

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas
Richard L. Booth, Master in Equity

Appellate Case No. 2015-001341

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SEP 02 2016
SC Court of Appeals

DLJ Mortgage Capital, Inc.....Respondent,

v.

Ameer AminAppellant.

MOTION TO SUPPLEMENT THE RECORD ON APPEAL AND SUPPORTING
MEMORANDUM

Respondent, DLJ Mortgage Capital, Inc., through undersigned counsel, moves under Rule 212 of the South Carolina Appellate Court Rules to supplement the Record on Appeal filed in this action by Appellant, Ameer Amin and states as follows:

1. Appellant submitted what purports to be the Record on Appeal to this Court on or around June 7, 2016.
2. Pursuant to SCACR 210(c), Appellant was required to submit as part of the Record on Appeal all matter designated to be included by any party under SCACR 209.
3. The documents Appellant submitted to the Court failed to include all matters specified by Respondent in its Designation of Matter to Be Included in the Record on Appeal

("Designation") served March 1, 2016. See Designation of Matter and Record on Appeal. Most of the documents which Appellant did include from Respondent's Designation appear to be incomplete. It does not appear that the Record on Appeal complies with SCACR 210.

4. The matters in Respondent's Designation are properly part of the Record on Appeal, and Respondent cannot complete its Final Brief unless the Record is supplemented to include all documents in its Designation.

5. Accordingly, Respondent seeks leave from this Court to file an Appendix to the Record that includes all matter listed in its Designation.

WHEREFORE, Respondent, Respondent DLJ Mortgage Capital, Inc. respectfully requests that this Court grant it leave to supplement the Record on Appeal to include the matters listed in its Designation of Matter to Be Included in the Record on Appeal.

MEMORANDUM AND CITATION OF AUTHORITY

SCACR 210 provides that the Record on Appeal "shall include all matter designated to be included by any party under Rule 209," but shall not include matter which was not presented to the lower court or tribunal. When a portion of an order, judgment, decision, or pleading is to be included in the Record on Appeal, the entire order, judgment, decision or pleading shall be included in the Record. SCACR 210. A party may move under SCACR 212 for leave to supplement the record.

The Appellant has failed to include most of the materials designated by Respondent in its Designation. Most of the materials which Appellant has included from Respondent's designation are incomplete.

In order to complete its final brief in the manner intended by the South Carolina Appellate Court Rules, Respondent must have the matters in its Designation properly submitted to the Court of Appeals.

CONCLUSION

Respondent respectfully requests that this Court grant it leave to supplement the record to include the matters listed in its Designation of Matter to Be Included in the Record on Appeal.

September 2, 2016



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Attorney for the Respondent DLJ Mortgage Capital, Inc.

CERTIFICATE OF SERVICE

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

Ameer Amin
4240 Amelia Drive
Sumter, South Carolina 29154
Appellant

This the 2 day of September, 2016.

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Caroline R. Glenn, Esquire