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Feb 15 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Hon. Bentley D. Price
Circuit Court Judge

Appellate Case No. 2021-000504

Wilmington Savings Fund Society FSB, not in its individual capacity but solely
As owner trustee for CSMC 2018-RPL6 Trust, Respondent

v.

Rex A. Field, Tracy L. Field, Dulamo Estates Home Owner's Association, Inc., Defendants

Of whom Rex A. Field and Tracy L. Field are the Appellants.

APPELLANT DESIGNATION OF MATTER
FOR RECORD ON APPEAL

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

1. October 11, 2019 – Complaint, Summons and Notices, Notice Required By The Fair Debt Collection Practices Act, Notice Of Right To Foreclosure Intervention, LIS Pends.
2. October 17, 2019 – Rule 53 Compulsory Order of Reference.
3. October 22, 2019 – Demand for Jury Trial.
4. October 24, 2019 – Affidavit of Service on Rex A. Field on October 22, 2019.
5. October 24, 2019 - Affidavit of Service on Tracy L. Field on October 22, 2019.
6. October 30, 2019 – Notice: Plaintiff Must Serve Homowner.

7. November 18, 2019 – Motion For Case To Be Heard By Jury Pursuant SCRPC 38(b).
8. November 20, 2019 – Motion To Vacate Order Of Reference: Rule 38(b).
9. November 20, 2019 – Motion for Mediation Foreclosure Intervention.
10. November 21, 2019 – Notice: Foreclosure Intervention SC Supreme Court Administrative Order No. 2009-05-22-01.
11. January 30, 2020 – Motion To Strike Defendants' Demand For Jury Trial.
12. February 14, 2020 – Response In Opposition To Motion To Strike Defendants' Demand For A Jury Trial; Affidavit.
13. March 9, 2020 – Notice Of Hearing & Certificate Of Mailing.
14. March 11, 2020 – Notice: SCSC Administrative Order All Proceedings Stayed: Affidavit.
15. March 16, 2020 – Notice Of Motion And Motion For Relief From Order Of Reference Pursuant To SCRPC Rule 60: Affidavit and Exhibits.
16. September 11, 2020 – Motion For Continuance Of Trial; Objections; Affidavit.
17. September 15, 2020 – Certificate Of Compliance With The Coronavirus Aid, Relief, And Economic Security Act.
18. September 27, 2020 – Memorandum In Support Of Motion To Vacate Order Of Reference.
19. September 29, 2020 – Form 4 Order – The Motion to Vacate Order of Reference, heard September 29th, 2020; Granted without prejudice.
20. October 23, 2020 – Certificate of Compliance With South Carolina Supreme Court Administrative Order No. 2011-05-02-01.
21. October 26, 2020 – Motion To Dismiss And For Sanctions and Exhibits.
22. December 7, 2020 – Memorandum In Opposition To Motion To Dismiss And For Sanctions.
23. December 7, 2020 – Affidavit In Support Of Motion To Dismiss And Sanctions.
24. January 8, 2021 – Affidavit For Motion To Dismiss And Sanctions.
25. January 11, 2021 – Memorandum In Support Of Motion To Dismiss And For Sanctions.
26. January 20, 2021 – Order Denying Defendants' Motion To Dismiss And For Sanctions.

27. January 25, 2021 – Notice Of Mediation Pursuant To ADR Rule 6.
28. February 4, 2021 – Defendants' Notice Of Motion And Motion To Compel Mediation and Exhibits.
29. February 12, 2021 – Memorandum In Opposition To Motion To Compel Mediation and Exhibits.
30. February 12, 2021 – Memorandum In Support Of Motion To Compel Mediation and Exhibits.
31. February 19, 2021 – Answer, Counterclaims And Third-Party Complaint (Jury Trial Demanded) and Exhibits A through H.
32. February 19, 2021 – Third-Party Summons.
33. March 1, 2021 – Defendants' Supplemental Memorandum; Affidavit.
34. March 1, 2021 – Form 4 Order – Defendant Rex A. Field's Motion to Compel Mediation is denied.
35. March 22, 2021 – Joint Motion To Extend Time For Reply To Counterclaim And Answer To Third-Party Complaint.
36. March 25, 2021 -Defendants' First Amended Answer, Affirmative Defenses, Counterclaims, And Third-Party Complaint (Jury Trial Demanded) and Exhibits A - H.
37. March 30, 2021 – Defendants' Response In Opposition To Joint Motion To Extend Time For Reply To Counterclaim And Answer To Third-Party Complaint.
38. April 5, 2021 – Motion For Sanctions For Failure to Comply With SCRCP 11(b).
39. April 5, 2021 – Exhibit A To Motion For Sanctions.
40. April 8, 2021 – Motion To Dismiss Complaint Pursuant To SCRCP Rule 12(B)(7).
41. April 9, 2021 – Order Granting Extensions Of Time.
42. April 9 – April 22, 2021 scheduling emails with court (defendant non-waiver 10days)
43. April 12, 2021 – Memorandum In Support Of Motion To Dismiss Complaint Pursuant To SCRCP Rule 12(b)(7) With Prejudice.
44. April 13, 2021 – Motion to Join Third-Party Defendants.
45. April 13, 2021 – Supplemental Memorandum In Opposition To Strike Jury Demand.

