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MAR 19 2021

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas**

**Mikell Scarborough
Master-in-Equity**

Appellate Case No. 2019-001838

SRP 2011-6, LLC..... Respondent,

v.

**Alluette K. Jones, South Carolina Federal Credit Union,
Synovus Bank, and Historic Charleston Foundation.....Defendants,**

Of whom Alluette K. Jones is the.....Appellant.

**RESPONDENT’S MOTION TO DISMISS APPEAL BASED ON LACK OF COMPLIANCE
WITH APPELLATE RULES REGARDING RECORD ON APPEAL OR IN THE
ALTERNATIVE, TO REQUIRE APPELLANT TO SERVE A CORRECT RECORD ON
APPEAL AND TO STAY THE RESPONDENT’S TIME TO FILE A FINAL BRIEF PENDING A
DISMISSAL OR RECEIPT OF A CORRECT RECORD ON APPEAL**

Appellant Alluette K. Jones (“Appellant”) filed with the Court of Appeals a document purporting to be a Record on Appeal on March 9, 2021. However, the document that was sent is not a proper record on appeal. It does not contain the material designated to be included in the Record on Appeal by the Respondent. It also contains material not designated by either party. Respondent requests this appeal be dismissed on the grounds of repeated lack of compliance with the Appellate Court Rules. The document the Appellant has filed cannot be used because it does not contain most of the documents designated by the Respondent. Respondent designated 16 separate items to be included in the record on appeal. The purported record on appeal document the Appellant provided does not include items 1-14. And the purported Record on Appeal contains additional materials including argument by the Appellant that should not be in the Record on Appeal and was not designated by any party.

As a result of the Appellant not submitting a proper and complete Record on Appeal, the Respondent cannot file its final brief within 20 days of the service of the Record on Appeal because Respondent's counsel cannot cite to the page numbers for the Record on Appeal given its many deficiencies. Many of the pages Respondent would need to cite are simply missing. Of course, the Record on Appeal must contain all those documents designated by any party in their Designation of Matter and must not contain documents not designated by either party. Nor should it contain the briefs or argument of either side. If this Court is not going to dismiss this appeal, then it must hold the time for filing Respondent's brief in abeyance until a proper record is served.

It is noteworthy, Respondent previously filed a motion to dismiss this appeal on February 5, 2021 which is still pending. That motion recounts that Appellant was sent a deficiency letter by the Court December 4, 2020 as a result of not filing the Record on Appeal by mid-November as required. On December 17, 2020, the Appellant requested an extension of 15 days via a motion which was not served on Respondent's counsel. On December 30, 2020, Appellant filed another motion for extension of time requesting to serve the Record on Appeal by January 14, 2020 [sic], again not serving Respondent's counsel. Respondent filed a motion to dismiss on February 5, 2021 as the record was still not filed as of that date. On March 8, 2021, the Appellant filed a document with a collection of papers that is not a Record on Appeal. Thus she has still not done what she is required to do and this deficiency should be viewed in conjunction with her prior extensions and failures to comply with even her own established extension dates.

CLAWSON and STAUBES, LLC

s/Timothy A. Domin

Timothy A. Domin

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Attorney for Respondent

March 16, 2021

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PROOF OF SERVICE

I certify that I have served **RESPONDENT'S MOTION TO DISMISS APPEAL BASED ON LACK OF COMPLIANCE WITH APPELLATE RULES REGARDING RECORD ON APPEAL OR IN THE ALTERNATIVE, TO REQUIRE APPELLANT TO SERVE A CORRECT RECORD ON APPEAL AND TO STAY THE RESPONDENT'S TIME TO FILE A FINAL BRIEF PENDING A DISMISSAL OR RECEIPT OF A CORRECT RECORD ON APPEAL** by depositing a copy of it in the United States Mail, postage prepaid, on March 16, 2021, addressed to:

Alluette Jones
142 Coming St.
Charleston, South Carolina 29403

Respectfully submitted,

s/Timothy A. Domin
Timothy A. Domin
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