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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.

DESIGNATION OF MATTER
FOR RECORD ON APPEAL

Appellant and Respondent hereby submits the following Amended of Designation of Matters to be included in the Record on Appeal:

1. October 11, 2019 – Non-Jury 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 30, 2019 – Notice: Plaintiff Must Serve Homeowner.
5. November 18, 2019 – Motion For Case To Be Heard By Jury Pursuant SCRCF 38(b).

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

25. February 19, 2021 – Answer, Counterclaims And Third-Party Complaint (Jury Trial Demanded) and Exhibits A through H.
26. February 19, 2021 – Third-Party Summons.
27. March 1, 2021 – Defendants' Supplemental Memorandum; Affidavit.
28. March 25, 2021 -Defendants' First Amended Answer, Affirmative Defenses, Counterclaims, And Third-Party Complaint (Jury Trial Demanded) and Exhibits A - H.
29. April 8, 2021 – Motion To Dismiss Complaint Pursuant To SCRCP Rule 12(B)(7).
30. April 9 – April 22, 2021 scheduling emails with court (defendant non-waiver 10days)
31. April 12, 2021 – Memorandum In Support Of Motion To Dismiss Complaint Pursuant To SCRCP Rule 12(b)(7) With Prejudice.
32. April 13, 2021 – Motion to Join Third-Party Defendants.
33. April 13, 2021 – Supplemental Memorandum In Opposition To Strike Jury Demand.
34. April 14, 2021 – Supplemental Memorandum In Support Of Motion To Dismiss Complaint
35. April 15, 2021 – Motion To Continue Jury Trial.
36. 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.
37. April 20, 2021 – Objection To Motion To Dismiss, Amended Answer Counterclaims, Third-Party Complaint; Affidavit and Exhibits.
38. 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.
39. May 5, 2021 – Notice Of Motion And Motion For Summary Judgment As To Plaintiff's Foreclosure Cause Of Action and Exhibits.
40. May 7, 2021 – Order Denying Defendants' Motion To Reconsider.
41. May 11, 2021 – Fields' Demand For Jury Trial.
42. May 13, 2021 – Motion For Continuance; Objection To Motion For Summary Judgment:Affidavit; and Exhibits.
43. May 13, 2021 – Notice of Appeal and Exhibits.

44. May 25, 2021 – Motion For Stay Pending Appeal.
45. June 21, 2021 – Motion To Recuse The Honorable Bentley D. Price; Affidavit and Exhibits.
46. June 22, 2021 – Form 4 Order – “The Court is not assigned to this case, so the Motion to Recuse is not necessary.”
47. June 30, 2021 – Defendants' Affidavit Of Documents In Opposition To Plaintiff's Motion For Summary Judgment and Exhibits.
48. June 30, 2021 – Defendants' Memorandum In Opposition Of Plaintiff's Motion For Summary Judgment; Objections To Plaintiff's Affidavits/Exhibits.
49. July 2, 2021 – Memorandum In Support Of Motion To Recuse The Honorable Bentley D. Price; Affidavit and Exhibits.
50. 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.
51. July 12, 2021 – Form 4 Order - “The Motion To Recuse is respectfully DENIED.”
52. July 22, 2021 – Motion To Reconsider Order Filed July 12, 2021 On Motion To Recuse The Honorable Bentley D. Price; Affidavit; and Exhibits.
53. July 27, 2021 – Order Denying Defendants' Motion For Reconsideration. (Recusal of The Honorable Bentley D. Price).
54. 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.
55. August 26, 2021 – Order; From Motions Hearing on August 12, 2021, The Honorable Robert Bonds.
56. September 10, 2021 – Plaintiff's Reply To Defendants' Second Amended Counterclaims.
57. October 8, 2021 – Defendants' Reply To Plaintiff's Reply To Defendants Second Amended Answer Affirmative Defenses, Counterclaims, And Third-Party Complaint.
58. October 28, 2021 – Objection To Motion To Extend Time For Responses To Defendants'

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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