

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

68339

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

Samuel M. Price, Jr., Special Referee

RECEIVED
MAY 09 2013
SC Court of Appeals

Case No. 2010-CP-36-297

BAC Home Loans Servicing, LP f/k/a
Countrywide Home Loans Servicing, LP, Respondent,
v.

Geoffrey O. Rupprecht Appellant.

RESPONDENT'S MOTION TO DENY REINSTATEMENT OF APPEAL

Geoffrey O. Rupprecht
144 Bethel Church Road
Prosperity, SC 29127
(803) 467-7504
pro se Appellant

H. Guyton Murrell
P.O. Box 11264
Columbia, SC 29211
(803) 231-2042
Attorney for Respondent

The Respondent would respectfully move pursuant to SCACR 260(a) for an order denying Appellant's petition to reinstate the appeal on the following grounds:

1. Pursuant to Rule 210(c) SCACR, the Record on Appeal shall include all matter designated to be included by any party under Rule 209 SCACR and shall comply with the requirements of Rule 267 SCACR.

2. Respondent filed a motion to dismiss on January 20, 2012 based on the defective Record on Appeal submitted by Appellant.

3. By Order filed March 22, 2012, the Respondent's motion to dismiss was denied. The Order filed March 22, 2012 required the Appellant to file an amended Record on Appeal that complies with the appellate rules within twenty (20) days of the order. Specifically, the amended Record on Appeal was to contain: (1) all matter designated by Respondent to be included in the Record on Appeal pursuant to Rule 210(c), SCACR; (2) an index with page numbers to the principal matters within the Record on Appeal pursuant to Rule 210(e); and (3) consecutive page numbers on each page of the Record on Appeal beginning with the index pursuant to Rule 210(c).

4. Respondent filed a second motion to dismiss on June 28, 2012 due to the appellant's failure to comply with the South Carolina Appellate Court Rules and with the specific provisions of the March 22, 2012 order requiring a proper Record on Appeal to be filed and served within twenty (20) days

5. By order filed October 30, 2012, the Respondent's motion to dismiss was granted and the appeal was dismissed.

6. Appellant filed a petition to reinstate the appeal dated November 13, 2012.

7. By Order filed February 8, 2013, Appellant was required to file and serve a corrected Record on Appeal within twenty (20) days as a prerequisite to the petition to reinstate being considered.

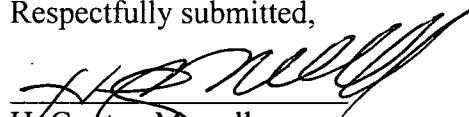
8. By Order filed April 22, 2013, Appellant was granted a ten (10) day extension of time in which to file and serve the amended record on appeal required under the February 8, 2013 order.

5. Respondent would show that an amended record on appeal has not been served on Respondent's counsel as required by the Orders filed February 8, 2013 and April 22, 103.

For the reasons stated, Respondent would request that Court deny Appellant's petition to reinstate the appeal.

May 9, 2013

Respectfully submitted,



H. Guyton Murrell
P.O. Box 11264
Columbia, SC 29211
(803) 252-5817
Attorney for Respondent

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APPEAL FROM NEWBERRY COUNTY
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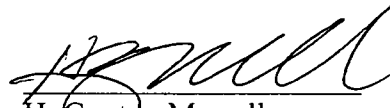
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v.

Geoffrey O. Rupprecht Appellant.

PROOF OF SERVICE

I certify that I have served the Respondent's Motion to Deny Reinstatement of Appeal by depositing a copy of it in the United States Mail, postage prepaid, on May 9, 2013, addressed to Geoffrey O. Rupprecht, 144 Bethel Church Road, Prosperity, SC 29127.



H. Guyton Murrell
P.O. Box 11264
Columbia, SC 29211
(803) 252-5817
Attorney for Respondent

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SC Court of Appeals

**KORN LAW FIRM, P. A.
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1300 PICKENS STREET
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(803) 252-5817**

May 9, 2013

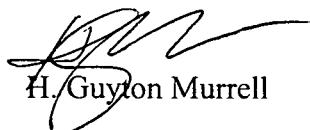
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Dear Sir or Madam:

Enclosed please find the original and six (6) copies of Respondent's Motion to Deny Motion to Reinstatement of Appeal with Proof of Service and the requisite \$25.00 filing fee in the above noted matter. By copy of this correspondence of this letter, I am also serving the Appellant with the motion.

Thank you for your attention in this matter.

Sincerely,


H. Guyton Murrell

cc:
Geoffrey O. Rupprecht
144 Bethel Church Road
Prosperity, SC 29127

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