

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM YORK COUNTY  
S. Jackson Kimball, Master in Equity Judge

SC Court of Appeals

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Case No.: 2012-CP-04406

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T.D. Bank, N.A.,

Respondent,

v.

Glenda Jenkins, Doris G. Johnson, and the South Carolina Department  
Of Revenue, Defendants,

of whom Glenda Jenkins and Doris G. Johnson are the

Appellants.

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RESPONDENT'S MOTION TO DISMISS

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RILEY POPE & LANEY, LLC

Damon C. Wlodarczyk, Esquire  
Riley, Pope & Laney, LLC  
2838 Devine Street  
Post Office Box 11412 (29211)  
Columbia, South Carolina 29205  
Telephone: (803)799-9993  
Facsimile: (803) 239-1414

Attorneys for Respondent

ORIGINAL

Respondent hereby submits its Motion to Dismiss pursuant to Rule 240 of the South Carolina Appellate Court Rules and shows this Honorable Court the following:

This case involves a cause of action for the foreclosure of a mortgage involving a residential property located in York County, South Carolina. Pursuant to an Order filed by the York County Master in Equity on July 25, 2013, Respondent was granted an Order for Foreclosure and Sale and the sale of the subject property was scheduled for September 3, 2013, which was cancelled. On or about September 18, 2013, Respondent's counsel a Notice of Appeal and copy of the Order being appealed.

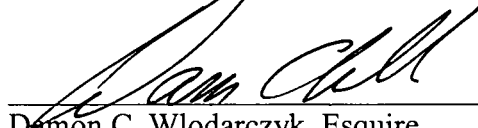
"A party intending to appeal must serve and file a notice of appeal and otherwise comply with these rules." Rule 203(a), SCACR. If no transcript is ordered, the Appellant shall serve on all parties and file with the clerk of the appellate court one copy of the Appellant's initial brief and designation of matter to be included in the Record on Appeal. Rules 208(a)(1) and 209(a), SCACR.

In the present case, there was no transcript to be ordered in this default proceeding. A written record of hearing was prepared and filed with the York County Clerk of Court on July 25, 2013. To date, more than sixty (60) days have passed and Respondent's counsel has not received a copy of the Appellants' Initial Brief, Designation of Matter to be Included on the Record on Appeal, or a motion seeking any extension of time. Moreover, Appellants have failed to post the statutorily required bond pending an appeal of an order granting foreclosure. See S.C. Code § 18-9-170. See Exhibit A.

Based on the foregoing facts, the Appellants have failed to prosecute this appeal. Accordingly, the appeal should be dismissed.

Respectfully Submitted,

RILEY POPE & LANEY, LLC

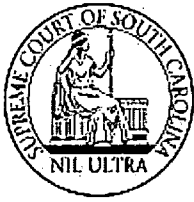
A handwritten signature in black ink, appearing to read "Damon C. Wlodarczyk", is written over a horizontal line.

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Attorneys for Respondent

Columbia, South Carolina

December 6, 2013



# York County Sixteenth Judicial Circuit Public Index



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TD Bank NA VS Glenda Jenkins					
Case Number:	2012CP4604406	Court Agency:	York County Common Pleas	Filed Date:	12/31/2012
Case Type:	Common Pleas	Case Sub Type:	Foreclosure 420	File Type:	Non-Jury
Status:	Judgment	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Judgment	Disposition Date:	07/25/2013	Disposition Judge:	Kimball, S. Jackson III
Original Source Doc:		Original Case #:			
Judgment Number:	2012CP4604406	Court Roster:			

Case Parties    Judgments    Tax Map Information    Associated Cases    Actions    Financials						
Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Jenkins, Glenda	Notice Of Appeal & Proof of Service	Filing		09/19/2013-15:54		
Johnson, Doris G	Notice Of Appeal & Proof of Service	Filing		09/19/2013-15:54		
TD Bank NA	Affidavit for Order of Publication	Filing		09/17/2013-09:03		
TD Bank NA	Authorization to Withdraw Property From Sale & Cert of Mail	Filing		08/29/2013-09:58	07/25/2013-10:01	
TD Bank NA	Certificate of Mailing- Glenda Jenkins, et al	Filing		08/20/2013-11:06	07/25/2013-11:06	
TD Bank NA	Judgment/Foreclosure	Judgment		07/25/2013-12:57	07/25/2013-12:51	
TD Bank NA	Judgment/Foreclosure	Judgment		07/25/2013-12:57	07/25/2013-12:51	
TD Bank NA	Judgment/Foreclosure	Judgment		07/25/2013-12:57	07/25/2013-12:51	
Department Of Revenue South Carolina	Judgment/Foreclosure	Judgment		07/25/2013-12:57	07/25/2013-12:51	
Jenkins, Glenda	Judgment/Foreclosure	Judgment		07/25/2013-12:57	07/25/2013-12:51	
Johnson, Doris G	Judgment/Foreclosure	Judgment		07/25/2013-12:57	07/25/2013-12:51	
TD Bank NA	Record of Hearing	Filing		07/25/2013-12:28	07/25/2013-12:53	
TD Bank NA	Notice of Sale	Filing		07/25/2013-12:28	07/25/2013-12:54	
TD Bank NA	Notice of Hearing & Certificate of Mailing	Filing		07/10/2013-12:37	07/25/2013-16:08	

