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**Jul 28 2026**

**SC Court of Appeals**

**STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

**APPELLATE CASE NUMBER 2024 – 001929**

**George Jenkins, Barry Heyward, Ulyssess Heyward, fluorine Heyward Pinckney, and Eric Ramsey, claimant's, of whom George Jenkins is the appellate**

**George Jenkins,**  
Appellant,

v.

**Florence Heyward Davis,**  
Respondent.

**APPELLANT'S RESPONSE IN PARTIAL OPPOSITION TO  
RESPONDENT'S MOTION FOR LEAVE TO SUPPLEMENT  
THE RECORD ON APPEAL**

COMES NOW Appellant George Jenkins, appearing pro se, and respectfully responds to Respondent's Motion for Leave to Supplement the Record on Appeal pursuant to Rule 212(b), SCACR.

**I. INTRODUCTION**

Appellant does not oppose correction of the appellate record if specific documents that were actually filed with and considered by the Circuit Court were inadvertently omitted from the certified Record on Appeal.

However, Appellant respectfully objects to Respondent's request to supplement the record with an expansive and undefined collection of documents that has not been shown to have been before the Circuit Court or relied upon by the Circuit Court in granting summary judgment.

Rule 212(b) permits correction of an incomplete record. It should not be used to enlarge the record or introduce additional material beyond that which was before the Circuit Court when it rendered the Order on appeal.

**II. RESPONDENT HAS NOT SHOWN THAT EVERY  
REQUESTED DOCUMENT IS PROPERLY PART OF THE  
RECORD**

Respondent seeks permission to add numerous documents, including:

- the 2012 Durable Power of Attorney;
- the 2015 deed;
- various wills;
- affidavits;
- memoranda;
- exhibits;
- pleadings;
- motions;
- transcripts; and
- "all other documents" related to the summary judgment proceedings. FLORINE  
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This request is overly broad.

Respondent does not identify with specificity:

1. which documents are absent from the certified record;
2. whether each document was actually filed in the Circuit Court;
3. whether Judge Jennifer B. McCoy relied upon each document in deciding the summary judgment motion; or
4. whether every requested document was properly designated and preserved for appellate review.

Without such a showing, supplementation exceeds the purpose of Rule 212(b).

### **III. THE RECORD ALREADY CONTAINS THE MATERIAL NECESSARY FOR REVIEW**

The certified Record on Appeal already contains substantial materials relevant to the issues raised by Appellant, including:

- the hearing transcript;
- the Circuit Court's Order granting summary judgment;
- Appellant's designation of matters;
- testamentary documents; and
- other filings included within the certified record. Record On Appel.pdfPDF

Likewise, Appellant's Initial Brief identifies the issues presented on appeal as whether the Circuit Court erred in granting summary judgment despite genuine issues of material fact concerning the Durable Power of Attorney, alleged self-dealing, and the Probate Court proceedings. Appellant's Initial Brief.pdfPDF

During the summary judgment hearing, Appellant argued that disputes existed concerning his mother's competency, the authority granted under the Durable Power of Attorney, the prior wills, bank records, and alleged breaches of fiduciary duty. hearing Judge Jennif B. McCoy.pdfPDF

Accordingly, the issues on appeal are already clearly framed by the existing record.

#### **IV. RULE 212(b) SHOULD NOT BE USED TO EXPAND THE RECORD**

Respondent requests permission to supplement the record with virtually every pleading, exhibit, affidavit, motion, memorandum, and related document filed during the litigation. FLORINE appel.pdfPDF

Rule 212(b) authorizes correction of omissions in the appellate record; it does not authorize expansion of the record with documents that were not before the Circuit Court when it ruled.

To the extent Respondent seeks to add documents not considered by Judge McCoy, those materials should not become part of the appellate record.

#### **V. APPELLANT DOES NOT OBJECT TO LIMITED CORRECTION OF THE RECORD**

Appellant does not oppose inclusion of documents if Respondent demonstrates that they:

1. were timely filed in the Circuit Court;
2. were properly designated under Rule 209;
3. were before the Circuit Court at the time summary judgment was decided; and
4. were actually considered by the Circuit Court in granting summary judgment.

Any supplementation should be limited to those documents.

Respondent's request for inclusion of broad categories such as "all pleadings," "all exhibits," and "all documents" should be denied.

#### **WHEREFORE**

Appellant respectfully requests that this Honorable Court:

1. Deny Respondent's Motion to the extent it seeks to enlarge the Record on Appeal beyond materials actually before the Circuit Court;
2. Limit any supplementation solely to documents that were filed, considered, and necessary to the Circuit Court's Order granting summary judgment;
3. Deny Respondent's request for blanket inclusion of all pleadings, affidavits, exhibits, memoranda, and unspecified documents; and
4. Grant such other relief as the Court deems just and proper.

Respectfully submitted,

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