

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas
Joseph M. Strickland, Master-in-Equity

Appellate Case No. 2024-000917

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SC 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.

Appellant.

**APPELLANT'S RETURN IN PARTIAL CONSENT AND LIMITED OPPOSITION TO
RESPONDENT'S MOTION TO AMEND THE SECOND AMENDED RECORD ON
APPEAL;
REQUEST FOR A NARROW RULE 212 APPENDIX AND TO DENY FURTHER DELAY**

Appellant Angela T. Franks, proceeding pro se, respectfully submits this Return to Respondent's September 30, 2026 Motion for Appellant to Amend the Record on Appeal. Appellant does not oppose correction of a genuinely omitted, properly designated lower-court filing. Appellant does oppose using a narrow record-correction issue to require wholesale reconstruction and repagination of the Second Amended Record, to disturb existing record citations, or to create another extension of Respondent's final-brief deadline.

PRELIMINARY POSITION

1. Respondent identifies two documents that it says were omitted from the Second Amended Record: the April 18, 2024 Notice of Hearing for the May 14, 2024 hearing and the May 10, 2024 Affidavit of Attorney's Fees and Costs. Respondent also asks to substitute or add filed copies of the Commercial Promissory Note, Commercial Real Estate Mortgage, assignments of mortgage, and assignments of leases and rents.
2. These categories were included in Respondent's designation of matter. The lower-court public index also reflects filings corresponding to the April 18 Notice of Hearing, the May 10 fee affidavit, and the April 8 note, mortgage, and other exhibits. Appellant therefore does not oppose a narrowly tailored supplement containing the exact lower-court-filed copies, provided the copies are the same documents filed in Richland County case number 2022-CP-40-02905.
3. Appellant does not concede Respondent's unsupported assertion that particular copies already contained in the Second Amended Record were 'unfiled.' Respondent's motion does not identify the exact Second Amended Record page numbers it seeks to remove or replace. No existing page should be deleted or characterized as improper without page-specific identification and a showing that the particular copy was not presented to the lower court.

ARGUMENT

I. AFTER THE RECORD HAS BEEN FILED, THE NARROW CORRECTION SHOULD BE HANDLED UNDER RULE 212.

Rule 210(c), SCACR, requires the Record on Appeal to include all matter properly designated under Rule 209 and to exclude matter not presented below. Rule 210(g) treats filing of the Record as a certification of that content. Appellant acknowledges those duties.

The Second Amended Record has already been filed. Rule 212(b), SCACR, governs later supplementation by a party. Without written consent of all counsel, the party seeking supplementation must move for leave. Rule 212(c) provides that supplemental materials are placed in an Appendix to the Record on Appeal and, unless the parties agree otherwise or the Court orders otherwise, the Appendix is compiled, served, and filed by the party who initially proposed it.

Respondent is the party proposing the present supplementation and has already attached the documents it wants considered. The most efficient and rule-conforming remedy is therefore a short, separately paginated Appendix prepared by Respondent, not another wholesale amendment and repagination of Appellant's Second Amended Record.

II. APPELLANT CONSENTS ONLY TO A DOCUMENT-SPECIFIC, FILED-COPY SUPPLEMENT.

To eliminate collateral dispute and to ensure that the appellate record contains the exact copies filed below, Appellant consents to inclusion of the following, subject to the Court's determination that Respondent's attached copies are the complete lower-court-filed versions:

1. Notice of Hearing dated April 18, 2024 for the May 14, 2024 hearing, including its filed certificate or proof of service if part of the same lower-court filing;
2. Affidavit of Attorney's Fees and Costs filed May 10, 2024;
3. Commercial Promissory Note filed as a lower-court exhibit;
4. Commercial Real Estate Mortgage filed as a lower-court exhibit;
5. Assignments of Mortgage filed as lower-court exhibits; and
6. Assignments of Leases and Rents filed as lower-court exhibits.

Appellant's consent is not an admission that the prior copies were never presented below, that Respondent's descriptions are complete, or that any unidentified existing Record pages should be stricken. It is a practical effort to provide the Court with the exact e-filed versions and move the appeal forward.

III. RESPONDENT HAS NOT JUSTIFIED DELETING UNIDENTIFIED RECORD PAGES OR REPAGINATING THE ENTIRE RECORD.

Respondent asserts generally that the Second Amended Record contains 'unfiled exhibits,' but it does not identify the specific R. pages at issue. A generalized assertion is insufficient to determine what should be removed, particularly where the same underlying instruments may exist in multiple

recorded or filed versions.

Wholesale repagination would also destabilize the record citations in Appellant's amended final brief and create avoidable additional work for the Court and the parties. A Rule 212 Appendix preserves the Second Amended Record's existing pagination while giving Respondent and the Court precise supplemental page references.

Accordingly, the Court should deny any request to strike, delete, replace, or repaginate existing pages unless Respondent first identifies the exact R. page numbers and establishes that those exact pages were not presented to the lower court.

