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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM HORRY COUNTY

Court of Common Pleas

The Honorable B. Alex Hyman, Circuit Court Judge

Appellate Case No. 2026-001091

Lower Court Case No. 2025-CP-26-09089

Claran Lundgren,

Appellant,

v.

Ashton Glenn Homeowners' Association, Inc., Waccamaw Management, LLC, and Bob Sauthoff, individually and as agent of the HOA,

Respondents.

**APPELLANT'S MOTION TO CORRECT AND SETTLE THE RECORD ON APPEAL,
OR IN THE ALTERNATIVE TO REMAND FOR SETTLEMENT OF THE RECORD,
AND TO PRESERVE PERISHABLE ELECTRONIC EVIDENCE**

Appellant Claran Lundgren, proceeding pro se, respectfully moves this Court to correct and settle the Record on Appeal, or in the alternative to remand to the circuit court to settle the Record, and to order preservation of the perishable native electronic evidence, so that this appeal is decided on a Record that accurately discloses what occurred below. In support, Appellant shows the Court the following:

I. The Certified Record That Anchors the Dismissal Is Itself Disputed as Incomplete and Altered.

This appeal arises from an independent action in equity in which the central allegation is that the prior magistrate record was narrowed, incomplete, and altered, and was then used preclusively before its integrity was ever tested. The dismissal under review rests on the certified magistrate transcript and the Magistrate's Return from the May 16, 2024 proceeding. The

completeness and accuracy of that certified record are the very subject of this action, not settled background.

Appellant has consistently alleged, and supported by affidavit, that the certified record does not truly disclose what occurred at the May 16, 2024 hearing. Specifically, material testimony of Chris DeLuca is omitted from the certified transcript; the native audio recording contains an audible "jump" or "skip" at the point where that testimony should appear; and the Magistrate's Return mischaracterizes the scope of what was adjudicated by treating excluded or unheard issues as if they had been decided. (See Verified Complaint and record-integrity allegations (Designation Item 4); Affidavit of Hearing Conduct; Blaire Jaeger Affidavit; ODC Complaint, Ex. 43).

Appellant raised these defects diligently and repeatedly below: she requested forensic audio review and preservation by June 7, 2024; she authenticated a copy of the native audio by affidavit and computed a hash value of that copy; she advised the circuit court and, earlier, the Common Pleas appellate court that DeLuca's testimony had been removed and attempted to have him sworn; and she filed an Ex Parte Motion for Emergency Preservation Order seeking to preserve the native per-channel audio, the audit, access, edit, export, and error logs and system metadata, and the transcript drafts, redlines, and reporter notes. Those requests were denied while the same challenged record was given conclusive, preclusive effect.

II. Rule 210 Requires a Record That Accurately Discloses the Proceedings Below.

Rule 210, SCACR, governs the content of the Record on Appeal, and Rule 209, SCACR, governs the designation of matter to be included. Together they exist to ensure that this Court reviews the case as it actually occurred in the tribunals below. Meaningful appellate review of an independent action challenging record integrity is impossible if the disputed certified transcript and Return are simply presumed accurate and complete.

Where a genuine dispute exists as to whether the Record truly discloses what occurred in the lower court, that dispute must be resolved before the Record is treated as conclusive. That is especially so here, where the accuracy and completeness of the certified record are not collateral questions but the heart of the action. Treating the certified transcript and Return as conclusive of the disputed matters would decide the merits of Appellant's record-integrity claim against her without any factual inquiry, and would do so at the pleading stage.

III. The Court Should Correct and Settle the Record, or Remand to the Circuit Court to Do So.

This Court has authority to ensure that the Record on Appeal is accurate and complete and to direct correction or supplementation where its accuracy is disputed. Because the disputed matters turn on evidence outside the four corners of the certified transcript — the native audio, its metadata and chain of custody, and the omitted DeLuca testimony — the most orderly course is to settle the Record after that evidence is examined.

Appellant therefore asks this Court either to correct and settle the Record to reflect the omission of DeLuca's testimony and the disputed integrity of the native audio, or, in the alternative, to remand to the circuit court to settle the Record and, if necessary, receive the native audio, metadata, export logs, chain-of-custody information, and the omitted testimony to determine what occurred at the May 16, 2024 hearing. Pending that determination, the certified transcript and Return should not be treated as conclusive of the disputed record-integrity, scope-of-adjudication, and omission issues.

IV. The Native Electronic Evidence Is Perishable and Must Be Preserved Now.

The native, unedited per-channel audio recording in its original container and codec, its associated audit, access, edit, export, and error logs and system metadata, and the transcript drafts, redlines, and reporter notes are unique digital evidence central to the record-integrity dispute, and

they are perishable. Once overwritten, deleted, or subjected to routine records-disposition, they cannot be recreated. No party is prejudiced by preserving that evidence in place while the record dispute is resolved, whereas Appellant is irreparably prejudiced if it is lost. Preservation should be ordered now, independent of how the Court resolves the remaining requests.

V. Requested Relief.

For these reasons, Appellant respectfully requests that this Court:

1. Correct and settle the Record on Appeal to reflect the omission of Chris DeLuca's testimony from the certified transcript and the disputed integrity of the native audio recording of the May 16, 2024 proceeding;
2. In the alternative, remand to the circuit court to settle the Record and, if necessary, receive the native audio, metadata, export logs, chain-of-custody information, and omitted testimony to determine what the May 16, 2024 proceeding actually disclosed;
3. Order that the native, unedited per-channel audio in its original container and codec, the associated audit, access, edit, export, and error logs and system metadata for the May through September 2024 period, and the transcript drafts, redlines, and reporter notes be preserved in place pending resolution of this motion and the appeal;
4. Hold that, pending settlement of the Record, the certified transcript and the Magistrate's Return are not conclusive of the disputed record-integrity, scope-of-adjudication, or omission issues; and
5. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

s/ Claran Lundgren
Claran Lundgren
Appellant Pro Se
Horry County, South Carolina

Dated: July 1, 2026

CERTIFICATE OF SERVICE

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SC Court of Appeals

I certify that on July 1, 2026, I served the foregoing Appellant's Motion to Correct and Settle the Record on Appeal on counsel for Respondents by electronic mail and U.S. Mail at the addresses listed below:

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Date: July 1, 2026

s/ Claran Lundgren
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