

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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FEB 19 2014

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

SC Court of Appeals

The Honorable Mikell R. Scarborough, Master-in-Equity

Civil Action No. 2011-CP-10-296

71329

Appellate Case No. 2013-001576

JP Morgan Chase Bank, National Association, Respondent,

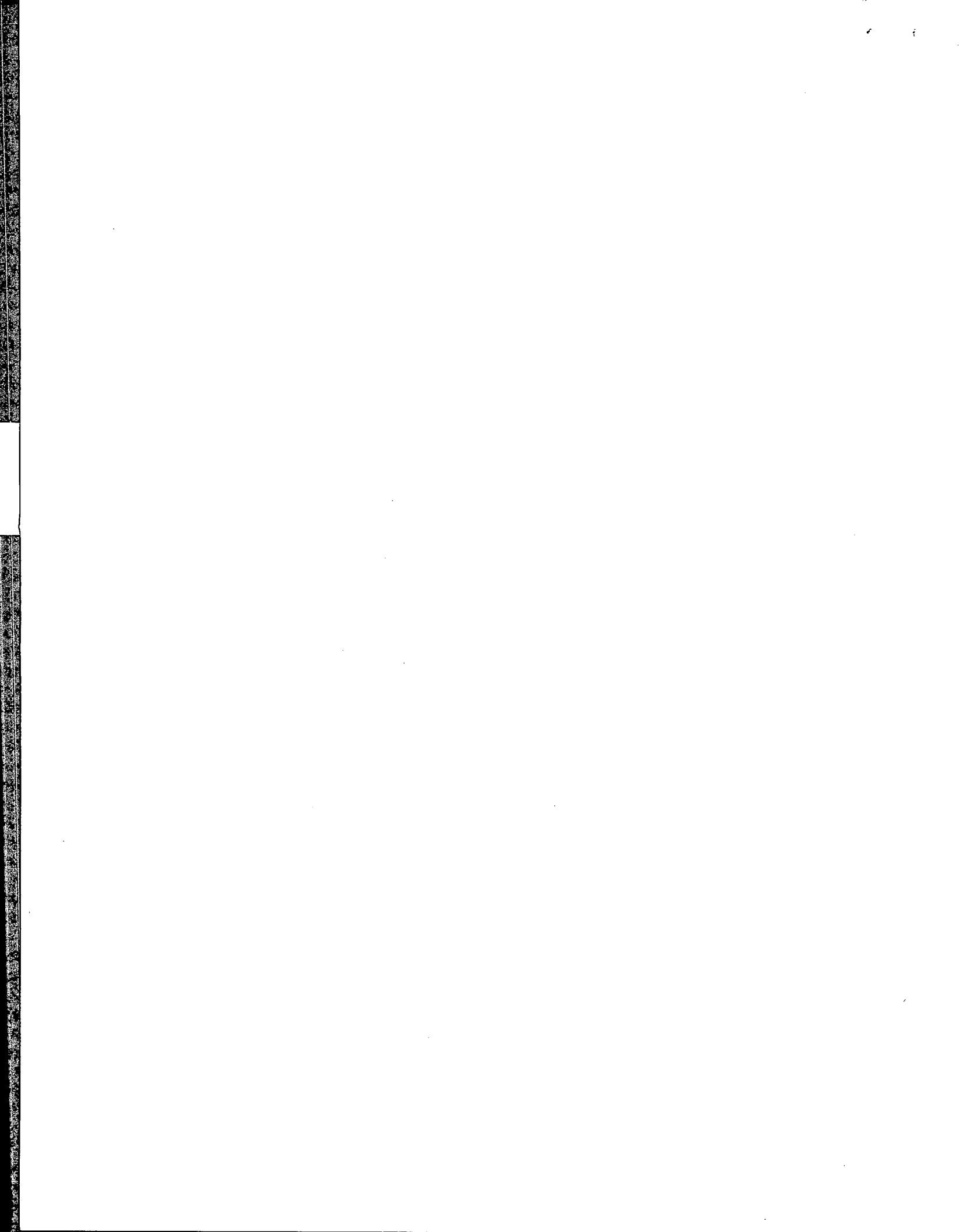
v.

Clorenda Mae White, John Henry White, Andrea
Denise White, as Legal Heir and as Personal
Representative of the Estate of Anthony Franklin White,
Melanie White, Jason White and Mark White, as Legal
Heirs of the Estate of Anthony Franklin White and
Charleston County Clerk of Court,..... Defendants,

Of Whom John Henry White is the Appellant.

