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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

APPEAL FROM OCONEE COUNTY
COURT OF COMMON PLEAS
Ellis B. Drew, Master in Equity

NOV 06 2017

SC Court of Appeals

Case No. 2014-CP-37-00143
Appellate Case No.: 2015-001860

Polly Thompson, Respondent,
v.
Cathy Swicegood, Appellant.

MOTION

Appellant hereby moves the Court to allow the record on appeal to be supplemented with a document relevant and necessary to the issues raised by the Respondent in the Respondent's brief.

The Appellant's issues include the argument that the circuit court in the present case lacked jurisdiction over alleged marital property due to the family court's exclusive jurisdiction which was triggered by marital litigation between the parties.

The Respondent argues that her action for partition in the circuit court was filed prior to the Appellant's action in family court, thus precluding attachment of the family court's exclusive jurisdiction over the parties and property in question.


In reply the Appellant argues that the circuit court could not obtain jurisdiction until proper service of the initial pleading in the circuit court case. Louden v. Moragne, 327 S.C. 465, 468, 486 S.E.2d 525, 526 (Ct. App. 1997); SCRCP Rule 3(a).

The record on appeal in the present case contains only the affidavit of service from the Respondent's circuit court action. *See Attachment A*. The record in the circuit court did not contain the affidavit of service from the Appellant's family court action, and therefore was not included in the record on appeal in the present appeal from the circuit court. The affidavit of service from the family court action was however included in the record on appeal of the family court case, a parallel action between the same parties over the same property. *See Attachment B*. (Court of Appeals Case No.: 2015-001860; Supreme Court Case No.: 2016-000577).

The affidavit of service in both the family court and the circuit court are relevant and necessary for this Court to completely analyze the arguments regarding the exclusive jurisdiction by the family court. The Respondent has raised argument that necessitates the Court's review of the affidavit of service from the family court case. The affidavit of service from the family court action is presently part of this Court's records in Appellate Case No.: 2015-001860, Record on Appeal, page 000005.

Wherefore, the Appellant moves to allow the record on appeal in the present case to be supplemented by the affidavit of service of the family court action.

Respectfully submitted,


J. Falkner Wilkes (SC Bar #12893)
114 Whitsett Street
Greenville, SC 29601
(864) 282-1292
(864) 271-6035 (facsimile)
Counsel for Appellant

[Motion Attachment A]

STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE)
Polly Thompson,)
Petitioner,)
v.)
Cathy Swicegood and)
Wells Fargo,)
Respondents)

IN THE COURT OF COMMON PLEAS
THE TENTH JUDICIAL CIRCUIT

2014- CP-37-00143

ACCEPTANCE OF SERVICE

2014 MAR 27 A 11:06

FILED OCONEE, SC
BEVERLY H. WHITFIELD
CLERK OF COURT

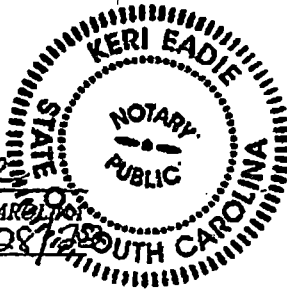
Due and legal service of a copy of the Lis Pendens, Summons, and Petition in the above entitled action is hereby acknowledged as having been received by me, John G. Reckenbeil, Attorney for Defendant Cathy Swicegood, in Spartanburg, South Carolina, on the 25 day of March 2014, and a copy of the same has this date been retained by me.

John G. Reckenbeil

John G. Reckenbeil
Attorney for Defendant Cathy Swicegood

SWORN TO before me, this 25th day of March 2014.

Keri Eadie
NOTARY PUBLIC FOR SOUTH CAROLINA
My commission expires: 8/28/25



Copies to:
Atty (P) _____ (D) _____
DSS _____ other _____
Mailed Boxed _____ handed _____



[Motion Attachment B]

STATE OF SOUTH CAROLINA)

FILED CLERK OF COURT)
GREENVILLE, S.C.)

IN THE FAMILY COURT
THIRTEENTH JUDICIAL CIRCUIT

COUNTY OF GREENVILLE)

MAR 20 A } 8:40

Cathy J. Swicegood,

Plaintiff,

FAMILY COURT)

ACCEPTANCE OF SERVICE

v.)

DOCKET NO.: 2014-DR-23-1184

Polly A. Thompson,

Defendant.)

Due and legal service of the within Summons and Complaint were hereby accepted by me

on this the 17th day of March, 2014, in Greenville, South Carolina.

Margaret A. Chamberlain

Margaret A. Chamberlain
Attorney for the Defendant

SWORN to before me this 17th
day of March, 2014.

DeAnne Barbrey Moore (SEAL)

Notary Public for South Carolina

My Commission expires: 9-14-2016

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM OCONEE COUNTY
COURT OF COMMON PLEAS
Ellis B. Drew, Master in Equity

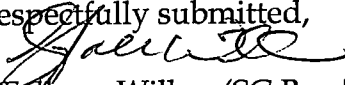
Case No. 2014-CP-37-00143
Appellate Case No.: 2015-001860

Polly Thompson, Respondent,
v.
Cathy Swicegood, Appellant.

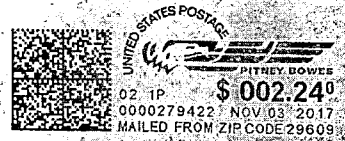
CERTIFICATE

I certify that on August 23, 2017, I served the Appellant's Motion to supplement the record on appeal on the Respondent by placing a copy of same in the United States Mail, first class postage prepaid, addressed to counsel of record and others as indicated below:

Ms. Margaret A. Chamberlain
Chamberlain Law Firm, LLC
600 Pettigru Street
Greenville, SC 29601
Attorney for Respondent

Respectfully submitted,

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Counsel for Appellant

November 3, 2017.



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SC Court of Appeals

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Jenny Abbott Kitchings
Clerk of the Court of Appeals
P.O. Box 11629
Columbia, SC 29211

