

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

69470

APPEAL FROM YORK COUNTY
The Honorable S. Jackson Kimball, III
Master in Equity

RECEIVED

AUG 19 2013

SC Court of Appeals

Case No.: 2010-CP-46-04307

HSBC Mortgage Services, Inc.,

Respondent,

v.

James L. Dennis, Enid Dennis, and Stonewood Homeowners
Association of York County, Inc.,

Defendants,

Of whom James L. Dennis and Enid Dennis are the

Appellants.

MOTION TO SUPPLEMENT THE RECORD ON APPEAL

PLEASE TAKE NOTICE that the above-named Respondent, HSBC Mortgage Services, Inc., hereby moves pursuant to Rule 212(b) of the South Carolina Appellate Court Rules for an Order permitting Respondent to file a Second Supplemental Record on Appeal. The reason for this request is that Appellants have filed both a Record and a Supplemental Record on Appeal with the Court of Appeals and still have not included all matter designated to be included in those records as required by Rule 210(c).

By letter from the Court dated May 8, 2013, Appellants were instructed to serve and file a Supplemental Record on Appeal by May 28, 2013. The Order of Judge Cureton attached to this letter provided that Appellants were to file a supplemental record that included all matters identified in Respondent's designation of matter that were not included in the record on appeal. The Order stated that the omitted items were identified in Respondent's February 8, 2013, motion to correct the record on appeal. When Appellants did not respond to the Court's first Order, Chief Judge Few issued a second Order dated June 24, 2013, again instructing Appellants to serve and file a Supplemental Record, this time by July 4, 2013, or their appeal would be dismissed.

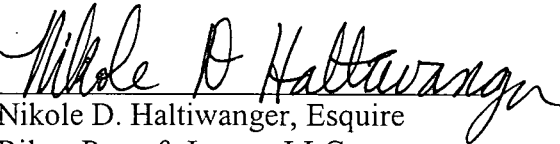
Appellants served and filed a supplemental record on July 2, 2013, but contrary to the Court's Orders, omitted the following documents that were included in Respondent's Designation of Matter:

- 1) Certified Tender of Payment;
- 2) James Dennis and Enid Dennis v. HSBC Mortgage Services, Inc., Case Number 0:10-2693-MJP-PJG Complaint;
- 3) August 11, 2011, Report and Recommendation, Case Number 0:10-2693-MJP-PJG; and
- 4) Voluntary Petition, Case Number 10-3500-hb, p. 43.

Therefore, Respondent respectfully requests an Order permitting Respondent to file a Second Supplemental Record on Appeal. Respondent further requests an award of fees and costs for preparing this Second Supplemental Record on Appeal as Appellants have repeatedly refused to comply with the Court's instructions and have caused Respondent to incur unnecessary fees and costs in this matter.

Respectfully Submitted,

RILEY POPE & LANEY, LLC



Nikole D. Haltiwanger, Esquire
Riley, Pope & Laney, LLC
2838 Devine Street
Post Office Box 11412 (29211)
Columbia, South Carolina 29205
Telephone: (803)799-9993
Facsimile: (803) 239-1414

Attorneys for Respondent

Columbia, South Carolina
August 19, 2013

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
The Honorable S. Jackson Kimball, III
Master in Equity

Case No.: 2010-CP-46-04307

RECEIVED

AUG 19 2013

SC Court of Appeals

HSBC Mortgage Services, Inc.,

Respondent,

v.

James L. Dennis, Enid Dennis, and Stonewood Homeowners
Association of York County, Inc.,

Defendants,

Of whom James L. Dennis and Enid Dennis are the

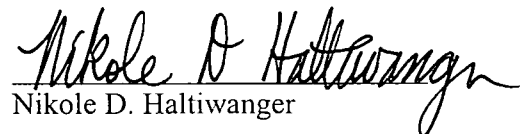
Appellants.

CERTIFICATE OF SERVICE

This is to certify that I, Nikole D. Haltiwanger, an employee with the law firm of Riley Pope & Laney, LLC, have this day caused to be served upon the persons named below the attached **Motion to Supplement the Record on Appeal** in the above-captioned matter via United States mail, first-class postage prepaid, to the following:

James L. and Enid Dennis
1015 Charlotte Ave. Apt. #141
Rock Hill, SC 29732

Columbia, South Carolina
August 19, 2013


Nikole D. Haltiwanger

RILEY POPE & LANEY, LLC
ATTORNEYS AND COUNSELORS AT LAW

TELEPHONE
(803) 799-9993

2838 DEVINE STREET
POST OFFICE BOX 11412 (29211)
COLUMBIA, SOUTH CAROLINA 29205

FACSIMILE
(803) 239-1414

August 19, 2013

Via Hand Delivery

Ms. Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED

AUG 19 2013

SC Court of Appeals

Re: HSBC Mortgage Services Inc. v. James L. Dennis et al.
Appellate Case No: 2012-209386
Our File No.: 4018.13110

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of HSBC Mortgage Services Inc.'s Motion to Supplement the Record on Appeal along with one (1) original and one (1) copy of a Certificate of Service in the above captioned case. Also enclosed is a check for \$25.00 for the filing fee. Please file this Motion and return with my courier one (1) filed copy of the Motion and Certificate of Service.

Sincerely,



Nikole D. Haltiwanger

enclosures

cc: James and Enid Dennis