RESPONDENT'S MOTION TO FILE INITIAL BRIEF AND DESIGNATION

Respondent JP Morgan Chase Bank, National Association ("Respondent") hereby requests permission to file its Initial Brief and Designation of Matters to be Included in the Record on Appeal in this case beyond the previously-set deadline for doing so. Currently before the Court is Respondent's Motion to Dismiss this appeal on the grounds that Appellant has not presented this Court with any issues that are justiciable because the parties have agreed to a sale price as recognized by the trial court. (Exhibit A, Respondent's Motion to Dismiss Appeal.) That agreement renders any issues Appellant may purport to raise to this Court unappealable. (Id.) Further, pursuant to Rule 240(b),



SCACR, this appeal is stayed until such time as the Court rules on the motion to dismiss. As detailed herein, however, should the Court deny Respondent's Motion to Dismiss, Respondent requests that this Court accept the brief and designation filed herewith.

Based on the agreement reached regarding a sale price in connection with the trial court's orders below, the parties have been working toward finalizing the details of a real estate transaction for the real property at issue in the foreclosure action below and have achieved an understanding on the terms of the settlement. (See Exhibit A at Exs. C & D.) Since Appellant filed this appeal, Respondent has worked on the form of the deed with Appellant and adopted changes suggested by Appellant as part of the settlement process. (See Exhibit A.) The finalization of the settlement and terms as recognized by the trial court's orders has been complicated by the fact that Appellant is now proceeding *pro se* (whereas at times before the trial court, including the time during which the Court issued the foreclosure judgment and held the sale of the subject property, Appellant had counsel). (Id.)

Despite those ongoing efforts, Appellant filed an initial brief, designation of matters to be included in the record on appeal, a final brief, the record on appeal, and a motion for "default" in this matter. Appellant's initial brief did not comply with the Appellate Court Rules. As a result, Appellant again attempted to re-file an initial brief at the direction of this Court. Respondent does not take issue with that second filing with regard to its compliance with the Rules. In response to Appellant's filings, by way of a December 20, 2013, letter, Respondent informed the Court that the parties have reached a settlement agreement in principle that will resolve all issues before the Court. (Exhibit B, December 20, 2013 letter.) By letter dated January 10, 2014, this Court noted that

Respondent's initial brief was due to be served and filed on January 8, 2014. The Court's letter also encouraged Respondent to file a motion under Rule 240, SCACR if further action is desired. Accordingly, Respondent filed a motion to dismiss on February 10, 2014, and now files the present motion.

Despite confidence that the parties will settle this matter in accordance with their agreed upon understanding and as indicated in the trial court's orders below (see Exhibit A at Exs. C & D), Respondent files this request out of an abundance of caution as it is taking longer than anticipated to finalize the real estate transaction at the heart of the settlement agreement due to issues with documentation and finances.¹ Respondent also files this request because Appellant appears to be using this improper appeal as some kind of bargaining leverage, despite the parties' agreement on a sale price. On the one hand, Appellant agreed to a purchase price, and the agreed-upon price term was included in two orders from the trial court. On the other hand, Appellant has tried to raise issues concerning the foreclosure judgment and sale order, which he did not appeal, in this improper appeal. Moreover, Appellant then filed a motion for "default," making his plan clear—he seeks to achieve some relief despite his agreement on the resolution of this matter and failure to appeal from the foreclosure judgment and sale order. Due to Appellant's inconsistent actions, Respondent's arguments on the issue(s) raised by Appellant regarding the trial court's orders in the underlying foreclosure action are briefed and that initial brief is filed herewith along with the Appellant's designation of matters to be included in the record on appeal.

¹ For these same reasons, Respondent filed a Motion to Dismiss Appeal with this Court on February 10, 2014.

Hence, Respondent requests that this Court accept the included brief and designation should the Court deny Appellant's pending Motion to Dismiss which stays this matter at present. Respondent will advise the Court within thirty (30) days of this filing of the status of the settlement and once it is final, will move pursuant to Rule 260, SCACR for the appropriate action. No prejudice will be caused to Appellant by granting this motion because Respondent remains committed to finalizing the parties' settlement agreement and Appellant by his actions in filings with this Court seems to desire to achieve relief beyond what he has agreed to with Respondent.

Respondent's counsel corresponded with Appellant regarding this motion prior to its filing, but has received no response to this correspondence. Counsel's letter to Appellant is attached hereto as Exhibit C.

