

THE STATE OF SOUTH CAROLINA  
Supreme Court

APPEAL FROM CHESTERFIELD COUNTY  
Court of Common Pleas

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MAY - 3 2012

William O. Spencer, Jr., as Special Referee

S.C. Supreme Court

Case No. 2008-CP-13-0025  
(Case Tracking No. 2011-189826)

Walter Mortgage Company..... Respondent,

v.

Natasha L. Green and Shilon L. Green .....Petitioners.

**RESPONDENT'S RETURN TO MOTION TO SUPPLEMENT APPENDIX**

Pursuant to Rule 240(e) of the South Carolina Rules of Appellate Procedure, respondent Walter Mortgage Company ("WMC") submits this return to the Motion to Supplement Appendix purportedly filed by petitioners Natasha L. Green and Shilon L. Green (collectively "Greens"). While the motion has been received by counsel for WMC, it is unclear if the motion has, in fact, been filed with the South Carolina Supreme Court.

The motion seeks to supplement the Record on Appeal with documents not previously included in the record. WMC respectfully submits that the motion should be denied based on the following grounds:

1. The documents identified in the Greens' motion were not made a part of the record or presented to the trial court at the hearing on WMC's Motion for

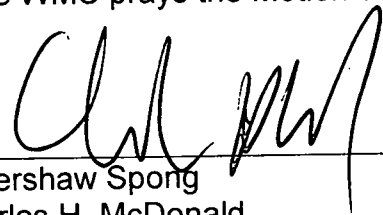
Summary Judgment; The Greens were represented by able counsel through the entire proceedings in the trial court. Pursuant to Rule 210(c), SCACR, such new matter cannot now be made part of the Record on Appeal.

2. The Greens, acting *pro se*, filed a "Motion to Add Additional Documents to be Included in the Record on Appeal" which was denied by the South Carolina Court of Appeals. In the motion, the Green specified numerous documents they sought to add to the Record on Appeal, but notably did not seek to add the attorney preference form they now belatedly seek to make part of the record. A copy of this motion is attached hereto as Exhibit "A" and a copy of the Order of the South Carolina Court of Appeals is attached hereto as Exhibit "B".

3. Other than an attorney preference form, it is unclear from the Green's motion what documents they seek to include by way of supplement at this late stage of the matter.

4. The Greens have already served their brief in this matter and WMC is currently preparing its response brief. It would be unduly prejudicial to WMC to permit the Greens to include new matters in the record at this stage of the appellate process.

Wherefore, having filed this Return, the WMC prays the Motion be denied.



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J. Kershaw Spong  
Charles H. McDonald  
ROBINSON, MCFADDEN & MOORE, P.C.  
Post Office Box 944  
Columbia, SC 29202  
(803) 779-8900  
Attorneys for Respondent

May 2, 2012

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY  
Court of Common Pleas

William O. Spencer, Jr., as Special Referee

Case No. 2008-CP-13-0025

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Walter Mortgage Company ..... Respondents

v

Natasha L. Green and Shilon L. Green ..... Appellants

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**MOTION TO ADD ADDITIONAL DOCUMENTS TO  
BE INCLUDED IN THE RECORD OF APPEAL**

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Jim Walter Homes Information Manual for New Homeowner

Email dated October 24, 2007 sent from Shilon Green to Ronnie Ham, Tom Emerson, and Chuck Knorp, all Representatives with Walter Mortgage Company and Steven Campbell with Jim Walter Homes

Email dated October 30, 2007 from Shilon Green to Ronnie Ham, a Walter Mortgage Representative, Steven Campbell, Divisional Manager and Ray Hardwick, Construction Manager

Email dated October 31, 2007 from Shilon Green to Micheal Lee, Chuck Knorp, Steven Campbell and Ray Hardwick

Email dated November 5, 2007 from Steven Campbell to Chuck Knorp, Jeff Thofner, Tom Emerson, Representative of Walter Mortgage Company, Ray Hardwick, Construction Manager, and Kay Peebles, Sales Manager

Letter from Chesterfield County Code Enforcement Office dated November 6, 2007

Letter from Steven Campbell dated November 6, 2007

Letter from Chesterfield County Code Enforcement dated November 6, 2007



Letter from Chesterfield County Code Enforcement dated November 6, 2007

Email dated December 11, 2007 from Shilon Green to John Trombetta, a Representative with Walter Mortgage Company

