

# The South Carolina Court of Appeals

Wells Fargo Bank, N.A., Respondent,

v.

Dorothy Sistrunk, Appellant.

Appellate Case No. 2014-001683

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## ORDER

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Respondent has filed a motion to compel Appellant to include in the record on appeal all items designated by Respondent. Appellant has filed a return conceding she did not file all items designated by Respondent but asserting she did not have the funds to do so. Appellant also asserts two of the items—the note and the mortgage that were filed as attachments to an affidavit—are already included in the record on appeal.

Appellant has also filed a "motion to strike Respondent's request to duplicate records that are already in the record on appeal." In the motion, Appellant asserts the affidavit in support of Wells Fargo's motion for summary judgment, the note, and the mortgage are already included in the record on appeal. Appellant further contends Respondent should bear the cost of supplementing the record on appeal.

Respondent's motion is granted, and Appellant's motion is denied. *See* Rule 210(a), SCACR ("Within thirty (30) days after service of the last brief, the *appellant* shall serve a copy of the Record on Appeal on each party who has served a brief." (emphasis added)); Rule 210(c), SCACR ("The Record on Appeal shall include *all* matter designated to be included by *any* party under Rule 209 . . . ." (emphasis added)). Although the affidavit, note, and mortgage are included in the record on appeal, including them in the record with the motion for summary judgment—as designated by Respondent—will aid this court in its review of the appeal. Further, the affidavit, note, and mortgage do not contain many pages and

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therefore do not pose a substantial increased financial burden to Appellant, in light of the voluminous size of the current record on appeal.

Within twenty days, Appellant shall serve and file a supplemental record on appeal that includes Exhibits 2, 9, and 10, which were attached to Respondent's motion for summary judgment; the three attachments to Exhibit 8; and the Wells Fargo Letter dated March 31, 2014. Failure to comply with this order may result in the dismissal of this appeal.

  
FOR THE COURT

Columbia, South Carolina

cc: Dorothy Sistrunk  
Elizabeth Scott Moise, Esquire  
Michael J. Anzelmo, Esquire

**FILED**  
12/14/15