Respectfully Submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

B. Rush Smith III
SC Bar No. 12941
E-Mail: rush.smith@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
Tel: (803) 255-9492

Dow A. Davidson
SC Bar No. 80512
E-Mail: dow.davidson@nelsonmullins.com
151 Meeting Street / Sixth Floor
Post Office Box 1806 (29402-1806)
Charleston, SC 29401-2239
(843) 853-5200

2/19

_____, 2014

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Mikell R. Scarborough, Master-in-Equity

RECEIVED

FEB 19 2014

Court of Appeals

Case No. 2013-001576

Appellate Case No. 2013-001576

JP Morgan Chase Bank, National Association, Respondent,

v.

Clorenda Mae White, John Henry White, Andrea Denise White, as Legal Heir and as Personal Representative of the Estate of Anthony Franklin White, Melanie White, Jason White and Mark White, as Legal Heirs of the Estate of Anthony Franklin White and Charleston County Clerk of Court,..... Appellant.

PROOF OF SERVICE

I HEREBY CERTIFY that I have served the RESPONDENT'S MOTION TO FILE INITIAL BRIEF AND DESIGNATION on Appellant by depositing copies of it in the United States Mail, postage prepaid, to:

John H. White, Jr.
1510 Grimball Road Ext.
Charleston, SC 29412

Pro Se Appellant

By: Lisa P. Whitehurst
Lisa P. Whitehurst
Administrative Assistant

February 19, 2014

Exhibit A

RECEIVED

FEB 10 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Mikell R. Scarborough, Master-in-Equity

Civil Action No. 2011-CP-10-296

Appellate Case No. 2013-001576

JP Morgan Chase Bank, National Association,..... Respondent,

v.

Clorenda Mae White, John Henry White, Andrea
Denise White, as Legal Heir and as Personal
Representative of the Estate of Anthony Franklin White,
Melanie White, Jason White and Mark White, as Legal
Heirs of the Estate of Anthony Franklin White and
Charleston County Clerk of Court,..... Defendants,

Of Whom John Henry White is the Appellant.

RESPONDENT'S MOTION TO DISMISS APPEAL

Pursuant to Rule 240, SCACR, Respondent moves to dismiss this appeal on the grounds that the issues raised on appeal are not justiciable, for the following reasons:

1. "A justiciable controversy is a real and substantial controversy which is ripe and appropriate for judicial determination, as distinguished from a contingent, hypothetical or abstract dispute." Pee Dee Elec. Coop. v. Carolina Power & Light Co., 279 S.C. 64, 66, 301 S.E.2d 761, 762 (1983). Justiciability encompasses several doctrines, including ripeness,

mootness, and standing. Jackson v. State, 331 S.C. 486, 491, 489 S.E.2d 915, 917 n.2 (1997). Courts will not pass on moot and academic questions or make an adjudication where there remains no actual controversy. Jones v. Dillon-Marion Human Resources Dev. Comm'n, 277 S.C. 533, 536, 291 S.E.2d 195, 196 (1982).

2. Appellant has appealed the trial court's order of July 11, 2013, improperly identified in the Notice of Appeal as a July 10, 2013, order. (See Exhibit A—Notice of Appeal.)

3. The July 11, 2013, Order decreed that Appellant would be evicted at 5 p.m. on August 30, 2013, "*if Plaintiff JP Morgan Chase Bank, N.A., and Defendant John Henry White do not agree to a purchase price before that time.*" (See Exhibit B—July 11, 2013, Order, with emphasis added.)

4. The parties agreed on a purchase price of \$22,500. (See Exhibit C—Order filed August 30, 2013; Exhibit D—Order filed November 12, 2013). They agreed on that price on or before August 30, 2013. (See Exhibit C.) Appellant has not been evicted.

5. An appeal of the July 11, 2013, Order will have no practical effect, and thus the appeal should be dismissed. "A case becomes moot when judgment, if rendered, will have no practical legal effect upon existing controversy. This is true when some event occurs making it impossible for reviewing Court to grant effectual relief." Mathis v. South Carolina State Highway Dept., 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973); see also Treasured Arts, Inc. v. Watson, 319 S.C. 560, 564, 463 S.E.2d 90, 92 (1995) (holding, where plaintiff sought to enjoin circuit solicitor from taking legal action to stop plaintiff's promotional campaign, that the issue on appeal related to injunctive relief was moot because the promotion had had expired while the appeal was pending).

6. Since the parties agreed on a purchase price, counsel for Respondent and Appellant have continued to work out details of the settlement, including but not limited to Appellant's securing financing or funding, and Respondent wishes to finalize the settlement on the agreed-upon terms, if possible. (See Exhibit E—December 20, 2013, letter of Dow A. Davidson.)

