

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

Dale E. Van Slambrook, Master-in-Equity

Appellate Case No. 2016-002234

**RECEIVED**

SEP 12 2017

**SC Court of Appeals**

Primelending, A Plains Capital Company .....Respondent,

vs.

Ronnell Demar Walker a/k/a Ronnell D. Walker; and South Pointe Homeowners  
Association..... Defendants.

Of whom Ronnell Demar Walker a/k/a Ronnell D. Walker .....Appellant.

**RESPONDENT’S MOTION TO CORRECT RECORD ON APPEAL  
AND MOTION TO STAY TIME TO FILE FINAL BRIEF**

Respondent Primelending, A Plains Capital Company (“Respondent”) hereby moves to correct the Record on Appeal submitted by Appellant Ronnell Demar Bey (“Appellant”) on the grounds that the proposed Record on Appeal omits documents designated for inclusion by Respondent and fails in other material aspects to comply with the South Carolina Appellate Court Rules. Additionally, Respondent hereby moves to stay the time for it to be required to file its final brief until such time as the below noted deficiencies are corrected.

On September 5, 2017, Appellant filed and served Respondent with the Corrected Record on Appeal. Despite the fact that the Court returned the Corrected Record for failing to properly bind the document, Respondent is concerned that the Record served upon its counsel is also materially deficient in other aspects and, as a result, Respondent now seeks an order of the Court requiring Appellant to correct these deficiencies prior to submitted a revised Record on Appeal.

The material deficiencies in the Record on Appeal filed on September 5, 2017 are as follows:

**I. Appellant improperly omitted several documents from the Record on Appeal that were designated for inclusion by Respondent in its Designation of Matter.**

“The Record on Appeal shall include all matter designated to be included by any party under Rule 209 ...” Rule 210(c), SCACR. Appellant failed to include the following documents in the Record on Appeal that Respondent requested through its Designation of Matter:

1. Order of Reference filed on September 14, 2015.
2. Order Granting Defendant’s Motion to Compel filed June 16, 2016.
3. Complaint filed on April 16, 2013.
4. Affidavit of Service to Ronnell Demar Walker filed April 20, 2015.
5. Attorney Certification filed July 30, 2015.
6. Affidavit of Default and Non- Military Service filed September 14, 2015.
7. Answer filed on November 23, 2015.
8. Motion To Be Relieved As Counsel filed March 15, 2016.
9. Note dated June 27, 2014.
10. Mortgage recorded July 3, 2014.
11. Notice of Acceleration dated December 17, 2014.
12. Assignment of Mortgage recorded April 8, 2015.

13. Letter Responding to Discovery dated April 25, 2016.
14. Entire Transcript of hearing on August 24, 2016.
15. Letter Transmitting Payment History dated August 25, 2016.
16. Letter Providing Witness Information dated August 25, 2016.
17. Entire Transcript of non-jury trial on October 13, 2016. The transcript of this proceeding is included in the Record provided by Appellant, but it is only the condensed version.

Respondent respectfully requests an order requiring Appellant to correct the Record on Appeal by including these documents or the entirety of these documents in their original, unaltered form.

## **II. The proposed Record on Appeal Fails to Comply with the South Carolina Appellate Court Rules in Other Material Aspects.**

Appellant's proposed Record on Appeal fails to comply with the South Carolina Appellate Court Rules as follows:

- a) The index for the proposed Record on Appeal improperly numbers or identifies documents for inclusion in the Record. The Index should list all documents included and should identify the page number upon which each document begins;
- b) The index and/or Record itself contains argument; and
- c) Multiple documents in the Appellant's proposed Record on Appeal are partial documents and/or include handwritten notations which do not appear in the original document. Respondent requests that complete and exact copies of these exhibits be included in the Record on Appeal, without alteration.

Respondent respectfully requests an order requiring Appellant to correct the Record on Appeal to satisfy these requirements.

## CONCLUSION

For these reasons, Respondent respectfully moves for an order requiring Appellant to correct the Record on Appeal and respectfully moves for an order staying the time for Respondent to be required to file its final brief until such time as the Record on Appeal is corrected.

Respectfully submitted,



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Erica G. Lybrand (SC Bar # 79052)  
ROGERS TOWNSEND & THOMAS, PC  
Post Office Box 100200 (29202)  
1221 Main Street, 14<sup>th</sup> Floor  
Columbia, South Carolina 29201  
(803)771-7900  
erica.lybrand@rtt-law.com  
ATTORNEYS FOR RESPONDENT  
*Rogers Townsend & Thomas, PC and its staff are debt collectors.*

September 12, 2017

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Of whom Ronnell Demar Walker a/k/a Ronnell D. Walker.....Appellant.

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**PROOF OF SERVICE**

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I HEREBY CERTIFY that I have served the **RESPONDENT'S MOTION TO CORRECT RECORD ON APPEAL AND MOTION TO STAY TIME TO FILE FINAL BRIEF** on Appellant Ronnell Demar Walker by depositing copies of it in the United States Mail, postage prepaid, on September 12, 2017, at 412 Eastover Circle, Summerville, SC 29483.



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Erica G. Lybrand (SC Bar # 79052)

ROGERS TOWNSEND & THOMAS, PC  
POST OFFICE BOX 100200(29202)  
1221 MAIN STREET, 14<sup>TH</sup> FLOOR  
COLUMBIA, SOUTH CAROLINA 29201  
P 803.771.7900 F 803.343-7017  
W RTT-LAW.COM

Erica G. Lybrand  
Erica.Lybrand@RTT-LAW.COM  
P 803.744-5289  
LICENSED IN SOUTH CAROLINA

Karissa Richardson  
Paralegal for Erica G. Lybrand  
Karissa.Richardson@RTT-LAW.COM  
P: 803-744-5323



September 12, 2017

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SC Court of Appeals

**VIA HAND DELIVERY**

The Honorable Jenny Abbott Kitchings  
The South Carolina Court of Appeals Clerk of Court  
1015 Sumter Street  
Columbia, SC 29201

RE: *PrimeLending, A PlainsCapital Company v. Ronnell Demar Walker a/k/a  
Ronnell D. Walker; South Pointe Homeowners Association*  
C/A # 2015-CP-08-00965  
RTT File # 506951.00925

Dear Ms. Kitchings:

Please find enclosed an Original and 7 copies of the Respondent's Motion to Correct Record on Appeal and Motion to Stay Time to File Final Brief and Proof of Service in for the above referenced matter. Also enclosed is a check in the amount of \$25.00 representing the motion filing fee. Please file the original and return a clocked copy to our courier.

With kind regards, I remain

Cordially yours,

A handwritten signature in black ink, appearing to read "K. Richardson", is written over a horizontal line.

Karissa Richardson  
Paralegal for Erica G. Lybrand

Enclosures

cc:  
Ronnell Demar Bey  
412 Eastover Circle  
Summerville, SC 29483