

2284

STATE OF SOUTH CAROLINA
In The Court of Appeals

S. Jackson Kimball, Special Circuit Court Judge

Case No. 2012-CP-20-03040

DEUTSCHE BANK NATIONAL TRUST COMPANY
as Trustee for J.P. Morgan Mortgage Acquisition Trust
2007-CH1, Asset Backed Pass Through Certificates,
Series 2007-CH1, Respondent,

vs.

CORA B. WILKS,
DAVID C. WILKS,
CHASE BANK, N.A., and
MIDLAND FUNDING, LLC,

RECEIVED
MAY 23 2014
SC Court of Appeals

of whom
CORA B. WILKS and
DAVID C. WILKS are Appellants.

RETURN TO MOTION OF RESPONDENT
and MOTION TO FILE OUTSIDE TIME

Pursuant to Rules 240, 263(b) and 210, S.C.A.C.R., the Appellants, by their counsel herein, make their Return to the Motion of the Respondents to Dismiss this appeal, and move this Court for an order allowing them to file their Record on Appeal outside time, on the grounds stated below:

1. The Motion of the Respondents to Dismiss properly recites the filing of all Initial Briefs herein and a deadline for the later, required filing of the Record on Appeal. By the Rules of this Court, the Appellants bear the responsibility to prepare and file the Record on Appeal.
2. Counsel for the Appellants acknowledges that the deadline for preparation and filing the Record on Appeal was missed. He has no adequate excuse for this oversight, other than inadvertence.
3. The Record on Appeal has been prepared and is proffered for filing with this Motion, and

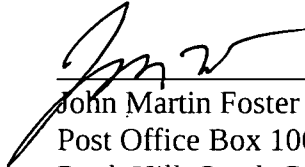
served on opposing counsel by mail, on this date.

4. On knowledge and information, no prejudice will be worked to the Respondents by allowing this filing outside time, nor will the business of this Court be delayed.
5. On the basis of the above, counsel for Appellant makes this Return and prays to be allowed to file the Record on Appeal outside time.

The basis of this Motion is the within-cited Rules, the records of this appeal, and any attached affidavit or stipulation of the undersigned, which items are hereby incorporated in this Motion.

WHEREFORE, the Appellants, by their counsel herein, make their Return to the Motion of the Respondents to Dismiss this appeal, and move this Court for an order allowing them to file their Record on Appeal outside time, pursuant to Rules 240, 263(b) and 210, S.C.A.C.R.

February 3, 2012



John Martin Foster
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Attorney for Appellants

Other Counsel of Record:

Michael J. Anzelmo
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of whom
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DAVID C. WILKS are Appellants.

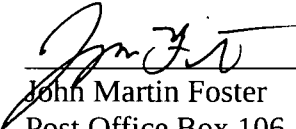
PROOF OF SERVICE

I certify that I have served the Return to Motion to Dismiss and Motion to File the Record on Appeal Outside Time dated May 21, 2014, on the following counsel or persons of record:

Michael J. Anzelmo
Benjamin Rush Smith, III
Nelson Mullins Riley & Scarborough, LLP
Attorneys for Deutsche Bank
Post Office Box 11070
Columbia, S.C. 29211

by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out above, pursuant to Rule 262, S.C.A.C.R.

May 21, 2014


John Martin Foster
Post Office Box 106
Rock Hill, S. C. 29731-6106
803 324-8100
Attorney for Appellants

JOHN MARTIN FOSTER

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223 East Main Street Suite 520	Rock Hill SC	803 324 8109 Fax
Rock Hill South Carolina 29730	29731-6106	jmfoster@comporium.net

May 21, 2014

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Deutsche Bank National Trust Company, Respondent
v. Cora B. Wilks and David C. Wilks, Appellants
Docket No. 12-CP-46-03040

Dear Ms. Kitchings:

In accordance with Rules 210, 240 and 263(a), S.C.A.C.R., enclosed herewith please find:

the original and fifteen (15) copies of the Record on Appeal, together with Certificate of Service of the same; and

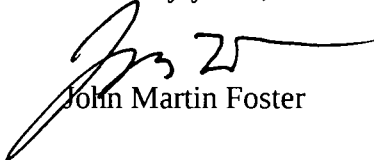
the original and seven (7) copies of the Appellants' Return to the Motion to Dismiss and their Motion to File Outside Time, as to serve the Record on Appeal, together with Certificate of Service for the same in the above referenced case.

I also enclose our check for the Motion fee of \$25.00.

By copy of this letter, I am serving the attorney for the Respondent with copies of the Record on Appeal and the said Return and Motion, as evidenced by the Certificates of Service.

Please return the extra conformed copy to my office in the enclosed self-addressed, stamped envelope. As always, thank you, and your staff, for your assistance in these matters.

Sincerely yours,


John Martin Foster

jmf/
enclosures
cc: Client File

Michael J. Anzelmo
Benjamin Rush Smith, III
Nelson Mullins Riley & Scarborough, LLP
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Columbia, S.C. 29211
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