

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
The Honorable Joseph M. Strickland, Master in Equity

Case Nos. 2011-CP-40-6317 and 2011-CP-40-6318  
Appellate Case No. 2018-000251

**RECEIVED**  
APR 15 2019  
SC Court of Appeals

South State Bank.....Respondent,

v.

Sand Dollar 31, LLC; and Rhonda Meisner ..... Defendants,

Of whom Rhonda Meisner is the .....Appellant.

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**RESPONDENT’S REPLY TO APPELLANT’S RETURN TO  
THE MOTION TO CORRECT RECORD ON APPEAL AND STAY TIME TO SERVE  
AND FILE FINAL BRIEF OF RESPONDENT**

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Sean M. Foerster (SC Bar # 77466)  
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Attorneys for Respondent South State Bank

April 15, 2019

Respondent South State Bank (“Respondent”) replies to the Return<sup>1</sup> of Appellant Rhonda Meisner (“Meisner”) to the Motion to Correct Record on Appeal and Stay Time to Serve and File Final Brief of Respondent as follows:

Meisner objects to including in the Record on Appeal the exhibit to the Motion to Lift Automatic Stay filed on April 20, 2018, in both actions because Respondent did not specifically mention the exhibit in its Designation of Matter. However, exhibits filed with a motion are considered part of the motion. “A copy of any plat, photograph, diagram, document, or other paper which is an exhibit to a pleading<sup>2</sup> is a part thereof for all purposes if a copy is attached to such pleading.” Rule 10(c), SCRCF. Therefore, Meisner must include in the Record on Appeal the exhibit filed with the Motion to Lift Automatic Stay, as well as any exhibit to any motion or pleading listed in Respondent’s Designation of Matter.

Meisner objects to including in the Record on Appeal the Form 4 that accompanied the Order Denying Motion to Alter or Amend and Entering Deficiency Judgments entered on December 28, 2017, in civil action # 2011-CP-40-6317 because Respondent did not specifically mention the Form 4 in its Designation of Matter. However, as shown by the public index for that case, the Master in Equity attached and filed the Form 4 as a part of that order. Further, instructions to the Form 4<sup>3</sup> require that “the Form 4C must be attached to all orders that include information to enroll in the judgment index.” Therefore, the Form 4 is part of the Order Denying Motion to Alter or Amend and Entering Deficiency Judgments entered on December 28, 2017,

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<sup>1</sup> Meisner incorrectly captioned her response as a Reply.

<sup>2</sup> “The rules applicable to captions, signing, and other matters of form of pleadings apply to all motions and other papers provided for by these rules.” Rule 7(b)(2), SCRCF.

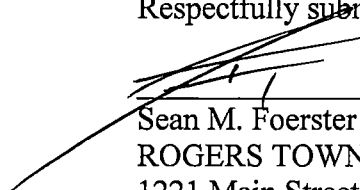
<sup>3</sup> Form 4C Instructions—Judgment in a Civil Case ¶ 2, <https://www.sccourts.org/forms/pdf/SCRCFFORM4C.pdf> (revised Feb. 2017).

and Meisner must include it in the Record on Appeal, as well as the Form 4 to any other orders listed in Respondent's Designation of Matter.

Meisner objects to including in the Record on Appeal the filings designated by Respondent for inclusion from both civil action # 2011-CP-40-6317 and civil action # 2011-CP-40-6318 because she contends it would be duplicative. However, Meisner chose to appeal from both cases, and it is important for the Court to have a complete and accurate record from each case. Because Rule 210(c), SCACR, requires that "[t]he Record on Appeal shall include all matter designated to be included by any party under Rule 209...", it is not within Meisner's discretion to exclude designated documents from the record for her own convenience. Therefore, Meisner must include in the Record on Appeal all of the documents from both cases listed in Respondent's Designation of Matter.

For these reasons, Respondent respectfully moves for an order requiring Meisner to correct all of the deficiencies in the Record on Appeal as set forth in its Motion to Correct Record on Appeal and Stay Time to Serve and File Final Brief of Respondent. In the event that Meisner fails or refuses to correct the Record on Appeal in all aspects, her appeal must be dismissed. Respondent reiterates its request for a stay of its deadline to serve and file the Final Brief of Respondent until after Meisner serves a corrected Record on Appeal.

Respectfully submitted,



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**PROOF OF SERVICE**

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I HEREBY CERTIFY that I have served the Respondent's Reply to Appellant's Return to the Motion to Correct Record on Appeal and Stay Time to Serve and File Final Brief of Respondent on April 15, 2019, by depositing a copy in the United States Mail, postage pre-paid, addressed to the following party of record:

Rhonda Meisner  
P.O. Box 689  
Blythewood, SC 29016

Rhonda Meisner  
1012 Chester Road  
Blythewood, SC 29016

*[signature on the following page]*

*Proof of Service*

A handwritten signature in black ink, appearing to read "M. Pardee", written over a horizontal line.

Mariah Pardee

Legal Assistant to Sean M. Foerster

ROGERS TOWNSEND & THOMAS, PC

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Sean M. Foerster  
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April 15, 2019

**Via Hand Delivery**

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

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**APR 15 2019**  
**SC Court of Appeals**

RE: *South State Bank vs. Sand Dollar 31, LLC; Rhonda Meisner*  
Appellate Case # 2018-000251  
Our File # 16555.79

Dear Ms. Kitchings:

For filing in the above appeal, enclosed are the original and six copies of Respondent's Reply to Appellant's Return to the Motion to Correct Record on Appeal and Stay Time to Serve and File Final Brief of Respondent, along with a Proof of Service.

By copy of this letter, I am serving copies of these documents on the appellant.

Please have your staff return the extra clocked copies of these documents to me via the courier. Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sean M. Foerster", is written over a horizontal line. The signature is fluid and cursive in style.

Sean M. Foerster

/ow

cc:

Rhonda Meisner  
P.O. Box 689  
Blythewood, SC 29016

Rhonda Meisner  
1012 Chester Road  
Blythewood, SC 29016