

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM FLORENCE COUNTY

Thomas A. Russo, Circuit Court Judge

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Appellate Case No.: 2019-000102

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**RECEIVED**  
**Jul 29 2020**  
**SC Court of Appeals**

Jim Stroud,

Respondent,

v.

Demetric Hayes and Carla Marshall,

Appellants.

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**MOTION TO SUPPLEMENT RECORD ON APPEAL AND FOR EXTENSION  
OF TIME TO SERVE FINAL BRIEF**

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Pursuant to Rules 210, 212, and 240, SCACR, Respondent respectfully moves the Court to supplement the Record on Appeal with the Application for Ejectment. The grounds for this Motion are more fully set forth in the Memorandum submitted herewith. The Respondent further requests that the Appellant's time to file and serve its Final Brief be extended (or in the alternative to file out of time) pending the resolution of this Motion.

[SIGNATURE PAGE FOLLOWS]

July 29, 2020

Florence, South Carolina

Respectfully submitted,

S/Patrick B. Ford

**PATRICK B. FORD**

S.C. Bar No.: 102521

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**Attorney for Respondent**

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**MEMORANDUM IN SUPPORT OF MOTION  
SUPPLEMENT THE RECORD ON APPEAL**

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This matter arises upon Respondent, Jim Stroud's, Motion to Supplement the Record on Appeal. In addition to this Memorandum, Respondent relies on the Respondent's Designation of Matter to be Included in the Record on Appeal, and the Record on Appeal submitted to the Court.

**BACKGROUND**

The Appellants initiated this Appeal on January 22, 2019, upon filing the Notice of Appeal with the Circuit Court. The Respondent served his Designation of Matter to be Included on the Record of Appeal ("Respondent's Designation") on March 11, 2020. The Respondent's Designation contained the Application of Ejectment. (Respondent's

Designation of Matter to be Included on Appeal. The Appellants served the Record on Appeal on July 6, 2020. However, the Record on Appeal is void of the Application of Ejectment.

### **ARGUMENT**

The Record on Appeal must include all matter designated to be included by any party under Rule 209. Rule 210(c), SCACR. The Respondent's Designation contained the Application of Ejectment. (Respondent's Designation of Matter to be Included on Appeal). Rule 212(b) permits a party to supplement the Record on Appeal at any time before argument commences. Based upon the foregoing, this Court should permit the Respondent to supplement the Record on Appeal.

The Respondent further requests an extension of time to serve his Final Brief (or alternative to serve and file his Final Brief out of time) so as to include the Record on Appeal, as supplemented, should this Court grant the Respondent's Motion.

Respectfully submitted,

July 29, 2020

Florence, South Carolina

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PROOF OF SERVICE

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I certify that I have served the Initial Brief of Respondent and the Respondent's Designation of Matter to be Included in the Record on Appeal on the Appellants, Demetric Hayes and Carla Marshall, by depositing a copy of each in the United States Mail, postage prepaid, on today's date, addressed to Demetric Hayes, P.O. Box 2572, West Columbia, South Carolina 29171 and Carla Marshall P.O. Box 2572, West Columbia, South Carolina 29171.

July 29, 2020

S/Patrick B. Ford  
Patrick B. Ford, Esquire