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**Feb 09 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM PICKENS COUNTY  
Court of Common Pleas

Jessica A. Salvini, Circuit Court Judge

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Case No. 2021-CP-39-00329  
Court of Appeals Case No. 2025-001327

Michael and Mary Smith,

Appellants,

v.

King Asphalt, Inc.

Respondent.

## **APPELLANTS' NOTICE OF ERRATA REGARDING MOTION FILED FEBRUARY 9, 2026**

Michael and Mary Smith  
Appellants, pro se  
220 Stancil Street  
Easley, SC 29640  
MichaelDSmith@housemail.com

Opposing Counsel of Record:  
Catharine Garbee Griffin Esq.  
Baker, Ravenel & Bender LLC  
3710 Landmark Drive, Suite 400  
Columbia, S.C. 29204  
CGriffin@brblegal.com

Appellants Michael Smith and Mary Smith, appearing pro se, hereby give notice of an erroneous citation in the Motion for Appointment of Counsel and Remand to Repair the Record filed February 9, 2026.

On page 5 of the Motion (Bates Stamp SMITHvKING ASPHALT\_2025-001327\_000005), the final sentence of Section III(D) currently reads:

“The omission of these materials constitutes a structural defect in the record. See *State v. Brown*, 411 S.C. 332 (2014); Rule 210, SCACR.”

Appellants notify the Court that the citation to ***State v. Brown*, 411 S.C. 332 (2014)** was included in error and should be disregarded. Appellants do not rely on *Brown* in support of the relief requested.

Respectfully submitted,

/s/ Michael Smith  
Michael Smith, Appellant (pro se)

/s/ Mary Smith  
Mary Smith, Appellant (pro se)  
220 Stancil Street, Easley, SC 29640  
MichaelDSmith@housemail.com

February 9, 2026

#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Appellants’ **Notice of Errata Regarding Motion Filed February 9, 2026** and Certificate of Service, were served upon Catharine Garbee Griffin, Esq., Baker, Ravenel & Bender, LLP, 3710 Landmark Drive, Suite 400, Columbia, SC 29204, by email to CGriffin@brblegal.com on February 9, 2026.

Respectfully submitted,

/s/ Michael Smith  
Michael Smith  
Pro Se Appellant  
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