

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM MARLBORO COUNTY  
Court of Common Pleas  
Milton G. Kimpson, Circuit Court Judge

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Civil Action No. 2024-CP-34-00380

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Appellate Case No. 2025-001647

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Bobby Dean Odom,

Respondent,

v.

Dixie, LLC, Natasha M. Carr, Marlboro County Delinquent Tax Collector, and Edwin Harold  
Odom, III, Defendants,

Of whom Dixie, LLC is the Appellant,

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**APPELLANT’S MOTION TO STRIKE**

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Pursuant to Rules 209, 210, and 240 of the South Carolina Appellate Court Rules, Appellant Dixie, LLC respectfully requests the Court strike item one from Respondent’s Counter-Designation of Matter—the Supplement to Return to Motions to Alter or Amend with all exhibits, filed on July 23, 2025 (“the Supplement”). The Supplement was filed *after* the circuit court signed the order on appeal and is not proper for inclusion into the Record on Appeal for consideration by this Court. *See* Rule 210, SCACR (“The Record shall not . . . include matter which was not presented to the lower court or tribunal.”).

On Wednesday, July 23, 2025, Respondent electronically filed the Supplement and circulated a courtesy copy to Judge Kimpson via email. Ex. A. Judge Kimpson responded that he signed an order over the weekend denying Appellant’s motion to reconsider and was filing it that

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day. *Id.* He stated he would not read the Supplement “until after [he] file[d his] order.” *Id.* An hour later, Judge Kimpson sent a clarifying email, stating: “Please let me clarify my last message. I filed a Form 4 Order denying reconsideration on July 18, 2025; its awaiting approval in the Clerk’s Office.” Ex. B. The Form 4 Order was not electronically filed in the case by the clerk’s office until July 28, 2025. Ex. C. However, it was electronically signed by Judge Kimpson on July 18, 2025. *Id.* It is clear from Judge Kimpson’s communications and the Form 4 Order that the order was signed on July 18, 2025, four days before Respondent filed the Supplement and Judge Kimpson did not review or consider the Supplement. Appellant did not have an opportunity to respond to the Supplement. Because the Supplement was filed *after* the circuit court issued the order on appeal, it is not proper for inclusion into the Record on Appeal for consideration by this Court.

Additionally, the Court should strike and disregard section 1B of Respondent’s brief on pages 10-11 as this argument relied entirely on the exhibits submitted in connection with the Supplement which were not presented to, reviewed by, or considered by the circuit court prior to signing the Form 4 order denying Appellant’s motion to reconsider on July 18, 2025. The communications from Judge Kimpson make it clear that he had submitted the signed Form 4 order for filing with the clerk’s office prior to Respondent filing the Supplement and, therefore, he would not review or consider the Supplement in connection with the order.

Therefore, Appellant respectfully requests the Court strike the Supplement for inclusion in the Record on Appeal and strike the arguments in Respondent’s brief that rely on the Supplement.

*(Signature page follows)*

RESPECTFULLY SUBMITTED,

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