7. Respondent also received Appellant's motion for judgment by "default" on the same day of this filing. For the reasons set forth in this motion and in light of Respondent's letter of December 20, 2013, noting the parties' understanding as to a settlement in this action, Appellant's "default" motion should be denied. (See Exhibit E.) Respondent will timely respond to the new motion under the time provided by Rule 240, SCACR, in addition to the supporting grounds outlined herein.

8. Based on the grounds noted in Paragraph 7 above, in the alternative, Respondent respectfully requests, in the event this motion to dismiss is denied, that the Court set a deadline by which Respondent may file its initial brief and matters to be designated for inclusion in the Record on Appeal. See, e.g., Rule 208(a)(4) (noting that the Court may take action it deems proper when a respondent does not file an initial brief). Here, Appellant and Respondent have an understanding as recognized by the Court orders attached hereto. (Exhibits C and D.) Respondent informed this Court of that understanding. (Exhibit E.) During the time period between the Court's January 10, 2014, letter and this filing, Respondent has engaged in further efforts to finalize the settlement with Appellant.¹ By letter dated January 10, 2014, this Court

¹ For example, Respondent has worked on the form of the deed with Appellant and adopted changes suggested by Appellant as part of the settlement process. The finalization of the settlement and terms as recognized by the trial court's orders has been complicated by the fact that Appellant is now proceeding *pro se* (whereas at times before the trial court, including the

invited Respondent to file for any requested action via motion pursuant to Rule 240. Respondent now does so at the Court's invitation. (See Exhibit F—January 10, 2014, letter from the clerk of court.) Appellant's actions in filing this appeal and continuing to attempt to prosecute it are inconsistent with the trial court's orders noting the parties' agreement on price and the parties' understanding generally. Further, Appellant's filings with the Court are contrary to his own actions in working on the finalization of the settlement to date. As shown herein, the issues Appellant attempts to put before the Court are not justiciable. The appeal should be dismissed. Save that, Respondent should be provided a time to file its brief given the trial court's orders it abided by with respect to the parties' understanding.

Respectfully Submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: Dow A. Davidson by ambw
B. Rush Smith III
SC Bar No. 12941
E-Mail: rush.smith@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
Tel: (803) 255-9492
Davidson

Dow A. Davidson
SC Bar No. 80512
E-Mail: dow.davidson@nelsonmullins.com
151 Meeting Street / Sixth Floor
Post Office Box 1806 (29402-1806)
Charleston, SC 29401-2239
(843) 853-5200

February 10, 2014

time during which the Court issued the foreclosure judgment and held the sale of the subject property, Appellant had counsel).

Exhibit A
(Notice of Appeal)

11 20 JUL 14
RECEIVED

AUG - 5 2013

NELSON, MULLINS

151 Meeting Street
Charleston, S.C. 29401
Mr. Dow Davidson, Esq.
Post Office Box 1806
Charleston S.C. 29401-1806

J.P. Chase, N.A.

Appellate Case no. 2013-001576

Re: Case#2011-CP-296

Filed on July 19, 2013

August 2, 2013

V

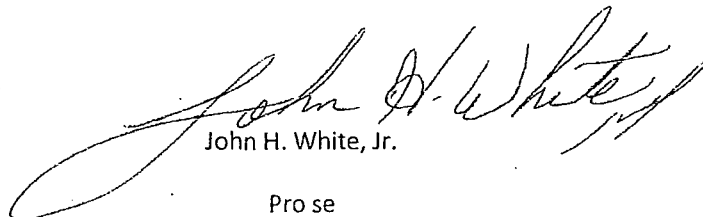
John H. White, Jr.

Appellant

Dear Mr. Davidson, Esq.:

I have enclosed a copy notice of appeal of the captioned matter to the South Carolina Court of Appeals record as the attorney of record. It is my pleasure to work with you in pursuing the same. I have also included a affidavit of pauperacy together with a petition to proceed in forma pauper.

Yours Truly,



John H. White, Jr.

Pro se

IN THE SOUTH CAROLINA COURT OF APPEALS

J.P. CHASE N.A.

APPELLEE

VERSUS

JOHN H. WHITE, JR.

