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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
DEC 19 2017
SC Court of Appeals

Primelending, A Plains Capital CompanyRespondent,

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 SECOND MOTION TO
CORRECT RECORD ON APPEAL AND
MOTION TO STAY TIME TO FILE FINAL BRIEF**

Respondent Primelending, A Plains Capital Company (“Respondent”) hereby moves, for a second time, 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 December 12, 2017, Appellant filed and served Respondent with a second corrected Record on Appeal. This second corrected Record is still materially deficient, and, as a result, Respondent now seeks an order of the Court requiring Appellant to correct these deficiencies prior to final briefs being submitted.

The material deficiencies in the Record on Appeal filed on December 13, 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 Granting Defendant’s Motion to Compel filed June 16, 2016. A “cover sheet” naming this order is listed in the Record, but the document following it is not the correct order.
2. “Affidavit of Fact” filed on July 6, 2016.
3. Entire Transcript of non-jury trial on October 13, 2016.

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 Record received by counsel for the Respondent is improperly bound with packing tape and binder clips;
- b) The page numbers reflected in the index for each document is actually the page number of a “cover page” for each document. The “cover pages” should be removed and the page number on the index should reflect the page number for the first page of the document itself;
- c) The index and/or Record itself contains argument; and
- d) The documents included in the Record do not have page numbers. The only page numbers are those on the “cover pages.”

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 second corrected 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,



Erica G. Lybrand (SC Bar # 79052)
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ATTORNEYS FOR RESPONDENT
Rogers Townsend & Thomas, PC and its staff are debt collectors.

December 19, 2017

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PROOF OF SERVICE

I HEREBY CERTIFY that I have served the **RESPONDENT'S SECOND 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 December 19, 2017, at 412 Eastover Circle, Summerville, SC 29483.



Erica G. Lybrand (SC Bar # 79052)

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December 19, 2017

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 Second 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. 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 the typed name.

Karissa Richardson
Paralegal for Erica G. Lybrand

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DEC 19 2017

SC Court of Appeals

Enclosures

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