IV. RESPONDENT'S MOTION DOES NOT STAY OR EXTEND ITS FINAL-BRIEF DEADLINE.

Rule 240(b), SCACR, provides that filing a motion ordinarily does not stay appellate deadlines. The only automatic stays identified there are for a motion to dismiss and a motion to relieve counsel. Respondent's motion to amend or supplement the Record is neither. Therefore, this motion does not automatically suspend Respondent's obligation to file its final brief.

If Respondent seeks additional briefing time, it must file a separate, compliant motion for extension and demonstrate good cause. The present supplementation can be completed from documents already attached to Respondent's motion and does not justify open-ended delay or a renewed briefing schedule.

V. THE PRESENT RECORD-CORRECTION ISSUE DOES NOT SUPPORT SANCTIONS OR DISMISSAL.

Respondent's motion identifies a curable record issue. Appellant's limited consent resolves that issue without prejudice to either party. Nothing in the motion establishes abandonment of the appeal, bad faith by Appellant, or grounds for striking the Second Amended Record in its entirety. The Court should use the least disruptive remedy that produces a complete lower-court record.

MEMORANDUM OF AUTHORITIES

Rule 209(b), SCACR, limits designations to relevant materials that may properly be included under Rule 210(c). Rule 210(c) requires all properly designated matter, excludes matter not presented below, and specifies the organization and pagination of the Record. Rule 210(g) makes filing the Record a certification of its contents. Rule 212(b) authorizes a party to seek leave to supplement after filing, and Rule 212(c) directs that supplemental materials be placed in an Appendix compiled by the party initially proposing supplementation unless the parties agree or the Court orders otherwise. Rule 240(b) provides that filing a motion does not stay appellate time limits except for motions to dismiss or relieve counsel.

REQUEST FOR RELIEF

WHEREFORE, Appellant respectfully requests that the Court:

- A. GRANT Respondent's motion only to the limited extent necessary to add the exact lower-court-filed copies of the six document categories identified above;
- B. TREAT the requested addition as a supplemental-record request governed by Rule 212, SCACR;
- C. DIRECT Respondent, as the party initially proposing supplementation, to compile, serve, and file a separately paginated Appendix with a detailed index within five days, using the copies attached to its motion or certified copies from the lower-court file;
- D. PRESERVE the existing pagination of the Second Amended Record on Appeal and the existing record citations in Appellant's amended final brief;
- E. DENY any request to remove or replace existing Record pages unless Respondent identifies the exact R. page numbers and establishes that those specific pages were not presented below;
- F. DENY any implied request to extend or stay Respondent's final-brief deadline;
- G. ALTERNATIVELY, if the Court directs Appellant to compile the supplement, permit Appellant ten days to file a separately paginated Supplemental Appendix without repaginating the main Record and without sanctions; and
- H. GRANT such other relief as the Court deems just and proper.

Respectfully submitted,



s/ Angela T. Franks

Angela T. Franks, Appellant pro se

P.O. Box 983

Columbia, South Carolina 29202

Telephone: (803) 466-3005

Dated: October 7, 2026

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2026, I served a true and correct copy of the foregoing Appellant's Return in Partial Consent and Limited Opposition to Respondent's Motion to Amend the Second Amended Record on Appeal upon all counsel of record by United States Mail, first-class postage prepaid, and/or authorized electronic service, addressed as follows:

Mr. Brian Lawrence Campbell, Esquire
2840 S. College Road, Suite 451
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4500 Fort Jackson Boulevard, Suite 335
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s/ Angela T. Franks

Angela T. Franks, Appellant pro se

PROPOSED ORDER

This matter comes before the Court on Respondent's Motion for Appellant to Amend the Record on Appeal and Appellant's Return in Partial Consent and Limited Opposition. After consideration of the filings, the Court finds that limited supplementation is appropriate and that wholesale reconstruction and repagination of the Second Amended Record is unnecessary.

IT IS ORDERED that Respondent's motion is GRANTED IN PART and DENIED IN PART.

Pursuant to Rule 212(c), SCACR, Respondent shall, within five days of this Order, serve and file a separately paginated Appendix to the Second Amended Record on Appeal containing complete copies of: (1) the April 18, 2024 Notice of Hearing for the May 14, 2024 hearing; (2) the May 10, 2024 Affidavit of Attorney's Fees and Costs; (3) the filed Commercial Promissory Note; (4) the filed Commercial Real Estate Mortgage; (5) the filed assignments of mortgage; and (6) the filed assignments of leases and rents. The Appendix shall contain an accurate index.

The existing pagination of the Second Amended Record on Appeal shall remain unchanged. No existing page shall be removed or replaced absent further order identifying the specific page and finding that it was not presented to the lower court.

Nothing in this Order stays or extends any briefing deadline. Any request for additional time must be made by separate motion in compliance with Rule 240, SCACR.

IT IS SO ORDERED.

Judge, South Carolina Court of Appeals

Date: _____