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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DILLON COUNTY
Court of Common Pleas

Harry R. Easterling, Jr., Special Referee

Case No. 2012-CP-17-0060
Court of Appeals No. 2015-000985

Bank of America, N.A. successor by merger to BAC Home Loans Servicing, LP f/k/a
Countrywide Home Loans Servicing, LP..... Respondent.

v.

Shawn L. Bethea; South Carolina Department of Motor Vehicles, Defendants,
Of whom Shawn L. Bethea is the.....Appellant.

RESPONDENT'S MOTION TO SUPPLEMENT THE RECORD ON APPEAL

Trent M. Grissom
S.C. Bar No. 77718
MCGUIREWOODS LLP
201 North Tryon Street
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Charlotte, NC 28202
Tel: (704) 343-2000
Fax: (704) 444-8738

Attorney for Respondent

Date: February 18, 2016

Pursuant to Rule 212(b) and (c) of the South Carolina Rules of Appellate Procedure, Respondent respectfully moves this Court to allow Respondent to supplement the Record on Appeal to include information that was omitted in the record filed by Appellant. In support of this Motion, Respondent shows as follows:

1. Appellant filed his initial record on appeal on September 24, 2015.
2. After reviewing the initial record, counsel for Respondent discovered that the Appellant's record was not compliant with Rule 210 of the South Carolina Rules of Appellate Procedure. Consequently, counsel for Respondent filed a Motion to Compel Appellant to correct the record on October 15, 2015.
3. On November 12, 2015, Appellant served his first "corrected" Record on Appeal on counsel for Respondent. Counsel for Respondent again determined that Appellant's "corrected" Record on Appeal was not compliant with Rule 210 of the South Carolina Rules of Appellate Procedure.
4. A second Motion to Compel the Correction of the Record on Appeal was filed on November 23, 2015.
5. On February 1, 2016, this Court granted Respondent's Second Motion to Compel the Correction of the Record on Appeal.
6. On or about February 5, 2016, counsel for Respondent received Appellant's second "corrected" Record on Appeal.
7. Although the second "corrected" Record on Appeal is numbered consecutively and contains all of the documents listed in the index, it remains deficient in the following ways:
 - a. One document listed in Appellant's Designation of Matter for the Record on Appeal was omitted.

b. Several documents listed in Respondent's Designation of Matter for the Record on Appeal filed on July 27, 2015 were omitted.

8. The omission of these documents prevents Respondent from properly citing to the Record on Appeal in its final brief.

9. In the interest of judicial economy, Respondent files this Motion, along with the proposed Appendix to the Record, in lieu of filing an additional Motion to Compel the Correction of the Record on Appeal.

10. The first page of the proposed Appendix is numbered with the page number immediately following the last page of Appellant's Record on Appeal.

WHEREFORE, for the reasons stated above, Respondent prays that the Court issue an order:

A. Allowing this Motion to Supplement the Record on Appeal; and,

B. Allowing the Appendix filed with Respondent's Motion to be added to the Record on Appeal in this matter; and,

C. Allowing Appellant and Respondent twenty (20) days from the acceptance of this supplement to the Record on Appeal to file their respective final briefs.



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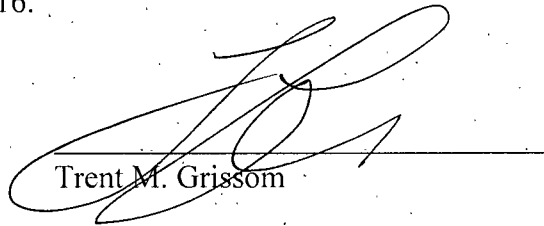
Attorney for Respondent

CERTIFICATE OF SERVICE

The undersigned certifies that this Motion to Supplement the Record on Appeal was served on Appellant by depositing a copy thereof in the United States Mail, first class, postage prepaid, addressed to:

Shawn L. Bethea
1317 Gordonville Court
Dillon, SC 29536

This the 18th day of February, 2016.



Trent M. Grissom

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February 11, 2016

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SC Court of Appeals

VIA FEDERAL EXPRESS

Jenny Abbott Kitchings
Clerk of Court – Court of Appeals
1220 Senate Street
Columbia, SC 29201

**RE: Bank of America, N.A. v. Shawn L. Bethea, et al.
Court of Appeals No. 2015-000985
Case No. 2012-CP-17-0060 (Dillon County)**

Dear Clerk:

Enclosed for filing are the original and six copies of Respondent's Motion to Supplement the Record on Appeal, and proposed Appendix to the Record on Appeal. Also included is our check in the amount of \$25.00 for the filing fee. Please file the Motion and return a file-stamped copy to me in the self-addressed, stamped envelope also included.

Thank you for your attention to this matter. If you have any questions, please contact our office.

Sincerely,

McGUIREWOODS LLP



Cindy J. West
Practice Assistant to Trent M. Grissom

/cjw
Enclosures

cc: Shawn L. Bethea (w/encl.)