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Oct 18 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
Alan D. Clemmons, Master in Equity

Appellate Case No. 2024-001119

Specialized Loan Servicing LLC,

Respondent,

v.

Cindy B. Hunt,

Defendants,

Of whom, Cindy B. Hunt is the Appellant.

RETURN AND MEMORANDUM IN OPPOSITION TO APPELLANT'S MOTION FOR
EXTENSION OF TIME TO FILE A RETURN TO RESPONDENT'S MOTION TO DISMISS

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, Specialized Loan Servicing LLC. (“Specialized Loan Servicing”), by and through its undersigned attorney, and pursuant to Rule 240(e) of the South Carolina Appellate Court Rules, hereby submits its Return and Memorandum in Opposition to the Motion to for an extension time filed by Cindy B. Hunt (“Appellant” or “Hunt”), averring as follows:

BRIEF PROCEDURAL HISTORY

This matter is an action to foreclose a mortgage on real property in Horry County, South Carolina. Appellant challenges the Master in Equity’s Order and Judgment of Foreclosure and Sale in favor of Respondent entered on June 26, 2024. Appellant submitted documents purporting to be her initial brief and designation of matter on September 19, 2024. On October 1, 2024, Respondent filed a motion to dismiss the appeal based upon Appellant’s filings being so deficient as to make it impossible for Respondent to issue its initial brief and designation of matter. Appellant submitted a request for an extension of time to file a return on October 14, 2024. Because Appellant’s request for an extension was untimely, and because the request does not comply with the basic requirements of the SCACR, the request should respectfully be denied.

ARGUMENT AND CITATION OF AUTHORITY

Initially, Appellant’s request for an extension is untimely. Respondent filed and served its motion to dismiss on October 1, 2024. Pursuant to SCACR, Rule 240(e), Appellant had ten (10) days – until Friday, October 11, 2024 - to file a return to the motion to dismiss. “Failure of a party to file a return may be deemed a consent by that party to the relief sought in the motion or petition”. *Id.* While Appellant is a self-represented litigant in this matter, Appellant is a licensed attorney in

good standing with the South Carolina Bar and she should be held to the standard of following the proper procedure and deadlines for filing a return or requesting relief as set forth in the SCACR. Despite this, Appellant requested her extension of time on October 14, 2024, outside of the time frame set forth in SCACR.

SCACR, Rule 240(e) allows the court “in its discretion, to enlarge or limit the time for filing the return”, however, Appellant has provided the court with no grounds upon which to exercise its discretion to grant her an extension. SCACR, Rule 240(c) provides that motions or petitions “shall state the grounds thereof”. In addition to being untimely, Appellant’s Motion simply states, “Appellant respectfully requests an Extension – new due date of 11/7/2024. Fee enclosed.”. Appellant’s motion does not even provide a cursory reason for requesting an extension or explanation as to why a return was not timely filed. Respondent acknowledges opposing a request for an extension of time to file a return is not a normal circumstance, however, the content of Appellant’s filings throughout this action together with the egregious failure of Appellant to comply with the SCACR regarding her initial brief, designation of matter, and request for extension leave Respondent with little choice but to oppose Appellant’s request.

CONCLUSION

Appellant’s request for an extension of time to file a return to Respondent’s motion to dismiss was not timely filed, does not state any grounds for making the request, and contains no explanation for the untimely request. Therefore, Respondent respectfully requests that Appellant’s request for extension be denied.

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

BROCK AND SCOTT, PLLC

s/Chad W. Burgess

S.C. Bar No.: 72520

3800 Fernandina Road, Suite 110

Columbia, South Carolina 29210

(803) 454-3540

*Attorney for Respondent Specialized Loan
Servicing, LLC*

Dated: October 18, 2024

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 18, 2024, she served a copy of Respondent's Return to Appellant's Motion for Extension of Time to File a Return to Respondent's Motion to Dismiss, 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:

Cindy B. Hunt
195 Willow Green Dr, Unit D
Conway, SC 29526



Lauren Browder
BROCK & SCOTT, PLLC