

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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**Feb 03 2021**

**SC Court of Appeals**

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APPEAL FROM THE ADMINISTRATIVE LAW COURT  
The Honorable Harold W. Funderburk, Jr.  
Trial Court Case No. 2019-ALJ-17-0372-CC

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Appellate Case No. 2020-001462

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Aiken Golf Club, Inc.....Appellant-Respondent,

v.

Aiken County Assessor .....Respondent- Appellant

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MOTION BY RESPONDENT-APPELLANT TO STRIKE MATTER FROM  
APPELLANT-RESPONDENT'S DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL

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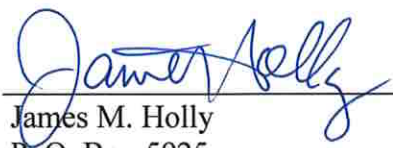
Respondent-Appellant, Aiken County Tax Assessor, through its counsel of record, respectfully moves this Court for an Order striking item number 16, "Aiken Golf Club's Notice of Assessed Value for Ad Valorem Tax Purposes for Tax Year 2018," from Appellant-Respondent's Designation of Matter to be Included in the Record on Appeal dated January 21, 2021.

This appeal is from an Order Granting Summary Judgment dated August 28, 2020, and amended September 2, 2020. The Order issued by the Administrative Law Judge granted summary judgment to the Aiken County Tax Assessor in response to his Motion for Summary Judgment dated July 15, 2020. None of the memoranda or documents filed by the parties on the Motion for Summary Judgment included the document described in Appellant-Respondent's item 16. The described document was not presented to or before the Administrative Law Judge. Further, the undersigned counsel does not have a copy of such a document.

Rule 210(c), SCACR, states in part:

The Record shall not, however, include matter which was not presented to the lower court or tribunal.

Based on the foregoing, Respondent-Appellant respectfully submits that this Court should issue an order striking item 16 from Appellant-Respondent's Designation of Matter to be Included in the Record on Appeal dated January 21, 2021.

  
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Attorney for Respondent-Appellant

February 3, 2021

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**SC Court of Appeals**

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APPEAL FROM THE ADMINISTRATIVE LAW COURT  
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Aiken Golf Club, Inc.....Appellant-Respondent

v.

Aiken County Assessor.....Respondent-Appellant

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PROOF OF SERVICE BY MAIL

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I, James M. Holly, attorney for the Respondent-Appellant, do hereby certify that on February 3, 2021, the attached Motion by Respondent-Appellant to Strike Matter from Appellant-Respondent's Designation of Matter to be Included in the Record on Appeal were served on counsel of record for Appellant-Respondent by placing a copy thereof in the United States Mail, postage prepaid, addressed to Daryl L. Williams, Esquire, Gertz & Moore, LLP, P. O. Box 456, Columbia, SC 29202 and also by emailing the same to the aforesaid counsel of record at [dwilliams@gertzandmoore.com](mailto:dwilliams@gertzandmoore.com).

Respectfully,



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Attorney for Respondent-Appellant

February 3, 2021



James M. Holly  
County Attorney

February 3, 2020

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**Feb 03 2021**

**SC Court of Appeals**

**VIA EMAIL: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Re: Aiken Golf Club, Inc. vs. Aiken County Assessor  
Appellate Case No. 2020-001462

Dear Clerk Kitchings:

Please find attached for filing a Motion by Respondent-Appellant to Strike Matter from Appellant-Respondent's Designation of Matter to be Included in the Record on Appeal.

I will send a check for the \$50.00 filing fee to you via U.S. Mail today as well.

Yours very truly,

A handwritten signature in blue ink, appearing to be "JH", written over the typed name "James M. Holly".

James M. Holly

JMH/jh  
Attachment  
cc: Daryl L. Williams, Esquire