

RECEIVED

Feb 06 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

George M. McFaddin, Jr., Circuit Court Judge

Appellate Case No. 2023-001700

Ali Adebisi,

Appellant,

v.

Lakeview Loan Servicing, LLC,

Respondent,

RESPONDENT'S MOTION TO ALLOW LATE FILING

Chad W. Burgess, Esq.
(S.C. Bar No.: 72520)
BROCK & SCOTT, PLLC
3800 Fernandina Road, Suite 110
Columbia, South Carolina 29210
(803) 454-3540
Attorney for Respondent

NOW COMES Respondent Lakeview Loan Servicing, LLC (“Lakeview”), by and through its undersigned attorney, hereby submits its motion to allow the late filing of its Return to Appellant’s motion for leave to file a SCRCP Rule 60(b) motion filed by Appellant on January 16, 2024, averring as follows:

BRIEF PROCEDURAL HISTORY

Appellant filed this appeal on October 30, 2023, following the granting of Respondent’s motion to dismiss and denial of Appellant’s motion to add William Haigh Porter as a party defendant and the issuance of sanctions against Appellant. Appellant filed a motion for leave to file a SCRCP Rule 60(b) motion on January 16, 2024. On January 18, 2024, the Clerk of the Court of Appeals issued a deficiency letter notifying Appellant of a deficiency in his filing. The January 18, 2024 letter informed Appellant his motion would not be considered if the \$50.00 filing fee was not paid within ten (10) days of the letter. Appellant paid the filing fee on January 25, 2024, as is evidenced by the receipt contained in the Court’s records. As a result counsel for Respondent calculated the due date for submitting a Return to Appellant’s Motion for ten (10) days from the date the deficiency regarding Appellant’s motion was corrected and postured for consideration by the Court of Appeals. Respondent’s Return to Appellant’s motion was filed on January 30, 2024. On that same day, Appellant filed an amended motion for leave to file a SCRCP Rule 60(b) motion. Respondent was notified its Return was filed out of time on January 31, 2024.

ARGUMENT AND CITATION OF AUTHORITY

Respondent respectfully requests that its January 30, 2024 Return to Appellant’s motion for leave to file a SCRCP Rule 60(b) motion be allowed out of time. Appellant’s deficiency and

subsequent correction resulted in counsel for Respondent calculating the due date for a return as ten (10) days from the correction of the deficiency.

CONCLUSION

For the foregoing reasons, Lakeview Loan Servicing, LLC, respectfully requests that this court grant Respondent's request to allow the filing of its Return to Appellant's motion for leave to file a SCRCP Rule 60(b) motion outside of the timing requirements, and requests such other relief this Court deems just and proper.

Respectfully submitted,

BROCK AND SCOTT, PLLC



Chad W. Burgess, S.C. Bar No.: 72520
3800 Fernandina Road, Suite 110
Columbia, South Carolina 29210
(803) 454-3540
*Attorney for Respondent Lakeview Loan
Servicing, LLC*

Dated: February 6, 2024

RECEIVED

Feb 06 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

George M. McFaddin, Jr., Circuit Court Judge

Appellate Case No. 2023-001700

Ali Adebisi,

Defendants,

v.

Lakeview Loan Servicing, LLC,

Respondent,

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 6, 2024, she served a copy of Respondent's motion to allow late filing, and Certificate of Service by Mail upon the person below by depositing the same in the U.S. Mail with proper postage affixed and addressed as follows:

Ali Adebisi
1308 Harmony Street
Florence, SC 29501

Ali Adebisi
1901 W. Evans Street, Unit 5372
Florence, SC 29502



Lauren Browder
BROCK & SCOTT, PLLC