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Apr 01 2022

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM YORK COUNTY
TEASA KAY WEAVER, MASTER-IN-EQUITY

Appellate Case No. 2021-000816
Lower Case No. 2016-CP-46-000820

Vicki Lynn Vergeldt, individually, and as
Successor Trustee of the John Vergeldt, Jr.
Revocable Living Trust dated
September 27, 1978.....Petitioner/Respondent,
v.

John Edward Vergeldt.....Respondent/Appellant.

RESPONDENT’S MOTION TO SUPPLEMENT THE RECORD

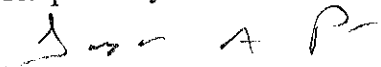
Respondent Vicki Lynn Vergeldt, Individually, and as Successor Trustee of the John Vergeldt, Jr. Revocable Living Trust dated September 27, 1978 (“Respondent”), hereby moves pursuant to Rule 212(b), SCACR, to supplement the Record on Appeal by adding (1) the Order Regarding Trust Expenditures filed September 12, 2019, (2) Amended Order Regarding Trust Expenditures filed November 26, 2019, (3) Reply to Response to Amended Petition for Removal of Trustee and Related Relief and Request for Damages and Disinheritance of Petitioner filed August 30, 2019, and (4) Plaintiff’s Trial Exhibit 2. Copies of these documents are attached to Respondent’s proposed Appendix to the Record on Appeal-Volume I attached hereto has **Exhibit A**. Respondent’s counsel consulted with Appellant’s counsel prior to filing this Motion and is

informed and believes that she does not oppose to the attached inclusion on the matters included in the attached **Exhibit A**.

The items identified above and listed in the **Exhibit A** were cited to and addressed in Respondent's Initial Brief previously submitted and filed, but they were inadvertently omitted from listing in Respondent's prior Designation of Matter before compilation of the Record on Appeal. As such, all the materials sought for inclusion would have been within the scope of the arguments being brief by the parties, and, otherwise, would have been proper for inclusion in the prior designation of matter and the previously filed Record on Appeal pursuant to Rule 210(c), SCACR. Respondent is informed and believes no party will sustain prejudice should be Appendix to the Record on Appeal in the form requested herein be accepted

Respondent further requests that her deadline to file her final brief be held in abeyance pending a ruling on the Motion and filing and acceptance of the Appendix to the Record on Appeal.

Respectfully Submitted,



Taylor A. Peace, Esq. (S.C. Bar # 100206)
Harrell, Martin & Peace, P.A.
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P.O. Box 1000 (Mailing Address)
Chapin, South Carolina 29036
Phone: (803) 345-3353
ATTORNEY FOR RESPONDENT
VICKI LYNN VERGELDT, INDIVIDUALLY,
AND AS SUCCESSOR TRUSTEE OF THE
JOHN VERGELDT, JR REVOCABLE LIVING
TRUST DATED SEPTEMBER 27, 1978

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PROOF OF SERVICE

I, Tracy Slice Moore, an employee with the firm of Harrell, Martin & Peace, P.A., do hereby certify that on April 1, 2022, I served a copy of the Respondent's Motion to Supplement the Record in the above captioned case on the following individuals by electronic mail using their email address listed in the Attorney Information System, addressed as follows:

Desa Ballard
Ballard & Watson
desab@desaballard.com

By: 

Tracy Slice Moore, Paralegal

April 1, 2022



HARRELL, MARTIN
& PEACE, P.A.

ATTORNEYS AT LAW

L.K. "Trey" Harrell, III
Jeremy C. Martin
M. Alan Peace **
Taylor A. Peace
Andrea "Andi" Cornelison
Erik T. Norton

Robert W. Dibble, Jr. *
William Jennings (Bill) Buchanan *
Donald W. Tyler *
Thomas B. Jackson, III *

*Of Counsel

**Certified Mediator/Arbitrator

April 1, 2022

VIA EMAIL AND REGULAR, FIRST CLASS MAIL

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

Re: Vicki Lynn Vergeldt, et al. v. John Edward Vergeldt
C/A No.: 2021-000816
Our File No: 3490.00001/TAP

Dear Ms. Kitchings:

Enclosed for filing please find the Respondent's Motion to Supplement the Record for the above referenced case. At this time, we respectfully ask the Court to hold Respondent's Final Brief in abeyance until the Respondent's Motion to Supplement the Record has been ruled upon.

As evidenced by the Proof of Service, these filings have been served electronically upon counsel for Appellant.

Thank you for your time and attention in this matter. If you have any questions, please do not hesitate to contact our office at the phone number below.

Sincerely,

HARRELL, MARTIN & PEACE, P.A.

Taylor A. Peace, Esq.

/tsm
Enclosures

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