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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas
The Honorable W. Haigh Porter
Master in Equity for Florence County

Appellate Case No. 2025-002310

Lakeview Loan Servicing, LLC, Respondent,

v.

Allison Shavonne Smith and Alligator West Homeowners Association, Defendants,

Of which Allison Shavonne Smith is the Appellant.

SECOND MOTION TO CORRECT AND SUPPLEMENT THE RECORD ON APPEAL AND SECOND
MOTION FOR EXTENSION OF TIME TO FILE RESPONDENT'S FINAL BRIEF

J. Martin Page (SC Bar No.: 100200)
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Attorneys for Respondent

Pursuant to Rules 210 and 212 of the South Carolina Appellate Court Rules (“**SCACR**”), Respondent respectfully moves this Court for an Order correcting, supplementing, and settling the Record on Appeal (“**Record**”) to: (1) include each specific item listed in Respondent’s Designation of Matter which was omitted from the Record transmitted to the Court and (2) strike and remove matters improperly included in the Record that were not presented to, considered by, or admitted into evidence at the trial court and are not properly preserved for appellate review. Based on the foregoing, Respondent also respectfully moves this Court for an extension of time within which to file Respondent’s Final Brief pursuant to Rule 263, SCACR.

In support of its Motions, Respondent states as follows:

1. This appeal arises from the Order of the trial court filed on or about October 14, 2025.
2. Appellant served and filed the Notice of Appeal on or about November 13, 2025.
3. Respondent timely served and filed Respondent’s Designation of Matter pursuant to the SCACR on or about March 23, 2026.
4. Upon review of the Record, Respondent discovered that nearly all the items listed in Respondent’s Designation of Matter were omitted from the Record transmitted to this Court.
5. Each item listed in Respondent’s Designation of Matter is material to the proper consideration of the issues raised on appeal and should be included as part of the official Record pursuant to Rules 210 and 212, SCACR.
6. Respondent has further identified materials included in the Record that were not presented to the trial court, admitted into evidence, made part of the record below, or otherwise considered by the trial court in rendering its decision. For example, the documents identified as “Exhibit A,” “Exhibit B,” “Exhibit C,” and “Exhibit 3A” are not part of the trial court record and are not properly preserved for appellate review.
7. Respondent has further identified portions of the Record that do not accurately reflect the original trial court record because documents, filings, transcripts, or record materials appear to have been altered, modified, changed, supplemented, reformatted, or otherwise presented in a manner inconsistent

with the original materials filed with or maintained by the trial court. For example, the documents identified as “Exhibit 3C” and “Exhibit 1” are not the copies of these documents that were presented to, filed in, or admitted into evidence in the trial court.

8. The foregoing inaccuracies and alterations materially affect the accuracy and integrity of the Record and risk presenting matters to this Court that were not part of the authentic record before the trial court.

9. The appellate courts of South Carolina are limited to review of matters properly presented to and ruled upon by the lower court, and the Record must accurately and faithfully reflect the proceedings and filings before the trial court.

10. Pursuant to Rules 210 and 212, SCACR, this Court possesses authority to correct, modify, supplement, and settle the Record so that it accurately reflects the true and original record before the trial court.

11. Respondent is informed and believes that (a) the omission of each of the items listed in Respondent’s Designation of Matter was inadvertent and clerical in nature; (b) the inclusion of matters not presented to the trial court is improper and contrary to the SCACR governing preservation and appellate review; and (c) the inaccuracies and alterations identified herein should be corrected so that the Record conforms to the authentic trial court record.

12. Upon information and belief, Respondent’s Final Brief is currently due on or about September 14, 2026.

13. The foregoing issues raised with the Record directly affect the contents, scope, and accuracy of the Record upon which Respondent’s Final Brief must necessarily rely.

14. Respondent cannot fully and accurately prepare the Final Brief until the Record is properly corrected, supplemented, and settled by the Court.

15. Proceeding with briefing prior to the resolution of the foregoing issues with the Record risks unnecessary confusion, inaccurate citations to the Record, prejudice to Respondent, and inefficiency in the appellate process.

16. This request is made in good faith and not for the purposes of delay.

WHEREFORE, Respondent respectfully requests this Court enter an Order:

- a. Supplementing the Record to include each of the items listed in Respondent's Designation of Matter;
- b. Striking and removing the improperly included materials identified above from the Record;
- c. Correcting the Record to conform to the original and authentic trial court record;
- d. Directing the Clerk of Court and/or Appellant to utilize the original trial court filings, transcripts, and materials maintained by the trial court in preparing any corrected Record;
- e. Directing the Record reflect only those matters properly presented to and considered by the trial court;
- f. Extending the deadline for Respondent to file its Final Brief until thirty (30) days after the entry of the Court's Order correcting, supplementing, and striking portions of the Record; or, alternatively, suspending the current briefing deadline pending resolution of the pending motion concerning the Record; and
- g. Granting such other and further relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED,

/s/J. Martin Page

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*Attorneys for Respondent Lakeview Loan
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Dated: September 2, 2026

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I, the undersigned employee of Bell Carrington Price and Gregg, LLC, do hereby certify that on September 3, 2026, I have served Appellant Allison Shavonne Smith with a copy of Respondent's Second Motion to Correct and Supplement the Record on Appeal and Second Motion for Extension of Time to File Respondent's Final Brief by mailing it to him/her, at his/her last known address, by depositing it in the U.S. mail, in an envelope with sufficient postage affixed, addressed as follows:

Allison Shavonne Smith
3805 Bobcat Trail
Timmonsville, SC 29161

Dated: September 3, 2026

/s/J. Martin Page

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