

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

MAR 05 2018

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 is the.....Appellant.

**RESPONDENT’S THIRD 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 a document 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 February 17, 2018, Appellant served Respondent with the Corrected Record on Appeal in response to the Court order filed January 26, 2018.

The material deficiencies in the Record on Appeal served on February 17, 2018 are as follows:

I. Appellant improperly omitted a document from the Record on Appeal that was 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 Order as to Motion to Dismiss filed on October 12, 2016. Appellant has seemingly confused this Order with an unsigned copy of another order. Counsel for the Respondent has provided a copy of the correct order to Appellant under separate cover. However, Respondent relies upon this document in its brief and requests that the Court require Appellant to include it in the Record on Appeal for this matter.

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 in that the index for the proposed Record on Appeal improperly identifies the page numbers that certain documents appear in the Record, creating confusion as to what pages certain documents begin on. The Index should list all documents included and should correctly identify the page number upon which each document begins.

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,



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

March 5, 2018

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PROOF OF SERVICE

I HEREBY CERTIFY that I have served the **RESPONDENT'S THIRD 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 March 5, 2018, at 412 Eastover Circle, Summerville, SC 29483.



Erica G. Lybrand (SC Bar # 79052)

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March 5, 2018

VIA HAND DELIVERY

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

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MAR 05 2018
SC Court of Appeals

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 Third 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".

Karissa Richardson
Paralegal for Erica G. Lybrand

Enclosures

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

✓