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May 17 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
In The Circuit Court

Teasa K. Weaver, Circuit Court Judge

Appellate Case No. 2021-000480

Jimmy Shaver,

v.

Donnie Shaver,

RESPONSE TO MOTION TO CORRECT DEFICIENCIES
IN RECORD ON APPEAL AND FOR EXTENSION OF TIME

Pursuant to Rules 240 and 263(b), S.C.A.C.R., the Appellant, by his counsel herein, makes this Response to Respondent Motion titled as above:

1) Counsel for Respondent alleges the following points as deficiencies. Appellant's Response is stated below those points:

1. The Index indicates that the Notice of Motion to Amend Judgment filed October 13, 2020, contains attachments, however the attachments are not contained in the Record on Appeal.

RESPONSE:

The attachments to the Notice and Motion to Amend Judgment, as filed with the Circuit Court, are included in the Record on Appeal after that document on pages 29 and 30 of the Record on Appeal.

2. The Index indicates that the Plaintiff's Response to Motion to Amend filed November 3, 2020, contains attachments, however the attachments are not contained in the Record on Appeal.

RESPONSE:

The attachment to the Respondent/Plaintiff's Response to the Motion to Amend is included in the Record on Appeal at Page 19. Counsel for Appellant did not include this document twice. That can be done by a reprinting of the Record on Appeal, or it can be stipulated that the document indicated is present as stated above, as the Court may direct.

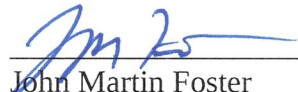
3. There is a clerical error as the date of the Transcript Motion Hearing was February 25, 2020, not November 5, 2020, as indicated in the Record on Appeal.

RESPONSE:

The Respondent is correct that the Index improperly listed the date of the Hearing and its Transcript, which is shown accurately on the Transcript included in the Record on Appeal at pages 64 thru 80. This matter can be resolved by a reprinting of the Record on Appeal or it can be stipulated that the Index is incorrect, as the Court may direct.

- 2) Having responded to the Motion referenced above, the Appellant stands ready to act as directed by this Court.

WHEREFORE, the Appellant herein requests the guidance of this Court, pursuant to Rule 240 and 263(b), S.C.A.C.R.



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803 324-8100
Attorney for Appellant

May 17, 2022

Rock Hill, South Carolina

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PROOF OF SERVICE


I certify that I have served the Response to Motion on Deficiencies dated May 17, 2022, on the following counsel or persons of record:

Stephen D. Schusterman
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Attorney for Respondent
Rock Hill, South Carolina 29731
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by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out above, pursuant to Rule 262, S.C.A.C.R. and

by service to the opposing lawyer's primary e-mail address listed in the Attorney Information System (AIS), as authorized by Section (c) of the Order of the Supreme Court dealing with Electronic Filing and Service issued May 6, 2022.

May 17, 2022



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