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**RECEIVED**  
APR 25 2017  
SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Ben N. Miller, III, Special Referee for Richland County

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Case No.: 2010-CP-40-01571

Appellate Case No. 2016-00969

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CitiMortgage, Inc.,.....Respondent,

v.

Bruce W. Gardner and First Citizens Bank and Trust Company, Inc.,.....Defendants,

Of whom Bruce W. Gardner is the.....Appellant.

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**RESPONDENT’S MOTION TO SUPPLEMENT THE RECORD**

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Respondent herein moves to supplement the record pursuant to Rule 212(b), SCACR, for the reasons stated herein.

Appellant filed the Record on Appeal on February 9, 2017. Thereafter, Respondent filed a motion to dismiss on the grounds that Appellant had not included in the Record all of the matters designated by Respondent. The Court denied Respondent’s motion and ordered Appellant to file a supplemental record. Appellant filed a supplemental record on April 19, 2017.

The Supplemental Record filed by Appellant fails to include all the matters designated by Respondent, and it fails to comply with the Court’s Order of March 30, 2017. The Court’s Order

required Appellant to “include the documents listed in Respondent’s designation of matter as items 1, 2, 3, 4, 8, 10, 11, 14, 15, 16, and 17.” Appellant did not include complete copies of the following documents:

1. Lis Pendens, Civil Action Coversheet, Summons and Complaint together with all attached Notices and Exhibits filed 3-9-10
2. Certificate/Certificate of Exemption filed 3-9-10
3. Service/Affidavit of Service on Bruce Gardner filed 3-11-10
4. Answer to the Complaint filed 4-5-10
10. Motion for Summary Judgment including Affidavit of Marc Handley and all exhibits/attachments filed 7-20-15
11. Transcript of 3-9-16 hearing, pp. 1-25

For example, Appellant included Respondent’s Motion for Summary Judgment in the Supplemental Record, but Appellant did not include the affidavit attached to the motion or any of the other attachments to the motion.

This motion is not being made for purposes of delay, but in order to move this matter forward on a full record. Respondent requests that the Court grant its motion so that the appeal can proceed without further delay. Respondent will provide the missing documents in an appendix pursuant to Rule 212(c), SCACR. Respondent reserves its right to request costs from Appellant for the preparation of this appendix.

***SIGNATURE BLOCK APPEARS ON FOLLOWING PAGE***

RILEY POPE & LANEY, LLC

A handwritten signature in black ink, appearing to read "P. Balthazor", written over a horizontal line.

Peter M. Balthazor, SC Bar No. 68244  
2838 Devine Street  
Post Office Box 11412 (29211)  
Columbia, South Carolina 29205  
(803) 799-9993  
Attorney for Respondent

April 25, 2017

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APPEAL FROM RICHLAND COUNTY  
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CitiMortgage, Inc.,.....Respondent,

v.

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Of whom Bruce W. Gardner is the.....Appellant.

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**PROOF OF SERVICE**

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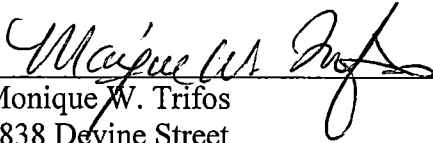
I certify that I have served the Respondent's **RESPONDENT'S MOTION TO SUPPLEMENT THE RECORD** and this proof of service by depositing a copy of the same in the United States Mail, postage prepaid, at the address below:

Bruce W. Gardner  
237 YMCA Road  
Lexington, SC 29073

And

Bruce W. Gardner  
P.O. Box 1531  
Lexington, SC 29071

RILEY POPE & LANEY, LLC

  
\_\_\_\_\_  
Monique W. Trifos  
2838 Devine Street  
Post Office Box 11412 (29211)  
Columbia, South Carolina 29205  
(803) 799-9993

April 25, 2017  
Columbia, South Carolina

**RILEY POPE & LANEY, LLC**  
ATTORNEYS AND COUNSELORS AT LAW

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(803) 799-9993

**RECEIVED**  
APR 25 2017  
SC Court of Appeals  
FACSIMILE  
(803) 239-1414

April 25, 2017

**HAND DELIVERED**

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

Re: CitiMortgage, Inc. vs. Bruce W. Gardner and First Citizens Bank and Trust Company,  
Inc.  
Appellate Case No. 2016-00969 (C/A No.: 2010-CP-40-01571)  
Our File No. 4088.01014

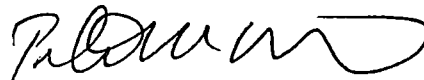
Dear Ms. Kitchings:

Please find enclosed for filing the original and one (1) copy of Respondent's Motion to Supplement the Record as well as Proof of Service in the above referenced action.

Please return with my courier the filed copy.

Thank you for your kind assistance in this matter.

Sincerely,



Peter M. Balthazor

PMB/mwt

Enclosures

cc: Bruce W. Gardner (w/enclosures)