

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Master-in-Equity

Joseph M. Strickland, Master in Equity

Case No. 2019-CP-40-5698
Appellate Case No. 2021-001219

First Citizens Bank and Trust
Company, Inc,

Respondent,

v.

Justin K. Spires, Timothy J.
Spires, Sr. South Carolina
Department of Probation,
Parole and Pardon Services
and Warren B. Giese as
Solicitor,

Of who, Justin K. Spires and
Timothy J. Spires are the

Appellants.

Designation of Matter to be included in the Record on Appeal

Respondent proposes the following be included in the Record on Appeal:

1. Summons and Complaint filed October 9, 2019
2. Affidavit of Service on Timothy Spires, Sr Filed November 13, 2019.
3. Affidavit of Service on Justin Spires filed November 13, 2019
4. Master in Equity's Order and Judgment of Foreclosure and Sale, filed February 10, 2020.
5. Report on Sale filed January 15, 2021
6. Order for Deficiency Judgment, Filed January 15, 2021
7. Affidavit of Timothy Spires, Sr. filed May 17, 2021
8. Affidavit of Justin Spires filed May 17, 2021
9. Affidavit of Thomas Mitchell Smith filed May 17, 2021
10. Motion to Vacate Sale, Set Aside the Entry and Judgment by Default and Dismiss of Justin Spires filed May 17, 2021.

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11. Motion to Vacate Sale, Set Aside the Entry and Judgment by Default and Dismiss of Timothy Spires, Sr. filed May 17, 2021.
12. Memo in Opposition to Motion for Relief from Default, filed June 2, 2021
13. Affidavit of Tracy Hinnant filed June 2, 2021
14. Transcript from Hearing on June 4, 2021
15. Order denying the Motion to Vacate filed June 21, 2021
16. Motion to reconsider filed July 1, 2021
17. Affidavit of Justin Spires, filed July 1, 2021
18. Transcript from the Hearing on August 18, 2021
19. Order Denying the Motion to Reconsider

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

May 2, 2022

/s/Shawn M. French, Sr
Shawn M. French, Sr.
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Attorney for Appellants

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Appellants.

Proof of Service

I certify that I have served the Initial Brief, Designation of Matter, and Motion to file outside of Deadline by depositing a copy of it in the United States Mail, postage prepaid, addressed to its attorneys of record listed below.

Theodore von Keller
PO Box 4216
Columbia, SC 29240

May 2, 2022

/s/Shawn M. French, Sr.
Shawn M. French, Sr.

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MAY 2, 2021

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: First Citizens Bank and Trust, Inc. v. Justin K. Spires, et al.
Case No.: 2019-CP-40-5698

To Whom It May Concern,

Please find enclosed the Initial Brief of Appellant, Designation of Matter, and Motion to File Outside of Deadline with \$50.00 motion filing fee.

If you have any questions, you can contact me at the above number.

Sincerely,

Shawn M. French

Cc

File

Justin Spires

Timothy Spires

Ted von Keller

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Joshua Edwards, AAG
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, SC 29211



The Honorable Jenny Abbott Kitchings
Clerk of Court — SC Court of Appeals
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