Email dated December 26, 2007 from Shilon Green to Steven Campbell

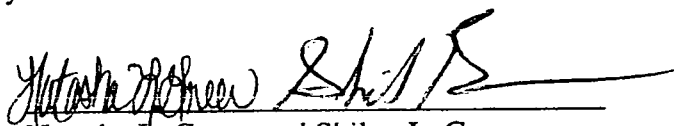
Email dated January 2, 2008 from Shilon Green to Steven Campbell

Email dated January 7, 2008 from Shilon Green to Steven Campbell

Letter from Chesterfield County Code Enforcement Office dated January 29, 2008

Letter from Chesterfield County Code Enforcement Office dated August 17, 2009

We are asking that the Court of Appeal grant our motion to add additional documents to be included on the Record of Appeals, because these documents would show that the Representatives with Walter Mortgage Company were aware that our home did not pass code, because it didn't not pass code, a CO could not be issued. In one of the emails you will find that the payment was to begin on October 5, 2007 instead of September 5, 2007 and that change was made from Walter Mortgage Company because of the other issues had not been resolved. Ronnie Ham, who is a Representative for Walter Mortgage Company was made aware that we couldn't move into the home and he notified the other Representatives about the house failing code. We called the Inspector out in October to inspect the home so that we could obtain a CO to move into the home, but a red tag was issued and a CO could not be issued. We signed a Tender Agreement on June 29, 2007 trusting that Jim Walter Homes had followed the right procedure in order for us to obtain the CO needed for us to move into the home, but we found out on October 30, 2007 that the home failed inspection and it should not have been released until the Code Inspector inspected all the work that had been done by Jim Walter Homes before the home was released to us on June 29, 2007.



Natasha L. Green and Shilon L. Green  
PO Box 334  
McBee, SC 29101  
(843) 335-5794  
Appellants

December 3, 2009

**OTHER COUNSEL OF RECORD:**

J. Kershaw Spong  
Robinson, McFadden & Moore, P.C.  
Post Office Box 944  
Columbia, SC 29202

# The South Carolina Court of Appeals

Walter Mortgage Company, Respondent,  
Natasha I. Geen and Shilon L. Green, Defendants and Third Party Plaintiff,

v.

Jim Walter Homes, Inc. Third Party Defendant  
of whom Natasha L. Green and Shilon  
L. Green are Appellants.

Special Referee William O. Spencer, Jr.  
Chester County  
Trial Court Case No. 2008-CP-13-00025

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## ORDER

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Appellants filed a motion to add additional documents to be included in the record on appeal. Respondents filed a motion to dismiss Appellant's motion. Respondents maintain the documents Appellants seek to be included in the record on appeal were not presented to the special referee and, therefore, not properly included in the record on appeal. See Rule 210, SCACR ("The Record shall not, however, include matter which was not presented to the lower court or tribunal."). After careful consideration of both motions, Respondents' return and Appellants' reply, we deny Appellant's motion to add additional documents and, therefore, grant Respondents' motion to dismiss.

AND IT IS SO ORDERED.



*Reginald Curator A.S.*

Columbia, South Carolina

12/31, 2009

cc: Natasha & Shilon Green  
J. Kershaw Spong, Esquire

FILED  
12/21/09 ~~MM~~

THE STATE OF SOUTH CAROLINA  
Supreme Court

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APPEAL FROM CHESTERFIELD COUNTY  
Court Of Common Pleas

William O. Spencer, Jr., as Special Referee

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Case No. 2008-CP-13-00-25

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Walter Mortgage Company ..... Respondent,

v.

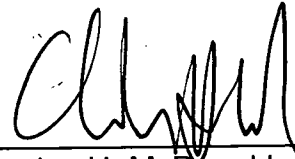
Natasha L. Green and Shilon L. Green ..... Petitioners.

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**Proof of Service**

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I certify that I have served Respondent's Return to Motion to Supplement Appendix by placing a copy of same in the United States mail, postage prepaid, addressed to Natasha L. Green, Shilon L. Green, Post Office Box 334, McBee, South Carolina, 29101.



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Columbia, South Carolina 29202  
(803) 779-8900

Counsel for Respondent

May 3, 2012