

The South Carolina Court of Appeals

U.S. Bank Trust National Association, as Trustee of Tiki
Series IV Trust, Respondent,

v.

Angela T. Franks aka Angela Thomansina Franks and
CMS Roofing, LLC, Defendants,

Of which Angela T. Franks aka Angela Thomansina
Franks is the Appellant.

Appellate Case No. 2024-000917

ORDER

On July 1, 2025, Appellant filed an amended initial brief and designation of matter. On July 28, 2025, Appellant filed a motion to submit a revised amended initial brief. On September 2, 2025, this court granted the motion and accepted the initial brief and designation of matter as filed; thus, the July 1, 2025 was the accepted amended initial brief of Appellant.

On May 13, 2026, Appellant filed her final brief and an amended record on appeal. On June 8, 2026, Respondent filed a motion: to strike Appellant's final brief; to supplement the amended record on appeal on the basis the record on appeal lacked a proper index, included matters not presented to the circuit court, and failed to contain all designated matter, and; for additional time to file its final brief. Appellant filed a return, opposing the motion. Respondent did not file a reply.

After careful consideration, we grant Respondent's motion to strike Appellant's May 13, 2026 final brief. Within ten days of the date of this order, Appellant shall serve and file an amended final brief that is identical to the July 1, 2025 amended initial brief with the exception of references to the record and the correction of

typographical errors and misspellings.¹ See Rule 211(b), SCACR ("The final brief(s) shall be identical to the brief(s) previously served under Rule 208, except for the following: (1) References to the Record. . . . [and] (2) Correction of Typographical Errors and Misspellings." Further, we strike the amended record on appeal filed May 13, 2026. Within ten days of the date of this order, Appellant shall serve and file a second amended record on appeal that includes an accurate index and all matters designated by the parties but does not include any matters not presented to the circuit court. See Rule 210(c), SCACR ("The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal. Matter contained in the Record on Appeal shall be arranged in the following order: the title page, index, orders, judgments, decrees, decisions, pleadings, transcript, charges, and exhibits and other materials or documents. Each page of the Record on Appeal shall be numbered consecutively beginning with the index. Where a portion of a page of the trial transcript, or a page of an exhibit or document, is to be included in the Record on Appeal, the entire page shall be included. 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, to include the caption and signature(s); provided, however, that the portion of a pleading showing verification or service shall not be included unless relevant to the appeal."). Respondent shall have ten days from receipt of the second amended record on appeal in which to file its final brief.



C.J.

FOR THE COURT

Columbia, South Carolina

cc:

Angela Franks

Brian Lawrence Campbell, Esquire

John P. Fetner, Esquire

J. Pamela Price, Esquire

January N Taylor, Esquire

FILED
Jul 02 2026

¹ Appellants Final Reply brief shall also be served and filed within ten days of the date of this order unless Appellant does not wish this court to consider said filing.

Taylor Nicole Way, Esquire
Kimila Lynn Wooten, Esquire
Meredith L. Coker, Esquire
Dean Anthony Hayes, Esquire