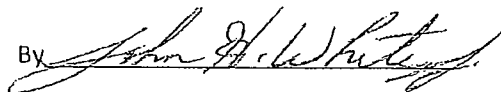
APPELLANT

Appellate Case no.2013-001576

Filed on July 19, 2013

To the Appellee, JP Chase, N.A. THE UNDERSIGNED APPELLANT, John H. White, Jr. gives notice of appeal
To the South Carolina Court of appeals from the judgement, orders and decision made and entered by
the lower court judge, Honorable Mikel R. Scarborough, Master in Equity for Charleston County on July
10, 2013 and received by appellant on July 17, 2013, the transcript of which was received on July 17,
2013.

By



Appellant/ pro se

1510 Grimball Rd. EXT.

Charleston, S.C.29412

(843)406-5089

Dow A. Davidson

Nelson, Mullins

Riley& Scarborough, LLP, LLP

J.P. Chase, N.A.

Appellate Case No. 2010=001576

V

Re: Case 2011-CP-296

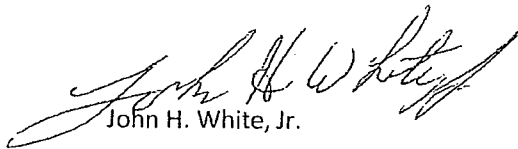
John H. White, Jr.

Filed on July 19, 2013 Certificate of Service (Counsel)

Appellant

August 2, 2013

Appellant undersigned John H. White, Jr. hereby certify that a copy of appellant's notice of appeal to the South Carolina Court of Appeals was served upon Dow A. Davidson, Esq. Nelson, Mullins, Riley and Scarborough, LLP 151 Meeting Charleston SC by depositing a copy of same in the U.S. Mail postage Pre paid on August 1, 2013.



John H. White, Jr.

Appellant/pro se

August 1, 2013

1510 Grimball Rd. Ext.

Charleston, S.C. 29412

(843) 406-5089

STATE OF SOUTH CAROLINA,

COUNTY OF CHARLESTON

John H. White, Jr.

Appellant/pro se

V

Chase, N. A.

pauper's

affidavit

Of John H. White, Jr.

appellant/pro se

Re: Appellate no. 2013-0015776

Personally appeared before me John H. White, Jr. who upon oath makes the following confirmation.

1.

That he currently is unable to pay court cost upon appeal, the pursual of appeal to the South Carolina

Court of Appeals involving the printing of documents nor brief on appeal as required by the South

Carolina Rules of appellate procedures.

2.

Further he says that he personally owns no real estate whatsoever nor any saving account no stock or bonds.

3.

His annual income for the past tax year was \$0 as such cannot afford to attain counsel.

4.

Up to the time of this affidavit his earnings for the period January 2013 to present is less than \$ 2,100.

Affiant is informed that under current poverty line standards he is a pauper as such and to proceed in

The Court of appeal without cost and allowed to proceed forma pauper within the rule of this court including

Including filing of brief and all other matter relative thereto.

Sworn to before me

This day of August 1, 2013

John H. White, Jr.

Appellant/pro se

Date August 1, 2013

Notary Public for South Carolina my Commission expires

Exhibit B
(07/11/2013 Order)

JULIE J. ARMSTRONG
CLERK OF COURT, C.P. & G.S.
100 BROAD STREET, SUITE 106
CHARLESTON, SC 29401-2258
RETURN SERVICE REQUESTED



www3.charlestoncounty.org

Dow Ambrose Davidson
151 Meeting Street
Suite 600
Charleston, SC 294012239

NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRC

Master/Order-Defnt John White will be evicted on 8/30/13

CASE NO: 2011CP1000296

Chase Home Finance Llc , plaintiff, et al VS Julia Mae (no Longer White , defendant, et al

This judgment was entered on the 11th day of July, 2013, and a copy mailed first class on Friday, July 12, 2013, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at www3.charlestoncounty.org.

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT

JPMorgan Chase Bank, National) Civil Action No. 2011-CP-10-296
Association,)
)

Plaintiff,)
)

vs.)
)

Clorenda Mae White, John Henry White,)
Andrea Denise White, as Legal Heir and)
as Personal Representative of the Estate)
of Anthony Franklin White, Melanie)
White, Jason White and Mark White, as)
Legal Heirs of the Estate of Anthony)
Franklin White and Charleston County)
Clerk of Court,)

Defendant.)

