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**Jul 29 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Honorable Charles B. Simmons, Jr., Master in Equity

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Appellate Case No. 2025-002218

Lower Court Case No. 2025-CP-23-03796

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Robert Barnett, as Trustee of the RH 401(k) Plan, ..... Respondent,

v.

Erica Lynn Davis, Austin J. Davis, and  
Signature Gain Express Trust, DTE 06/22/2022  
(An Irrevocable Express Trust Organization),  
Harol Alezu Lozano Moran, Sole Trustee, Defendants,

of which Erica Lynn Davis and Austin J. Davis, .....Appellants.

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**RESPONDENT ROBERT BARNETT,  
AS TRUSTEE OF THE RH 401(k) PLAN'S MOTION  
TO REJECT APPELLANTS' RECORD ON APPEAL**

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Pursuant to Rule 210, SCACR, Respondent Robert Barnett, as Trustee of the RH 401(k) Plan ("Respondent"), by and through the undersigned attorneys, respectfully moves this Court to reject the admission of Appellants' Record on Appeal, and respectfully requests this Court issue an Order requiring Appellants to adhere to Rule 210, SCACR in their preparation of the Record on Appeal. Additionally, Respondent requests that Appellants be required to serve an Amended Record on Appeal. Further, Respondent requests that all filings be stayed until this motion regarding the Record on Appeal is addressed.

By brief way of background, Appellants filed their Notice of Appeal on October 31, 2025. Appellants' Initial Brief and Designation of Matter were filed on February 17, 2026, and Respondent's Initial Brief and Designation of Matter were filed on May 12, 2026.

Respondent contends that the Record on Appeal, served by Appellants on June 25, 2026, is incomplete and does not comply with the requirements of Rule 210, SCACR. Under Rule 210, 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 on Appeal served on Respondent was incomplete as it did not include four of the twenty-nine line-items outlined by Respondent in his Designation of Matter to be included in the Record on Appeal. In the Record on Appeal, Appellants failed to include: 1) Austin J. Davis's Memorandum of Law Regarding Authentication and Enforceability of Note and Mortgage, dated September 24, 2025 (No. 23, Respondent's Designation of Matter); 2) Order on Sale of Real Estate (Public Sale), dated December 1, 2025 (No. 2, Respondent's Designation of Matter); 3) Master Deed, TMS No. 0323.03-01-029.00, Book: DE 2773, Page: 914-917, 131 Round Tree Drive, Simpsonville, South Carolina 29681, dated December 2, 2025 (No. 28, Respondent's Designation of Matter); 4) Notice of Appeal, dated October 21, 2025 (No. 25, Respondent's Designation of Matter).

Pursuant to Rule 210, SCACR, the Record on Appeal must include the entirety of the matters listed in the Designation of Matter, and it is Appellants' responsibility to compile the record. As demonstrated, Appellants failed to include several of Respondent's matters designated for review on appeal. Failure to include the documents listed above in the Record on Appeal will result in deficient understanding of the factual and procedural history of the case at hand.

Based on the incomplete record, Respondent moves this Court to reject the Record on Appeal and request that this Court issue an Order requiring Appellants to abide by Rule 210,

SCACR, when preparing the Record. Respondent requests that Appellants be required to serve an Amended Record on Appeal. Further, Respondent requests that the due date of Respondent's Final Brief be stayed until this motion can be ruled upon by the Court and the issues presented in this motion are resolved. If the Court determines that this motion should be granted, Respondent respectfully requests that this Court also issue controlling deadlines for the filing of the corrected Record on Appeal and Final Brief.

Respectfully submitted,

s/C. Elizabeth Weston  
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***Counsel for Respondent Robert Barnett, as  
Trustee of the RH 401(k) Plan***

Columbia, South Carolina  
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of which Erica Lynn Davis and Austin J. Davis, .....Appellants.

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**PROOF OF SERVICE**

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The undersigned does hereby certify that a copy of the foregoing **Respondent Robert Barnett, as Trustee of the RH 401(K) Plan's Motion to Reject Appellants' Record on Appeal** was served on all parties of record via US Mail, to the addresses shown below:

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Trustee of the RH 401(k) Plan***

Columbia, South Carolina

July 29, 2026