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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
The Honorable Joseph M. Strickland, Master in Equity

Case No. 2024-CP040-00292
Appellate Case No.: 2024-001719

U.S. Bank Trust National Association
not in its individual capacity but solely
as owner Trustee for the Legacy Mortgage
Asset Trust 2020-GS1, Rushmore Loan
Servicing, Goldman Sachs Mortgage
Company, U.S. Bank, and U.S. Bank
National Association, Respondent,

v.

Jacob Fulks; Florene Fulks, Appellants.

**RESPONDENT’S MOTION TO CORRECT
RECORD ON APPEAL AND
STAY TIME TO SERVE AND FILE FINAL BRIEF OF RESPONDENT**

Sean M. Foerster (SC Bar # 77466)
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Attorneys for Respondent U.S. Bank Trust National
Association not in its individual capacity but solely
as owner trustee for Legacy Mortgage Asset Trust
2020-GS1

June 5, 2025

Respondent U.S. Bank Trust National Association not in its individual capacity but solely as owner trustee for Legacy Mortgage Asset Trust 2020-GSI (“Respondent”) hereby respectfully moves the Court for an order requiring Appellants Jacob Fulks and Florene Fulks (“Appellants”) to correct several deficiencies in the Record on Appeal that they submitted to the Court and served on Respondent. Due to these deficiencies in the Record on Appeal, Respondent respectfully requests a stay of its deadline to serve and file the Final Brief of Respondent until twenty days after the service of a corrected version of the Record on Appeal.

FACTS

On May 21, 2025, Appellants served a copy of the Record on Appeal on Respondent by email. After reviewing it, Respondent has identified several deficiencies in the Record on Appeal that Appellants should be ordered to correct. The current deadline for Respondent to file its Final Brief of Respondent is June 10, 2025.

ARGUMENT

Appellants must correct the following deficiencies in the Record on Appeal:

1. Appellants improperly omitted a document from the Record on Appeal that was designated for inclusion by Respondent.

“The Record on Appeal shall include all matter designated to be included by any party under Rule 209 ...” Rule 210(c), SCACR. Contrary to their certification pursuant to Rule 210(g), SCACR, Appellants failed to include the following documents in the Record on Appeal that Respondent requested through its Designation of Matter:

- Plaintiff’s Motion to Dismiss Defendants Jacob Fulks and Florene Fulks’ Counterclaim and/or Designate Certain Claims as Defenses filed on March 4, 2024.

Respondent respectfully requests an Order requiring Appellants to correct the Record on Appeal by including a complete and filed copy of this document.

2. Certain pages of lower court records included within the Record on Appeal are in the incorrect order.

The following documents were included in the Record on Appeal with certain pages out of order from how they were filed in the lower court:

- Summons and Complaint filed on January 17, 2024, starting at ROA 27 through ROA 32.
- “Defendant(s)...Answer, To Complaint and Counterclaim for Frivolous Lawsuit and Fraud on the Court” filed February 8, 2024, starting at ROA 35 through ROA 63.

Respondent respectfully requests an Order requiring Appellants to reorganize the Record on Appeal so that the pages of all documents are in the same order as they were filed in the lower court.

CONCLUSION

For these reasons, Respondent respectfully moves for an Order requiring Appellants to cure these deficiencies and file and serve a corrected version of the Record on Appeal as set forth above. In the event that Appellants fail or refuse to correct the Record on Appeal, their appeal must be dismissed. Respondent further requests a stay of its deadline to serve and file the Final Brief of Respondent until twenty days after the service of a corrected version of the Record on Appeal.

[signature on the following page]

Respectfully submitted,

s/ Sean M. Foerster

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Servicing, Goldman Sachs Mortgage
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National Association.....Respondent,

v.

Jacob Fulks and Florene Fulks..... Appellants.

PROOF OF SERVICE

I certify that I have served the Respondent’s Motion to Correct Record on Appeal and Stay Time to Serve and File Final Brief of Respondent on Appellants Jacob Fulks and Florene Fulks by depositing a copy of it in the United States Mail, postage prepaid, on June 5, 2025, addressed to 140 Watson Way, Columbia SC 29229.

s/ Sean M. Foerster
Sean M. Foerster (SC Bar# 77466)
ROGERS TOWNSEND LLC