

The South Carolina Court of Appeals

BOKF Real Estate Holding, LLC, Respondent,

v.

T&S Management, Inc. and Turan Strange, Appellants.

Appellate Case No. 2023-001147

ORDER

On October 4, 2024, Appellants filed the record on appeal and later filed an amended record on appeal. On November 31, 2024, Respondent filed a motion to correct the record on appeal, arguing this court should order Appellants to supplement the record on appeal to include two matters—two affidavits and their exhibits—designated in Respondent's designation of matter that were omitted from the record on appeal. Respondents further contended two items—an affidavit and a deposition transcript—were improperly included in the record on appeal. Appellants filed a return, arguing the two designated matters were in fact included in the filed record on appeal. Appellants further contend the two allegedly improper matters were presented to the lower court and are thus properly included in the record on appeal. After careful consideration, we deny Respondents motion in part and grant in part. Specifically, we deny the request to supplement the record because the allegedly omitted matters are in the filed amended record on appeal. However, we grant the motion to strike the two matters improperly included in the amended record on appeal because they were not designated by either party. Therefore, we strike the amended record on appeal. Appellants shall serve and file a second amended record on appeal within thirty days of the date of this order. To the extent Appellants seek to include these matters in the record on appeal, Appellants must first file a motion to amend their designation of matter. *See* Rule 210, SCACR ("The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal.").

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FOR THE COURT

Columbia, South Carolina

FILED
Feb 11 2025

cc:

Edward Michael Kubec, Esquire

Michael W. Mogil, Esquire