

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

Appeal No. 2013-001824

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 RETURN TO APPELLANTS'
MOTION TO STRIKE THE DESIGNATION OF MATTER
TO THE RECORD ON APPEAL**

Respondent Anderson Brothers Bank hereby submits this response to Appellants' motion to strike Respondent's designation of matter to the record on appeal. Appellants complain that the materials designated by Respondent were "entered by a third party interloper who has no firsthand knowledge of any bona fide material facts." (Motion, at 2.) To the contrary, the materials designated by Respondent are all documents entered into the record in the lower court, and as

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such are properly designated pursuant to Rule 209, SCACR. Moreover, the materials designated are all relevant to the issues on appeal, as required by Rule 209(b).

Appellants also contend, in the penultimate sentence of the Motion, that “it is not possible for the Appellant’s [sic] to file an [sic] record on appeal.” (Motion, at 2.) Respondent respectfully suggests that the question is not one of ability but of willingness. It is Appellants’ duty to file a record on appeal that contains *all* of the materials properly designated by either party, and which complies with Rule 267, SCACR. *See* Rule 210(b), SCACR. Appellants’ failure to file and serve a properly compiled record on appeal has delayed this appeal by making it impossible for Respondent to file a final brief that complies with Rule 211(b), SCACR.

Accordingly, Respondent asks the Court to deny Appellants’ Motion and to direct Appellants to file and serve a record on appeal that complies with Rule 210.

Kirsten Small

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*Attorneys for Respondent
Anderson Brothers Bank*

August 26, 2014
Greenville, South Carolina

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Jr., S.C. Department of Revenue, and S.C.
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Of whom

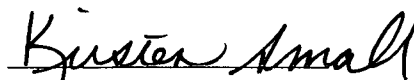
Dazarhea Monique Parson and
A. Tyrone Parson, Jr., are the Appellants.

PROOF OF SERVICE

I certify that I have served the foregoing **Return to Appellants Motion to Strike the Designation of Matter to 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
Arnold Tyrone Parson, Jr.
Post Office Box 776
Mullins, SC 29574

August 26, 2014



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*Attorneys for Respondent
Anderson Brothers Bank*

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August 26, 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 originals and eight copies of the Respondent's Return to Appellants' Motion to Strike the Designation of Matter to the Record on Appeal and the Proof of Service for same in the above matter. Please file the originals and six copies and return two clocked 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.)

- Charleston
- Charlotte
- Columbia
- Greensboro
- Greenville**
- Hilton Head
- Myrtle Beach
- Raleigh

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