., Third-Party Respondents.

Proof of Service

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Plaintiff, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow by all by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: **Amended Designation of Matters to be Included in the Record on Appeal**

Counsel Served:

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SC Court of Appeals

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Jennifer B. Lee
Administrative Assistant

April 11, 2013

Nelson Mullins

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April 11, 2013

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

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SC COURT OF APPEALS

RE: CitiMortgage, Inc. v. Daniel L. Junk, et al.
Civil Action No. 2009-CP-07-05088
Order on Appeal: February 22, 2012 (“Order Granting Motion to Dismiss
Third-Party Complaint”)
Court of Appeals Tracking No. 2012-210910

and

CitiMortgage, Inc. v. Daniel Junk a/k/a Daniel L. Junk, Christina H. Junk and
Oldfield Community Association
Civil Action No. 2009-CP-07-5088
Order on Appeal: April 23, 2012 (“Order Granting CitiMortgage’s Motion to
Dismiss Counterclaims”)

and

CitiMortgage, Inc. v. Daniel Junk a/k/a Daniel L. Junk, Christina H. Junk and
Oldfield Community Association
Civil Action No. 2009-CP-07-05088
Order on Appeal: May 3, 2012 (“Form 4 Order Denying Junk’s Motion for
Default Judgment”)

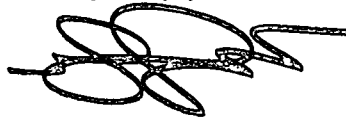
Dear Ms. Kitchings:

Enclosed please find an original and seven copies of an Amended Designation of Matters to be Included in the Record on Appeal. Please file the original and return a clocked-in copy to me via our courier. Should you have any questions, please do not hesitate to contact me.

The Honorable Jenny Abbott Kitchings
April 11, 2013
Page 2

By copy of this letter, I am hereby serving opposing counsel.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael J. Anzelmo". The signature is stylized with several loops and a long horizontal stroke extending to the right.

Michael J. Anzelmo

MJA:jlee
Enclosures

cc: A. Parker Barnes, Jr.
James Y. Becker
Andrew E. Colvin
John T. Lay
Childs Cantey Thrasher
Sean Michael Bolchoz
Demetri "Jim" K. Koutrakos
Elizabeth Van Boren Gray
Tina Cundari
Susan Taylor Wall
Hamilton Osborne, Jr.
Daniel L. Junk