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THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APR 21 2014

S.C. SUPREME COURT

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Cynthia Graham Howe,
Master-in-Equity for Horry County

Order (S.C. Ct. App. filed June 6, 2012)

Ex Parte Coastal Designs, Inc. and Tim Wilkes..... Petitioner

vs.

In Re: SRB Servicing, LLC, successor by assignment to Synovus Bank,
formerly known as Columbus Bank and Trust Company,
as successor in interest through name change and by merger with
the National Bank of South Carolina..... Respondent

vs.

Myrtle Beach Grande Hotel, LLC, Harvey L. Jones,
Wendy Jones (J.) Bellamy, Billy Joe (J.) Bellamy,
Kersi S. Shroff, Mozingo & Wallace Architects, LLC,
Harvey Levon Jones and Wendy Beth Jones Bellamy
as Personal Representatives of the Estate of Ann L. Jones,
and as Trustee of the Restated and Amended Trust Agreement
of Ann L. Jones, dated October 30, 2006..... Respondents.

**PETITIONER'S RESPONSE TO RESPONDENT'S
MOTION TO SUPPLEMENT RECORD ON APPEAL**

The Petitioner, responding to Respondent's Motion to Supplement the Record on Appeal, would respectfully show as follows.

This case has been set for oral argument during the June 2014 term. The matter was previously decided by the Court of Appeals and this Court in its most recent Order granted no extensions "absent extraordinary circumstances." Petitioner has already filed his Brief

on Certiorari and was not advised until April 15, 2014 that Respondent intended to supplement the Record on Appeal.

There are numerous cases regarding supplementation of the Record in which this Court has not granted such a request. See *Collins Entertainment v. Coats*, 355 S.C. 125, 584 S.E.2d 120 (S.C.App.2003) (motion to supplement the record one month after judgment too late); *State v. Primus*, 349 S.C. 526, 564 S.E.2d 103 (S.C. 2002) (trial judges remarks not included in record on appeal—motion to supplement record denied); *Bardoon Properties v. Eidolon Corp.*, 326 S.C. 166, 485 S.E.2d 371 (S.C. 1997) (motion to supplement the record denied); *Payton v. Kearsse*, 319 S.C. 188, 460 S.E.2d 220 (S.C. App. 1995) (Supreme Court denies supplementing the interrogatories and request to produce to supplement the record).

Petitioner further believes that based on the above cited cases that there are good and valid reasons for not supplementing the Record on Appeal. They are as follows:

1. The Petitioner has filed his brief and to allow supplementation of the record without his response would prejudice him greatly.

2. This case is on certiorari from the Court of Appeals which has already issued its opinion without the supplemented record.

3. The issues raised by Respondent have no application to the constitutional violations of the Plaintiff's rights.

4. Respondent proposes to add an Affidavit of the Horry County Clerk of Court signed and obtained on April 15, 2014 -- years after the Notice of Appeal was filed and the Court of Appeals issued its opinion.

5. Respondent proposes new arguments and material which have not been considered by either the trial court or the Court of Appeals.

6. The proposed supplementation of the record has no application to the issues in this case.

7. Petitioner cannot emphasize enough to the Court that supplementation of the record years after this appeal was filed and a record prepared is prejudicial to the Appellant/Petitioner and interjects new issues in this case which the Court of Appeal did not have before it when it decided the matter.

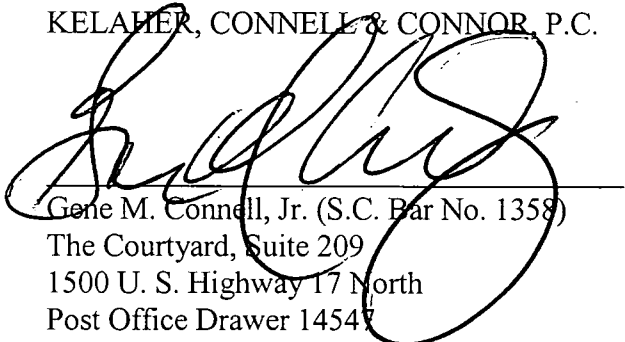
8. This Court has already set a hearing and has ordered that no extensions shall be allowed absent extraordinary circumstances.

9. Petitioner does not believe that supplementation of the record constitutes extraordinary circumstances as stated in this Court's ruling in this matter regarding the briefing schedule.

Accordingly, Petitioner requests that the supplementation of the record be denied and that Respondent provide its brief based on the Court's previous Order.

Respectfully submitted,

KELAHER, CONNELL & CONNOR, P.C.



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Attorney for Petitioner

April 2, 2014
Surfside Beach, South Carolina.

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PROOF OF SERVICE

PERSONALLY appeared before me, Shelia Y. McCumbee, who being duly sworn, deposes and says that she is an employee of Kelaher, Connell & Connor, P.C., Attorneys at Law, and that she has served the **Petitioner's Response to Respondent's Motion to Supplement Record on Appeal** on the Respondents, through attorneys of record, by depositing a copy of same in the United States Mail, postage prepaid, to:

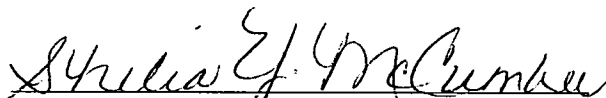
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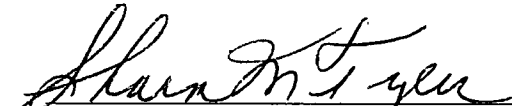
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DATE OF MAILING: April 17, 2014


Shelia Y. McCumbee

SWORN AND SUBSCRIBED before me,
this 17th day of April, 2014


Notary Public for South Carolina
My Commission Expires: 2-25-19