46. April 14, 2021 – Supplemental Memorandum In Support Of Motion To Dismiss Complaint Pursuant To SCRCP Rule 12(b)(7) With Prejudice.
47. April 15, 2021 – Amended Supplemental Memorandum In Support Of Motion To Dismiss Complaint Pursuant to SCRCP Rule 12(b)(7) With Prejudice.
48. April 15, 2021 – Motion To Continue Jury Trial.
49. April 16, 2021 – Motion To Dismiss For Lack Of Subject Matter Jurisdiction Pursuant to SCRCP 12(b)(1).
50. April 20, 2021 – Form 4 Order – Plaintiff Wilmington Savings Fund Society, FSB, not in it's individual capacity's Motion To Strike Demand For Jury Trial – motion granted.
51. April 20, 2021 – Objection To Motion To Dismiss, Amended Answer Counterclaims, Third-Party Complaint; Affidavit and Exhibits.
52. April 20, 2021 – Mediation Results Report.
53. April 29, 2021 – Motion To Amend (Jury Trial Demanded), Defendants' Second Amended Answer, Affirmative Defenses, Counterclaims, And Third-Party Complaint (Jury Trial Demanded), and Exhibits A through H.
54. May 5, 2021 – Notice Of Motion And Motion For Summary Judgment As To Plaintiff's Foreclosure Cause Of Action and Exhibits.
55. May 7, 2021 – Order Denying Defendants' Motion To Reconsider.
56. May 11, 2021 – Fields' Demand For Jury Trial.
57. May 13, 2021 – Motion For Continuance; Objection To Motion For Summary Judgment: Affidavit; and Exhibits.
58. May 13, 2021 – Notice of Appeal and Exhibits.
59. May 25, 2021 – Motion For Stay Pending Appeal.
60. June 21, 2021 – Motion To Recuse The Honorable Bentley D. Price; Affidavit and Exhibits.
61. June 22, 2021 – Form 4 Order – “The Court is not assigned to this case, so the Motion to Recuse is not necessary.”
62. June 30, 2021 – Defendants' Affidavit Of Documents In Opposition To Plaintiff's Motion For Summary Judgment and Exhibits.

63. June 30, 2021 – Defendants' Memorandum In Opposition Of Plaintiff's Motion For Summary Judgment; Objections To Plaintiff's Affidavits/Exhibits.
64. July 2, 2021 – Memorandum In Support Of Motion To Recuse The Honorable Bentley D. Price; Affidavit and Exhibits.
65. July 6, 2021 – Motion To Stay Further Discovery Pending Ruling On Dispositive Motions.
66. July 7, 2021 – Motion For Rule To Show Cause As To Why Sanctions Should Not Be Issued For Violation Of Court Orders; Affidavit and Exhibits.
67. July 12, 2021 – Form 4 Order - “The Motion To Recuse is respectfully DENIED.”
68. July 22, 2021 – Motion To Reconsider Order Filed July 12, 2021 On Motion To Recuse The Honorable Bentley D. Price; Affidavit; and Exhibits.
69. July 27, 2021 – Order Denying Defendants' Motion For Reconsideration. (Recusal of The Honorable Bentley D. Price).
70. July 30, 2021 – Notice Of Motion And Motion To Dismiss For Lack Of Personal Jurisdiction Pursuant To SCRPC 12(b)(2).
71. August 10, 2021 – Memorandum In Opposition To Motion To Stay Further Discovery Pending Ruling On Dispositive Motions; Opposition To Pending Motions and Exhibits.
72. August 11, 2021 – Memorandum In Support Of Motion For Rule To Show Cause As To Why Sanctions Should Not Be Issued For Violation Of Court Order; Affidavit and Exhibits.
73. August 26, 2021 – Order; From Motions Hearing on August 12, 2021, The Honorable Robert Bonds.
74. September 10, 2021 – Plaintiff's Reply To Defendants' Second Amended Counterclaims.
75. October 8, 2021 – Defendants' Reply To Plaintiff's Reply To Defendants Second Amended Answer Affirmative Defenses, Counterclaims, And Third-Party Complaint.
76. October 25, 2021 – Motion To Extend Time For Responses To Defendants' Interrogatories And Request For Production.
77. October 28, 2021 – Objection To Motion To Extend Time For Responses To Defendants' Interrogatories And For Request For Production Of Documents and Exhibits.
78. November 23, 2021 – Amended Motion To Extend Time For Responses To Defendants' Interrogatories And Request For Production.

79. November 29, 2021 – Objection To Amended Motion To Extend Time For Responses To Defendants' Interrogatories And For Request For Production Of Documents and Exhibits.
80. December 29, 2021 - “Decline to Sign: Order/Continuance”.
81. January 7, 2022 – Order Granting Extension Of Time For Discovery Responses.
82. January 12, 2022 – Notice: Continuance By Consent Granted By The Honorable Bentley Price On Motions To Extend Time For Responses To Defendants Interrogatories And Production Of Documents and Exhibits.

Transcript of Court Proceedings: (Excerpts as may be agreed between counsel):

1. September 29, 2020 - Transcript – arguments before Judge Marvin Dukes - “Motion to Vacate Order of Reference”.
2. January 13, 2021 – Transcript – arguments before Judge Bentley Price.
3. April 15, 2021 – Transcript – arguments before Judge Bentley Price - “Granted Plaintiff's Motion to Strike Jury Trial Demand”.
4. July 2, 2021 -Transcript – arguments before Judge Bentley Price.
5. August 12, 2021_ Transcript – arguments before Judge Robert Bonds.

Respectfully submitted,

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Of whom Rex A. Field and Tracy L. Field are the Appellants.

PROOF OF SERVICE APPELLANT
DESIGNATION OF MATTER
AND SCACR 209(C) CERTIFICATION

The undersigned counsel for Appellant hereby certifies that the Appellants' proposed Designation of Matter for the Record on Appeal was served on the below listed counsel for Respondent this 15th day of February, 2022 by electronic delivery and by U.S. Mail, postage prepaid, and that the proposed designation contains no material irrelevant to this appeal pursuant to Rule 209(C) of the South Carolina Appellate Court Rules.

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Respectfully submitted,

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