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Jan 27 2023

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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

Case No. 2017-CP-10-5426
Appellate Case No. 2020-001132

Family Services, Inc., as Conservator for Muriel W. Clarkin.....Appellant,

v.

Bridget D. Inman, Muriel C Kennedy, and Patricia Clarkin Smith..... Respondents.

MOTION TO SUPPLEMENT THE RECORD ON APPEAL WITH AN APPENDIX

Appellant, Family Services, Inc., as Conservator for Muriel W. Clarkin (hereinafter "Appellant") by and through its undersigned counsel, hereby moves before this Court for an order granting Appellant permission to file an Appendix to the Record on Appeal to supplement the Record on Appeal with an Order filed by the Honorable Mikell R. Scarborough on June 21, 2021, in civil action 2017-CP-10-5427. The grounds for the motion are as follows:

1. Appellant filed this action on October 20, 2017. On the same date Appellant also filed an action bearing case number 2017-CP-10-5427 (hereinafter "Action 5427"), against Patricia Clarkin Smith (hereinafter "Smith"), a respondent in this matter. In Action 5427 Appellant asserted multiple causes of action against Smith including a request that an alleged deed, from Muriel Clarkin to Smith granting Smith Clarkin's remaining half interest in the real property located at

602 Atlantic St., Mt. Pleasant, SC 29464 (hereinafter "Property"), be declared void ab initio. The deed is already part of the Record on appeal in this matter (Record pg. 742).¹

2. The Parties to this appeal filed their designations of matter to be included in the record on appeal in this matter between January through April of 2021.

3. On June 8, 2021, Respondent Muriel C. Kennedy (hereinafter "Kennedy") filed her final brief in this Appeal asserting that Appellant lacked standing because at the time, Kennedy alleged that Muriel Clarkin did not possess a deeded title interest in the Property, despite the fact Action 5427 was pending (See Respondent Muriel C Kennedy's Final Brief pages 14-16). Appellant disputed the relevancy of Kennedy's standing argument.

4. On June 21, 2021, the Honorable Mikell R. Scarborough filed an Order in Action 5427 (hereinafter "Order"), voiding the deeds at issue and returning a legal title half interest in the Property to Muriel Clarkin. The Order was subsequently recorded in the register of deeds for Charleston County (A copy of the Order is attached hereto and incorporated herein by reference).

5. The Order postdates the filing of designations of matter and briefs by the parties in this Appeal but is relevant to claims and defenses asserted in this Appeal. Therefore, Appellant respectfully requests that this Court issue and order allowing Appellant to file an Appendix to the Record on Appeal to include the Order in the Record on Appeal in this matter.

SIGNATURE BLOCK TO FOLLOW

¹ The Lower Court in this matter was fully aware Action 5427 was pending when it issued the orders on appeal in this matter and a number of the pleadings and documents from Action 5427 are already a part of the Record on Appeal in this matter (See Record pgs. 690-729).

January 27, 2023.

RESPECTFULLY SUBMITTED,

THE LAW OFFICE OF
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s/ D. Conor Keys

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CERTIFICATE OF SERVICE

I certify that on this 27th day of January 2023, I have served an electronic copy of Appellant's Motion to supplement the record on appeal upon all counsel of record via counsel's email as listed on AIS.

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January 25, 2023.

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January 27, 2023

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**RE: Family Services, Inc., Conservator for Muriel W. Clarkin v. Bridget
D. Inman, et al.
App. Case No. 2020-001132**

Madam Clerk:

Enclosed please find in regard to the above referenced matter the following:

- 1) Appellant's Motion to Supplement the Record on Appeal with an Appendix;
- 2) Proof of Service for the Motion; and
- 3) Check for \$50.00 for the filing fee.

I kindly request that you file the same

With kind regards,

RESPECTUFLY SUBMITTED,

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Enclosures:
(as stated)