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JAN 17 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MARION COUNTY
Court of Common Pleas

Haigh Porter, Special Referee for Marion County

Case No. 2013-CP-33-306

71002

Anderson Brothers Bank, Respondent,

v.

Dazarhea Monique Parson, a/k/a Dazarhea D.
Parson, a/k/a Dazarhea Monique Daniels
Parson, A. Tyrone Parson, Jr. a/k/a Arnold
Tyrone Parson, Jr., S.C. Department of Revenue,
and S.C. Department of Motor Vehicles, Defendants,

Of whom

Dazarhea Monique Parson and
A. Tyrone Parson, Jr., are the Appellants.

**RESPONDENT'S MOTION TO STRIKE
THE RECORD ON APPEAL**

Respondent Anderson Brothers Bank moves to strike the record on appeal served by Appellants on the grounds that it fails, in several ways, to comply with the requirements of Rule 210, S.C.A.C.R. In support of this Motion, Respondent states as follows:

1. Respondent served its designations to the record on appeal on November 18, 2013. A copy of Respondent's designations is attached hereto as **Exhibit A.**

2. Appellants served the record on appeal on December 30, 2013. As served, the record on appeal is deficient in the following respects:

a. The record on appeal does not contain all matter designated by Respondents for inclusion, in violation of Rule 210(c) (“The Record on Appeal shall include all matter designated to be included by any party under Rule 209 ...”). Of particular concern to Respondent, the record as served by Appellants omits a large portion of the transcript of the foreclosure hearing, as well as the exhibits introduced at the foreclosure hearing;

b. The record as served appears to contain material that was not presented to the lower court, in violation of Rule 210(c);

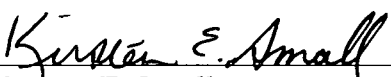
c. The contents of the record on appeal are not in the order specified by Rule 210(c), nor is the record consecutively paginated; and

d. The title page does not set forth the correct case caption, in violation of Rule 210(d).

3. In light of the deficiencies in the record on appeal, it is not possible for Respondent to file a final brief that complies with the requirements of Rule 211. Among other things, Respondent cannot provide references to the record on appeal because materials cited in Respondent’s brief, and included in Respondent’s designation of matter, were not included in the record on appeal.

WHEREFORE, Respondent respectfully requests that the Court enter an order striking the record on appeal and directing Appellants to serve a record on

appeal that complies with Rule 210.



Kirsten E. Small

Suzanne Grigg

Nexsen Pruet, LLC

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Post Office Drawer 10648

Greenville, SC 29603-0648

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KSmall@nexsenpruet.com

Attorneys for Respondent

Anderson Brothers Bank

January 15, 2014

Greenville, South Carolina

Exhibit A

THE STATE OF SOUTH CAROLINA
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Tyrone Parson, Jr., S.C. Department of Revenue,
and S.C. Department of Motor Vehicles, Defendants,

Of whom

Dazarhea Monique Parson and
A. Tyrone Parson, Jr., are the Appellants.

**RESPONDENT'S DESIGNATION OF MATTER
TO THE RECORD ON APPEAL**

Respondent Anderson Brothers Bank proposes the following be included
in the Record on Appeal:

1. Lis Pendens
2. Summons and Complaint (including all exhibits)
3. Notice of Mortgagor's Foreclosure Intervention Rights
4. Affidavit of Service as to Dazarhrea Monique Parson
5. Affidavit of Service as to Arnold Tyrone Parson, Jr.
6. Acceptance of Service, Answer to Complaint, and Consent to Order of Reference by South Carolina Department of Motor Vehicles

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7. Affidavit of Default and Non-Military Service as to Dazarhea Parson and A. Tyrone Parson, Jr.
8. Certification Regarding Mortgagor's Non-Participation in Foreclosure Intervention Process
9. Answer, Request for Notice of Surplus Funds, and Consent to Order of Reference by South Carolina Department of Revenue
10. Order of Reference
11. Notice of Hearing
12. Transcript of Foreclosure Hearing
13. Plaintiff's Hearing Exhibits A-E
14. Affidavit of Statement of Account
15. Affidavit of Attorney's Fees and Costs
16. Special Referee's Order and Judgment of Foreclosure and Sale
17. Affidavit of Publication
18. Certificate of Service for Notice of Sale, Special Referee's Order and Judgment of Foreclosure and Sale, Form 4, Transcript of Testimony, Affidavit of Statement of Account, and Affidavit of Attorney's Fees and Costs
19. Special Referee's Order of Report on Sale and Disbursements
20. Order for Deficiency Judgment
21. Notice of Appeal

I certify that this designation contains no matter that is irrelevant to this appeal.

Kirsten E. Small

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Suzanne Grigg

Nexsen Pruet, LLC

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KSmall@nexsenpruet.com

Attorneys for Respondent

Anderson Brothers Bank

November 18, 2013

Greenville, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MARION COUNTY
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Haigh Porter, Special Referee for Marion County

Case No. 2013-CP-33-306

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Dazarhea Monique Parson, A. Tyrone Parson,
Jr., S.C. Department of Revenue, and S.C.
Department of Motor Vehicles, Defendants,

Of whom

Dazarhea Monique Parson and
A. Tyrone Parson, Jr., are the Appellants.

PROOF OF SERVICE

I certify that I have served the foregoing **Respondent's Designation of Matter to the Record on Appeal** on Appellants, who are not represented by counsel, by depositing a copy of it in the United States Mail, postage prepaid, addressed to Appellants as follows:

Dazarhea Monique Parson
3546 Quail Roost Road
Mullins, SC 29574

Arnold Tyrone Parson, Jr.
3546 Quail Roost Road
Mullins, SC 29574

November 18, 2013


Kirsten E. Small
Nexsen Pruet, LLC
P.O. Drawer 10648
Greenville, SC 29603
864.370.2211
KSmall@nexsenpruet.com
Attorneys for Respondent
Anderson Brothers Bank

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Of whom

Dazarhea Monique Parson and
A. Tyrone Parson, Jr., are the Appellants.

PROOF OF SERVICE

I certify that I have served the foregoing **Motion to Strike the Record on Appeal** on Appellants, who are not represented by counsel, by depositing a copy of it in the United States Mail, postage prepaid, addressed to Appellants as follows:

Dazarhea Monique Parson
3546 Quail Roost Road
Mullins, SC 29574

Arnold Tyrone Parson, Jr.
3546 Quail Roost Road
Mullins, SC 29574

January 15, 2014

Kirsten E. Small

Kirsten E. Small
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Greenville, SC 29603
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KSmall@nexsenpruet.com
Attorneys for Respondent
Anderson Brothers Bank

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SC Court of Appeals

January 15, 2014

The Honorable Jenny A. Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: *Anderson Brothers Bank v. Dazarhea Monique Parson, etc., et al.*
Case Tracking #: 2013-CP-33-306
Our File No.: 12999-460

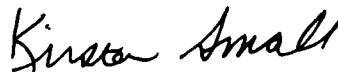
Dear Ms. Kitchings:

Enclosed please find the original and eight copies of the Respondent's Motion to Strike the Record on Appeal, with Proof of Service attached, in the above matter. Please file the original and return two filed, stamped copies in the enclosed, self-addressed, stamped envelope.

As indicated on this letter and as further evidenced by the enclosed Proof of Service, the opposing parties are being served.

Thank you for your assistance in this matter.

Very truly yours



Kirsten E. Small

KES/dkr

Enclosures

cc: Dazarhea Monique Parson (w/enc.)
Arnold Tyrone Parson, Jr. (w/enc.)

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Greenville SC 29603-0648

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