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Jul 18 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court Of Common Pleas
Circuit Court Case No. 2018CP0702109

The Honorable Master in Equity and Special Circuit Court Judge

Appellate Case No.2022-000475

Coffin Point Homeowners Association, Inc.....Appellant,

v.

The State of South Carolina, et al Respondents.

**MOTION OF STATE OF SOUTH CAROLINA
TO DIRECT APPELLANT TO FILE SUPPLEMENTAL RECORD
AND STAY TIME FOR FILING FINAL BRIEFS**

The Respondent State of South Carolina moves for this Court to direct Appellant to file a supplemental record on appeal containing the Second Amended Complaint. Appellant did not designate it, and the State overlooked that failure when it filed its Designation but cited it in its initial brief. Brief at page 1. The Record on Appeal absent the Second Amended Complaint has already been filed. That pleading is important for this appeal because it is the subject of the February 8, 2022, Order of the Master in Equity that Appellant is appealing. Order at page 2. “The burden is on the appellant to furnish a sufficient record on appeal from which this court can make an intelligent review. *Taylor v. Taylor*, 294 S.C. 296, 299, 363 S.E.2d 909, 911 (Ct. App. 1987). Because the Second Amended Complaint is needed for the Court’s review of this appeal,

and Appellant has the burden to furnish a sufficient record, it should be directed to serve and file a supplemental record containing the Second Amended Complaint.

Because the State's Initial Brief cites that document, the State respectfully requests that the Court stay the deadline for filing its Final Brief until the Supplemental Record is filed and hold in abeyance that deadline while it considers this Motion.

Respectfully submitted,

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Attorney General

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s/ J. EMORY SMITH, JR.
Deputy Solicitor General
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CERTIFICATE OF SERVICE

I hereby certify that I have served the State's Motion to Direct Appellant To File Supplemental Record upon the parties by emailing it to H. Fred Kuhn, Jr, Esquire, Mary D. Shahid, Esquire and Ralph V. Baldwin, Jr., Esquire (email attached) and mailing it to the parties at the addresses below this July 18, 2023 through the U.S. mail except for two asterisked names from which previous mailings to those addresses have been returned without a forwarding address, the parties have not appeared and therefore, this Motion is not being sent to them.

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July 18, 2023

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Emory Smith

From: Emory Smith
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To: 'Fred Kuhn'; Ralph V. Baldwin, Jr; Shahid, Mary D.
Cc: Colwell, Angelica M.
Subject: RE: Coffin Point v. State et al
Attachments: Motion to Direct Appellant to file Supplemental Record (03335940xD2C78).PDF

Good afternoon.

Attached is the State's Motion to Direct Appellant to File Supplemental Record. I will efile it with the Court.

Emory

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