EXHIBIT

tabbler

A

TD Bank NA	Motion Fee /Order of Reference	Motion		03/01/2013-13:41	07/25/2013-13:43
TD Bank NA	Notice of Default	Filing		03/01/2013-13:41	07/25/2013-13:45
TD Bank NA	Affidavit/Non Military Service	Filing		03/01/2013-13:41	07/25/2013-13:45
Department Of Revenue South Carolina	Answer/Req for Not of Surplus Funds/Consent to Ref/Cert Serv	Filing		01/16/2013-09:29	07/25/2013-16:31
TD Bank NA	Affidavit Of Service - Department of Revenue of SC	Filing		01/07/2013-11:35	07/25/2013-13:33
TD Bank NA	Amended Affidavit Of Service-Doris G Johnson	Filing		01/02/2013-11:50	07/25/2013-13:39
TD Bank NA	Amended Affidavit of Non Service-Glenda Jenkins	Filing		01/02/2013-11:50	07/25/2013-13:41
TD Bank NA	Amended Affidavit of Non Service-Doris G Johnson	Filing		01/02/2013-11:50	07/25/2013-13:41
TD Bank NA	Amended Affidavit Of Service-Glenda Jenkins	Filing		01/02/2013-11:49	07/25/2013-13:38
TD Bank NA	636 Greenbriar Avenue RockHill SC Property Description	Filing		12/31/2012-11:21	07/25/2013-11:30
TD Bank NA	Lis Pendens Filed	Filing		12/31/2012-11:21	07/25/2013-11:30
TD Bank NA	Summons & Complaint	Filing		12/31/2012-11:21	07/25/2013-11:31
TD Bank NA	Cert of Exemption From Administrative Order	Filing		12/31/2012-11:21	07/25/2013-11:32

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In the Court of Appeals

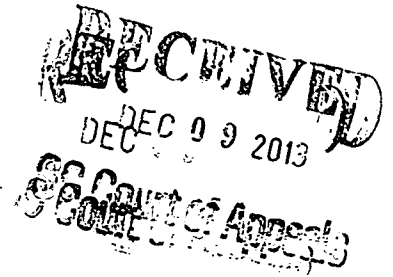
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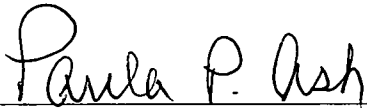
CERTIFICATE OF SERVICE

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I do hereby certify that I served the Respondent's Motion to Dismiss upon the parties below herein by depositing a copy of same, this date, in the U.S. Mails, first class postage prepaid, and addressed as follows:

John Martin Foster, Esquire  
PO Box 106  
Rock Hill, SC 29731

The South Carolina Department of Revenue  
Milton G. Kimpson  
300A Outlet Pointe Boulevard  
Post Office Box 12265 (29211)  
Columbia, SC 29201

  
\_\_\_\_\_  
Paula P. Ash

Columbia, SC  
December 6, 2013

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December 6, 2013

Ms. Jenny Abbott Kitchings  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211


**RECEIVED**  
DEC 9 9 2013  
SC Court of Appeals

Re: T.D. Bank, N.A. Respondent v. Glenda Jenkins et al., of whom Glenda Jenkins and Doris G. Johnson are Appellants  
Appellate Case No.: 2013-002163  
Our File No. 4028.06112

Dear Ms. Kitchings:

Enclosed please find an original and seven (7) copies of the Respondent's Motion to Dismiss and proof of service along with my firm's check in the amount of \$25.00 to cover the filing fee. Please file the enclosed documents and return the clocked copy to me in the self-addressed, postage paid envelope I have included for your convenience.

Sincerely,



Damon C. Wlodarczyk

DCW:pash  
Enclosures