ORDER

FILED
2013 JUL 11 AM 10:56
JULIE J. ARHSTROM
CLERK OF COURT
BY _____

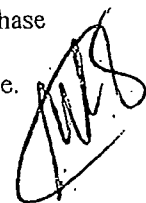
IT APPEARING that the property at issue in this matter was properly foreclosed upon as set forth in the Master in Equity's Order and Judgment of Foreclosure and Sale, which was filed on October 30, 2012; and

IT FURTHER APPEARING that Plaintiff JP Morgan Chase Bank, N.A. was the purchaser of the subject property at this court's December 4, 2012 foreclosure sale; and

IT FURTHER APPEARING that Plaintiff JP Morgan Chase Bank, N.A. and Defendant John Henry White have attempted to negotiate a sale of the foreclosed property; and

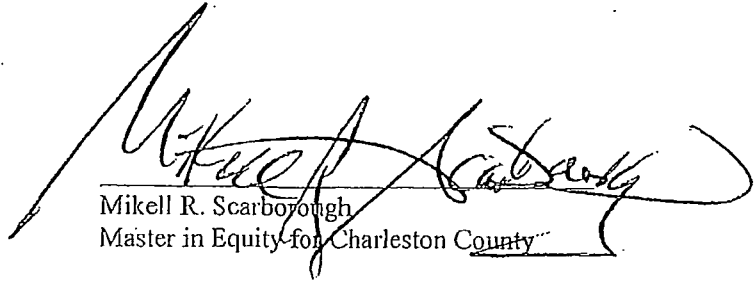
IT FURTHER APPEARING that there is no good cause to prolong the eviction process beyond August 30, 2013 if the parties cannot reach an agreement on a purchase price; it is hereby,

ORDERED, ADJUDGED, AND DECREED that Defendant John Henry White will be evicted from the subject property at 5:00 P.M. on August 30, 2013 if Plaintiff JP Morgan Chase Bank, N.A. and Defendant John Henry White do not agree to a purchase price before that time.



IT IS SO ORDERED.

July 11, 2013



Mikell R. Scarborough
Master in Equity for Charleston County

Exhibit C
(08/30/2013 Order)

JULIE J. ARMSTRONG
CLERK OF COURT, C.P. & G.S.
100 BROAD STREET, SUITE 106
CHARLESTON, SC 29401-2258
RETURN SERVICE REQUESTED



www3.charlestoncounty.org

55



DOW AMBROSE DAVIDSON
151 MEETING ST. STE 600
CHARLESTON SC 29401-2233

NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC

Master Order-eviction scheduled for 8/30/13 should be

CASE NO: 2011CP1000296

Chase Home Finance Llc , plaintiff, et al VS Julia Mae (no Longer White , defendant, et al

This judgment was entered on the 30th day of August, 2013, and a copy mailed first class on Tuesday, September 03, 2013, to all counsel of record and/or all parties entitled to receive notice.

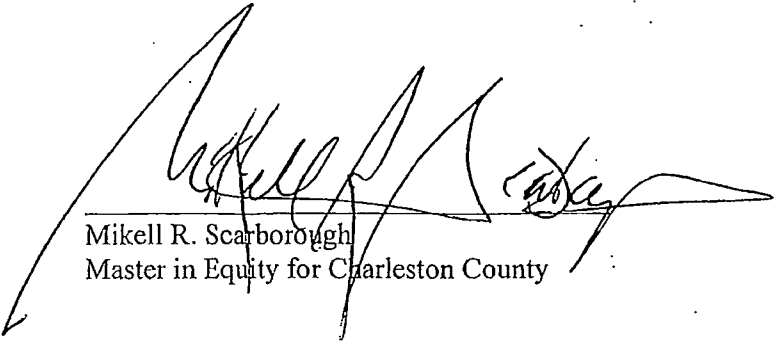
You may view and download this document at www3.charlestoncounty.org.

completion.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant John Henry White is still subject to eviction from the foreclosed property if the proposed sale cannot be completed.

IT IS SO ORDERED.

August 30, 2013



Mikell R. Scarborough
Master in Equity for Charleston County

Exhibit D
(11/12/2013 Order)

JULIE J. ARMSTRONG

CLERK OF COURT, C.P. & G.S.
100 BROAD STREET, SUITE 106
CHARLESTON, SC 29401-2258

RETURN SERVICE REQUESTED



CHARLESTON
COUNTY
SOUTH CAROLINA

www3.charlestoncounty.org

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NOV 20 2013

MELDON, MULLINS

36



DOW AMBROSE DAVIDSON
151 MEETING ST STE 600
CHARLESTON SC 29401-2233

NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC

Master Order- Defnt John White is still subject to eviction

CASE NO: 2011CP1000296

Chase Home Finance Llc , plaintiff, et al VS Julia Mae (no Longer White , defendant, et al

This judgment was entered on the 12th day of November, 2013, and a copy mailed first class on Wednesday, November 13, 2013, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at www3.charlestoncounty.org.

