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Apr 09 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM LEE COUNTY  
Court of Common Pleas  
Richard L. Hinson, Special Referee

App. Case No. 2024-001025

Carroll D. Brown,.....Appellant,

v.

John M. Baker dba Humpty Dumpty Mobile Home Park and Dream Home Properties,  
LLC..... Respondent.

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MOTION TO REQUIRE APPELLANT TO SERVE RECORD ON APPEAL THAT  
CONTAINS ALL DESIGNATED MATTER OR DISMISS APPEAL

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Respondent hereby moves pursuant to Rules 210, 260(a), and 263(b), SCACR,  
as well as pursuant to all other applicable law, for an order that 1) directs the Appellant  
to serve and file a record on appeal that contains all the materials the parties designated  
for inclusion in the record on appeal and 2) directs the dismissal of this appeal if the  
Appellant does not meet this requirement. The grounds for this motion are as follows:

1. The Appellant has failed to serve the record on appeal in this case.  
The Appellant served and filed something that he *titled* “Record on  
Appeal,” but it is not the record on appeal in this case.
2. The record on appeal would contain all the matter designated for  
inclusion in the record on appeal.
3. Rule 210(c), SCACR, mandates that “[t]he Record on Appeal shall  
include all matter designated to be included by any party under Rule  
209[.]”

4. The ostensible record on appeal served and filed by the Appellant does not contain all designated materials.
5. The ostensible record on appeal served and filed by the Appellant does not contain the June 4, 2024, hearing transcript (of which the Appellant included only the three pages he had designated) and does not contain all eight of the exhibits from that hearing, which are noted on the introductory transcript pages submitted with this motion. Respondent designated these materials for inclusion in the record on appeal.
6. Rule 260(a), SCACR, provides that “[w]henver it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court.” Appellant has failed to comply with the South Carolina Appellate Court Rules. This fact appears from the record of filings in this appeal, as it is revealed by comparison of the filed designations and the ostensible record on appeal the Appellant filed.
7. Accordingly, this court should give Appellant a deadline by which to serve the actual record on appeal, containing all matter designated for inclusion in it, and, if Appellant does not meet that deadline, dismiss this appeal.

WHEREFORE Respondent prays for an order that 1) directs the Appellant to serve and file a record on appeal that contains all the materials the parties designated

for inclusion in the record on appeal and 2) directs the dismissal of this appeal if the Appellant does not meet this requirement.

Respectfully submitted,

/s/ Andrew S. Radeker

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Attorneys for Respondent

April 9, 2025

State of South Carolina  
In the Court of Common Pleas  
County of Lee

Carroll D. Brown,

plaintiff,

V.

2020-CP-31-00237

John M. Baker, d/b/a Humpty Dumpty Mobile Home  
Park and Dream Home Properties, L.L.C.  
defendants.

The Hearing Held Before:  
The Honorable Richard Hinson as Special Referee

The hearing was taken before Roger  
Williamson, Court Reporter and Notary Public for  
the State of South Carolina, at 325 West Home  
Avenue, Hartsville, South Carolina, on Tuesday,  
June 4th, 2024, pursuant to notice and/or  
agreement, in the above-entitled cause pending  
in the above-named court.

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## 1 A P P E A R A N C E S

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## I N D E X

10 Direct Examination by Mr. Barth 08/22  
 Cross Examination by Mr. Bledsoe 86/148  
 11 Examination by The Court 112/157  
 Re Direct Examination by Mr. Barth 103/155  
 12 Further Cross Examination by Mr. Bledsoe 104/107  
 Further Re Direct Examination by 106/165

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## 14 E X H I B I T S

pg/ln	ex.	description
15 Defendant's Exhibits		
06/23	1	Defendant's First Request to Admit
16 08/05	2	Plaintiff's Deposition and Exhibits (retained by Counsel)
17 11/14	3	Marion Baker's Damages Spread Sheets
15/10	4	Monthly Income Spread Sheets
18 48/16	5	Leases
54/06	6	Receipts
19 Plaintiff's Exhibits		
08/10	1	Defendant's Deposition and Exhibits (retained by Counsel)
20 150/12	2	Eviction List

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\*\* uh-huh = affirmative  
 huh-uh = negative

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PROOF OF SERVICE  
\_\_\_\_\_

I certify that I have served the foregoing motion to require service of record on appeal or dismiss appeal on the date given below by emailing it to opposing counsel at the address(es) noted below.

John W. Bledsoe, III, Esq., at john@johnbledsoelaw.com

Respectfully submitted,

/s/ Andrew S. Radeker

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