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— ATTORNEYS AT LAW —

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November 9, 2022

J. DERRICK JACKSON
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South Carolina Court of Appeals
Attn: Jenny Abbott Kitchings, Clerk of Court
1220 Senate St
Columbia, SC 29201

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Nov 09 2022

SC Court of Appeals

RE: US Bank, etc. v. Lowery
Appellate Case No. 2022-000393

Dear Ms. Kitchings:

Please let this letter serve as a response to Appellant's Fifth Motion to Extend Deadline to Serve and File Initial Brief and Designation of Matter to be Included in Record of Appeal dated November 9, 2022. This is the 5th motion for extension filed by Appellant. The Notice of Appeal was initially submitted to the Court on March 30, 2022, with a due date of May 9, 2022, for the initial brief and designation of matter. Since that time, four extensions to file the initial Appellant's brief have been granted by the Court. The Appellant's counsel has not consulted with Respondent's counsel prior to filing any of these motions. In response to Appellant's 4th extension request, the Court's October 19, 2022 Order stated the initial brief and designation of matter must be filed by November 9, 2022, and most importantly states: "No further extensions will be granted absent extraordinary circumstances."

Appellant's notice of appeal involves two orders issued by the Spartanburg County Master-in-Equity denying Appellant's motions for summary judgment on counterclaims and Respondent's claim in a mortgage foreclosure action that has pending in the lower court since 2019. Appellant's notice of appeal do not pertain to a final foreclosure decree and judgment. As found by the lower court in its order and admitted to by Appellant, there have been no paid installments under the subject mortgage loan since April 30, 2004, almost 20 years.

Further delay of this pending foreclosure matter would only cause additional prejudice to Respondent, and we, most respectfully, request that the Court adhere to its October 19, 2022 Order and deny Appellant's Fifth Motion for extension and dismiss this appeal.

Respectfully submitted,

TOBIAS G. WARD, JR., PA

s/J. Derrick Jackson

SCOTT & CORLEY, P.A.

s/ Reggie P. Corley

ATTORNEYS FOR RESPONDENT