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

JPMorgan Chase Bank, National Association,)

Civil Action No. 2011-CP-10-296

Plaintiff,)

vs.)

ORDER

Clorenda Mae White, John Henry White, Andrea Denise White, as Legal Heir and as Personal Representative of the Estate of Anthony Franklin White, Melanie White, Jason White and Mark White, as Legal Heirs of the Estate of Anthony Franklin White and Charleston County Clerk of Court,)

Defendant.)

FILED
2013 NOV 12 PM 4:40
JULIE J. ARMSTRONG
CLERK OF COURT

IT APPEARING that the property at issue in this matter was properly foreclosed upon as set forth in the Master in Equity's Order and Judgment of Foreclosure and Sale, which was filed on October 30, 2012; and

IT FURTHER APPEARING that Plaintiff JP Morgan Chase Bank, N.A. (the "Bank") was the purchaser of the subject property at this court's December 4, 2012 foreclosure sale; and

IT FURTHER APPEARING that the Bank and Defendant John Henry White ("White") have reached an agreement in principle whereby Mr. White will purchase the foreclosed property from the Bank for \$22,500.00; and

IT FURTHER APPEARING that in order to finalize the sale of the foreclosed property the Bank and White need additional time beyond the September 30, 2013 eviction date set forth in this Court's August 30, 2103 Order; it is hereby,

ORDERED, ADJUDGED, AND DECREED that the eviction scheduled for September 30, 2013 should be cancelled and that the parties have until November 15, 2013 to complete the sale of the foreclosed property or further inform this Court of the need for additional time for

completion.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant John Henry White is still subject to eviction from the foreclosed property if the proposed sale cannot be completed.

IT IS SO ORDERED.

September 11, 2013

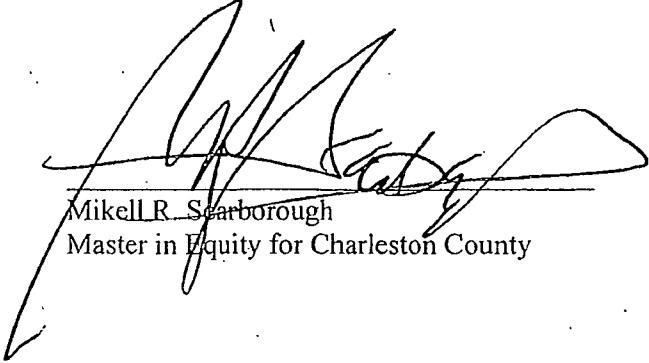

Mikell R. Scarborough
Master in Equity for Charleston County

Exhibit E
(12/20/2013 Letter to
Court of Appeals)

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
151 Meeting Street / Sixth Floor / Charleston, SC 29401-2239
Tel: 843.853.5200 Fax: 843.722.8700
www.nelsonmullins.com

Dow A. Davidson
Tel: 843.534.4123
Fax: 843.534.4253
dow.davidson@nelsonmullins.com

December 20, 2013

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

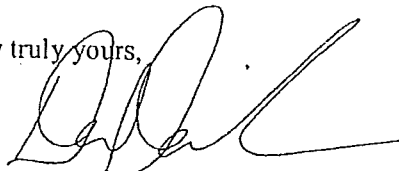
RE: JPMorgan Chase Bank, National Association v. Clorenda Mae White, et al.
Appellate Case No. 2013-001576
Case No.: 2011-CP-10-296
Our File No.: 11281/01741

Dear Ms. Kitchings:

I am writing to inform you that the parties to this appeal have reached a settlement agreement that will resolve all issues before the court. Because the settlement involves the sale of property to the appellant, there are a number of documents that must be reviewed and approved prior to finalizing the agreement. We anticipate the filing of a dismissal or withdrawal of this appeal in the next few weeks.

At this time, however, it is the parties' desire to have the current briefing schedule suspended to ensure that settlement efforts are not compromised and neither party is prejudiced by existing filing deadlines. In the unlikely event that the settlement cannot be completed as agreed to in principle, the parties will notify the court of our desire to move forward with briefing and the appeal.

