

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

Ellis B. Drew, Jr., Master in Equity

Case No. 2010-CP-04-03548

Green Tree Servicing, LLC, et al Respondent,

v.

Corrie A. Martin Appellant.

RETURN TO APPELLANT'S MOTION TO ALLOW PETITION FOR REHEARING

THEODORE VON KELLER
SARA C. HUTCHINS
CRAWFORD & VON KELLER, LLC
POST OFFICE BOX 4216
COLUMBIA, SOUTH CAROLINA 29240
(803) 790-2626
ATTORNEY FOR RESPONDENT

RECEIVED

JAN 03 2014

SC Court of Appeals

On November 20, 2013, the South Carolina Court of Appeals filed an Order affirming lower court, and a copy was served on all parties, making the deadline to file a Petition for Rehearing due on or before December 5, 2013. On December 4, 2013, Appellant did mail a Petition for Rehearing to the South Carolina Court of Appeals for filing. Said Petition was not received in a timely manner and on December 6, 2013, a remittitur was issued. On December 11, 2013, the South Carolina Court of Appeals returned Appellants petition for rehearing as untimely. Appellant subsequently mailed Motion to Allow Petition for Rehearing in the above matter on December 19, 2013.

ARGUMENT

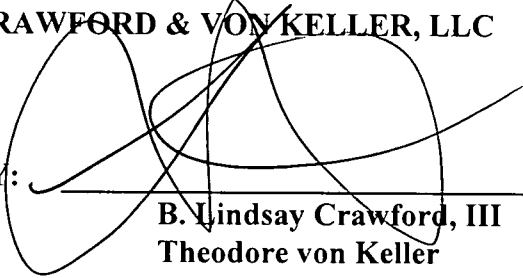
Pursuant to Rule 221(a), SCACR, “petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order judgment or decree of the court.” Rule 263 (a), SCACR provides that “no additional time shall be allowed after service by mail”. The Order Affirming the lower court was filed on November 20, 2013, making the date the Petition for Rehearing had to be filed by December 5, 2013, rather than mailed by December 5, 2013. The Rules do not allow additional time for mailing. Appellant did not timely file a Petition for Rehearing, and the initial untimely Petition was not accompanied by a Motion for Extension of Time.

CONCLUSION

For the reasons stated, Respondent respectfully requests that the Court deny the Appellant’s Motion to Allow Petition for Rehearing.

CRAWFORD & VON KELLER, LLC

BY:



**B. Lindsay Crawford, III
Theodore von Keller
Sara C. Hutchins
Adam Schanz
Post Office Box 4216
Columbia, South Carolina 29240
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Attorney for Respondent**

December 30, 2013

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Court of Common Pleas

Case No. 2012-CP-01526

Corrie Martin..... Petitioner

v.

Green Tree Servicing, LLC..... Respondent.

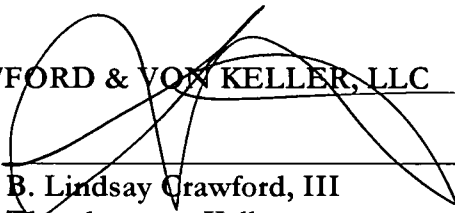
PROOF OF SERVICE

I certify that I have served the Respondent's Return to Motion to Allow Petition for Rehearing by depositing a copy of it in the United States Mail, postage prepaid, on December 31, 2013, addressed to its Appellant at the following address:

Clifford F. Gaddy, Jr
408 N. Church Street. Ste. B
Greenville, SC 29601

CRAWFORD & VON KELLER, LLC

BY:



B. Lindsay Crawford, III
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Sara C. Hutchins
Post Office Box 4216
Columbia, South Carolina 29240
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Attorneys for Respondent

Columbia, South Carolina
December 31, 2013

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SC Court of Appeals

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TELEPHONE NUMBER (803) 790-2626

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December 31, 2013

Honorable Kenneth A. Richstad
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Green Tree Servicing LLC, v. Corrie A. Martin, et al.
Appellate Case No. 2012-210846
Our File No.: 1323.5874

Dear Mr. Richstad

Please find enclosed an original and seven (7) copies of Respondent's Return to Appellant's Motion to Allow Petition for Rehearing, and Proof of Service in the above referenced matter. Please file the original with the court and return one (1) filed copy to me in the envelope provided for your convenience. By copy of this letter I am serving Mr. Gaddy, counsel for Ms. Martin, with the same..

Thank you for your attention to this matter, and should you have any questions, comments, or concerns do not hesitate to contact me.

Sincerely yours,

Sara C. Hutchins

Enclosures

cc: Clifford F. Gaddy, Esquire (w/enclosures)
Shannon Tucker (via e-mail only)

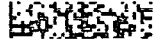
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SC Court of Appeals

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VON KELLER, LLC

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SC Court of Appeals

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