

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

66862

APPEAL FROM ANDERSON COUNTY  
Master in Equity

The Honorable Ellis B. Drew, Jr., Master in Equity

JAN 11 2013

Case No. 2012-CP-04-02157

SU COURT 2013

Pinnacle Bank, SC,.....Respondent,

v.

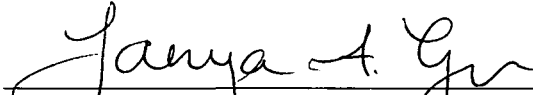
Marsha P. Wright and Richard A. Wright,.....Appellants,

**MOTION TO STRIKE PORTIONS OF  
APPELLANTS' DESIGNATION OF MATTER**

Pursuant to Rules 209(b) and 210(c) of the South Carolina Appellate Court Rules, the Respondent moves to strike items 5 and 6 from the Appellants' Designation of Matter because neither of these items was presented to the lower court. Item #5, which Appellants describe as the "Complaint in Second Action," and Item #6, which they describe as the "Answer in Second Action," are materials related to a pending foreclosure proceeding for a different parcel of land that is not at issue in the above-captioned matter, and the pleadings in that "second action" were not presented to Judge Drew during the Rule 60(b) hearing of *this* foreclosure proceeding. Accordingly, Respondent asks this Court to issue an order striking those items from the Designation of Matter. See Rule 209(b), SCACR ("[T]he Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included

in the Record on Appeal.”); Rule 210(c), SCACR (“The Record shall not, however, include matter which was not presented to the lower court or tribunal.”).

Respectfully submitted,



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*Attorneys for Respondent, Pinnacle Bank, SC*

January 11, 2013

Columbia, South Carolina

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Marsha P. Wright and Richard A. Wright.....Appellants,

vs.

Pinnacle Bank, SC.....Respondent.

**PROOF OF SERVICE**

The undersigned hereby certifies that on the 11<sup>th</sup> day of January, 2013, she did serve (1) **the Respondent's Initial Brief**, (2) **the Respondent's Designation of Matter**, and (3) **the Respondent's Motion to Strike** on the Appellants by depositing a copy of the same in the United States Mail, sufficient first class postage prepaid, addressed to Appellant's attorney as follows:

Wendell L. Hawkins, Esquire  
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Greer, SC 29650

