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Jan 09 2026

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM MARLBORO COUNTY
Court of Common Pleas**

**Milton G. Kimpson
Circuit Court Judge**

**Appellate Case No. 2025-001647
Marlboro County Case No. 2024-CP-34-00380**

Bobby Dean Odom, Respondent,

v.

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

of which Dixie, LLC, is the Appellant.

RESPONSE IN OPPOSITION TO APPELLANT’S MOTION TO STRIKE

Appellant seeks to strike Respondent’s July 23, 2025, Supplement to Return to Motions to Alter or Amend, its exhibits, and the argument that relies on it because the July 23, 2025, supplement was filed after the trial court signed the order on appeal in this matter. South Carolina law does not support this request, which only serves to further delay consideration of this matter on its merits. According to South Carolina’s appellate rules, the Record on Appeal will not include “matter which was

not presented to the lower court or tribunal.” Rule 210, SCACR. There is no requirement that the trial court must review every document included in the record, only that the document is “presented” to the trial court. Filing of the document with the Clerk of Court is sufficient to meet this requirement; otherwise, filings such as certificates of service, notice(s) of appeal, and any other document not explicitly mentioned by the trial court would not be part of the Record on Appeal.

Further, the Appellant designated two July 23, 2025, emails from the trial court that discussed Respondent’s July 23, 2025, supplement. (Nos. 19 & 20, App. D.O.M.). As a matter of completeness, and fairness, the July 23, 2025, supplement must also be before this Court. *Cf. State v. Sullivan*, 277 S.C. 35, 282 S.E.2d 838 (1981) (Party who opens door to evidence cannot complain of prejudice from its admission); Rule 210(c), SCACR (“When a portion of an order, judgment, decision or pleading is to be included in the Record on Appeal, the entire order, judgment, decision or pleading shall be included in the Record...”).

Finally, the Appellant’s contention it cannot respond to Respondent’s argument I.B. is belied by the fact that it did respond to this argument in its initial reply brief. (App. Init. Br. pp. 4-5). With the Appellant’s argument before this Court, it is inefficient and wasteful to modify the Record on Appeal and require re-briefing by the parties.

CONCLUSION

The motion should be denied.

Dated: 01/09/2026

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of which **Dixie, LLC**, is the **Appellant.**

CERTIFICATE OF SERVICE

I certify that on January 9, 2026, I emailed the Response In Opposition To Appellant’s Motion To Strike to Jon.robinson@smithrobinsonlaw.com and Shanon.peake@smithrobinsonlaw.com

Dated: 01/09/2026

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