

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM UNION COUNTY  
Court of Common Pleas

The Honorable John C. Hayes, III, Circuit Court Judge

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Case No. 2011-CP-44-342

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**RECEIVED**  
JUL 13 2012  
**SC Court of Appeals**

First Piedmont Savings & Loan Association of Gaffney, South Carolina, .....Respondent,

v.

J.P. Morgan Chase Bank, N.A., .....Appellant.

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**REPLY IN SUPPORT OF APPELLANT'S MOTION TO STAY TIME LIMITS  
AND FOR LEAVE TO FILE A MOTION TO SET ASIDE  
THE JUDGMENT IN THE TRIAL COURT**

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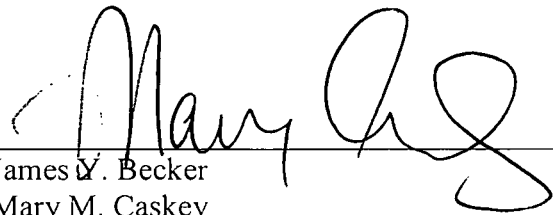
Appellant J.P. Morgan Chase Bank, N.A. ("Chase") submits this reply in support of its Motion to Stay Time Limits and for Leave to File a Motion to Set Aside the Judgment in the Trial Court ("Motion").

The Decree of Judgment ("Judgment") that is the subject of this action, entered on January 17, 2012, is a default judgment based upon affidavits of service filed by the Respondent stating that Chase had been properly served with the Summons and Complaint, Affidavit of Default, and notice of damages hearing (collectively "Pleadings") that were filed in this action. (Judgment p. 1.) In the Judgment, the Court ordered that a mortgage given to Chase be marked satisfied, even though over \$160,000, is currently due and owing on the mortgage. (*Id.* at p. 2.) The Judgment also ordered a

statutory penalty of \$25,000, damages of \$10,000, and attorneys' fees of \$7,500, for a total monetary award of \$42,500. (*Id.*) However, Chase did not learn of this pending action until after the Judgment was entered and Chase promptly filed its Notice of Appeal on February 16, 2012. Following the Notice of Appeal, Chase commenced an investigation to confirm that it had never been properly served with the Pleadings or received notice of the damages hearing. Chase also commenced settlement discussions with Respondent, which have been unsuccessful. Upon confirming that Chase had never been served with the Summons and Complaint and subsequent pleadings and notices, Chase filed its Motion to Stay the Time Limits in order to file a motion before the trial court to set aside the Judgment under Rules 55(c), 60(b)(1), and 60(b)(4). Respondent's counsel is and has been aware that Chase disputes that the Pleadings were properly served.

Based on the foregoing, Chase respectfully seeks leave to file a motion before the trial court to have the Judgment set aside, at which time Chase will proffer an affidavit and other supporting evidence in support of its motion pursuant to Rules 55(c), 60(b)(1), and 60(b)(4).

Respectfully submitted,



James V. Becker

Mary M. Caskey

Haynsworth Sinkler Boyd, P.A.

1201 Main St., 22nd Floor (29201-3226)

P.O. Box 11889 (29211-1889)

Columbia, S.C.

Tel: (803) 779-3080

Fax: (803) 765-1243

Email: [jbecker@hsblawfirm.com](mailto:jbecker@hsblawfirm.com)

[mcaskey@hsblawfirm.com](mailto:mcaskey@hsblawfirm.com)

Attorney for Appellant J.P. Morgan Chase  
Bank, N.A.

July 13, 2012

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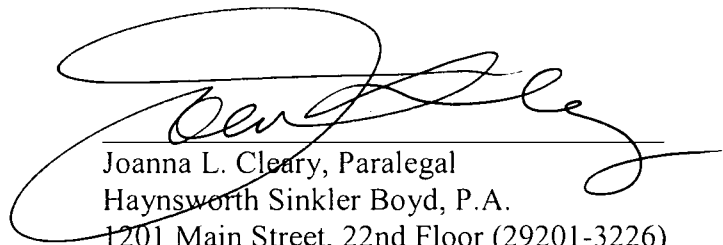
**PROOF OF SERVICE**

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I, Joanna L. Cleary, a paralegal with Haynsworth Sinkler Boyd, P.A., counsel for Appellant J.P. Morgan Chase Bank, N.A., hereby certify that on July 13, 2012, I served the Reply in Support of Appellant's Motion to Stay Time Limits and for Leave to File a Motion to Set Aside the Judgment in the Trial Court in the above referenced matter on the Respondent, First Piedmont Savings & Loan Association of Gaffney, South Carolina by mailing a copy of the same, by United States Mail, postage prepaid, and addressed to counsel of record as follows:

James R. Thompson, Esq.  
Saint-Amand Thompson & Mathis, LLC  
210 South Limestone Street, Suite 1  
Gaffney, South Carolina 29340-3014

*[signature on following page]*



Joanna L. Cleary, Paralegal  
Haynsworth Sinkler Boyd, P.A.  
1201 Main Street, 22nd Floor (29201-3226)  
Post Office Box 11889 (29211-1889)  
Columbia, South Carolina  
Tel: (803) 779-3080  
Fax: (803) 765-1243

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**SC Court of Appeals**

Haynsworth  
Sinkler Boyd, P.A.

ATTORNEYS AND COUNSELORS AT LAW

CHARLESTON  
COLUMBIA  
FLORENCE  
GREENVILLE  
MYRTLE BEACH  
WASHINGTON, DC

1201 MAIN STREET, 22ND FLOOR (29201)  
POST OFFICE BOX 11889 (29211-1889)  
COLUMBIA, SOUTH CAROLINA  
TELEPHONE 803.779.3080  
FACSIMILE 803.765.1243  
www.hsblawfirm.com

JOANNA L. CLEARY  
PARALEGAL  
DIRECT DIAL NUMBER 803.540.7958  
jcleary@hsblawfirm.com

**Via Hand Delivery**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

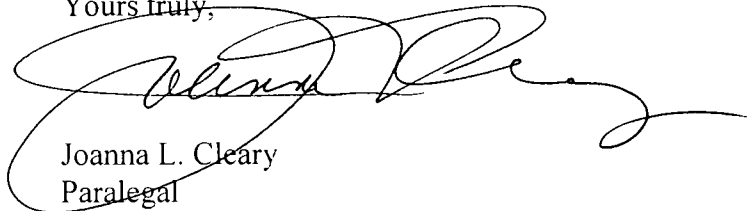
RE: *First Piedmont Federal Savings & Loan Association v. JPMorgan Chase Bank, N.A.*  
Court of Appeals Tracking No. 2012207986  
HSB File No. 09150.0243

Dear Ms. Kitchings:

Please find enclosed for filing the original and six copies of the Reply in Support of Appellant's Motion to Stay Time Limits and for Leave to File a Motion to Set Aside the Judgment in the Trial Court and accompanying Proof of Service. I have also enclosed copies of each document to be date-stamped and returned via our courier.

Thank you for your assistance.

Yours truly,



Joanna L. Cleary  
Paralegal

/jlc  
Enclosures (as stated)

cc: (via U.S. Mail, w/enclosures)  
James R. Thompson, Esq.  
Ronald C. Scott, Esq.  
Erica G. Lybrand, Esq.  
Elizabeth A. Blackwell, Esq.

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