Very truly yours,



Dow A. Davidson

DAD:mtk

cc: John Henry White

Exhibit F
(01/10/2014 Letter from
Court of Appeals)



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 10, 2014

11281/01741
RECEIVED

JAN 13 2014

NELSON, MULLINS

Mr. Dow Ambrose Davidson
151 Meeting Street
Suite 600
Charleston SC 29401-2239

Re: JP Morgan Chase Bank v. Clorenda White
Appellate Case No. 2013-001576

Dear Counsel:

This will acknowledge receipt of your letter dated December 20, 2013 advising this Court that the parties have reached a settlement agreement, and to request that the current briefing schedule be suspended. Our records reflect that your initial brief was due to be served and filed on January 8, 2014. If you would like to request any further action by the Court, you must do so by filing the appropriate motion pursuant to Rule 240 of the South Carolina Appellate Court Rules.

Very truly yours,

Handwritten signature of Jenny A. Kitchings in cursive script.
CLERK

cc: John Henry White

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

FEB 10 2014

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
The Honorable Mikell R. Scarborough, Master-in-Equity

SC Court of Appeals

Civil Action No. 2011-CP-10-296
Appellate Case No. 2013-001576

JP Morgan Chase Bank, National Association, Respondent,

v.

Clorenda Mae White, John Henry White, Andrea
Denise White, as Legal Heir and as Personal
Representative of the Estate of Anthony Franklin White,
Melanie White, Jason White and Mark White, as Legal
Heirs of the Estate of Anthony Franklin White and
Charleston County Clerk of Court, Defendants.

Of Whom John Henry White is the Appellant.

PROOF OF SERVICE

I HEREBY CERTIFY that I have served the **RESPONDENT'S MOTION TO DISMISS APPEAL** on Appellant by depositing copies of it in the United States Mail, postage prepaid, addressed to the below party:

John Henry White
1510 Grimball Road Ext.
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By: Lisa P. Whitehurst
Lisa Whitehurst
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Dow A. Davidson
Nelson Mullins Riley & Scarborough, LLP

February 10, 2014

Exhibit B

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December 20, 2013

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

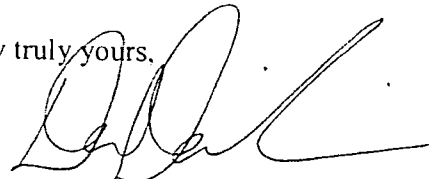
RE: JPMorgan Chase Bank, National Association v. Clorenda Mae White, et al.
Appellate Case No. 2013-001576
Case No.: 2011-CP-10-296
Our File No.: 11281/01741

Dear Ms. Kitchings:

I am writing to inform you that the parties to this appeal have reached a settlement agreement that will resolve all issues before the court. Because the settlement involves the sale of property to the appellant, there are a number of documents that must be reviewed and approved prior to finalizing the agreement. We anticipate the filing of a dismissal or withdrawal of this appeal in the next few weeks.

At this time, however, it is the parties' desire to have the current briefing schedule suspended to ensure that settlement efforts are not compromised and neither party is prejudiced by existing filing deadlines. In the unlikely event that the settlement cannot be completed as agreed to in principle, the parties will notify the court of our desire to move forward with briefing and the appeal.

Very truly yours,



Dow A. Davidson

DAD:mtk

cc: John Henry White

Exhibit C

Nelson Mullins

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February 4, 2014

John Henry White
1510 Grimball Road Ext.
Charleston, SC 29412

RE: JPMorgan Chase Bank, National Association v. Clorenda Mae White, et al.
Case No.: 2011-CP-10-296
Our File No.: 11281/01741

Dear Mr. White:

I called you on January 31, 2014 to make this request, and you did not return my voicemail, so I am writing to confirm my prior attempt to gain your consent. I contacted you seeking your consent to my motion for leave to file our initial brief and designation of matter to be included in the record on appeal beyond the previously-set deadline along with a request to the Court to stay the appeal pending finalization of the settlement terms upon which we currently have an understanding. I have prepared this motion for submission to the Court of Appeals and will proceed with filing same and will include this letter with the motion. As it has been since last August, my client remains committed to finalizing the settlement that we have reached an understanding on. Because we have encountered delays in closing the transaction related to your property, I must protect my client's interest by filing a brief with the Court of Appeals despite the understanding of terms we have at present and my informing the Court of the existence of the agreement and its ongoing nature. By no means does my filing of the brief indicate a reluctance to abide by our understanding. Rather, we are responding to the Court's January 10, 2014, letter in which the Court directed me to file for any further action pursuant to Rule 240, SCACR. We are doing so in accordance with that letter.

Please let me know if you consent as soon as you receive this letter.

Very truly yours,



Dow A. Davidson

DAD:ls