

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

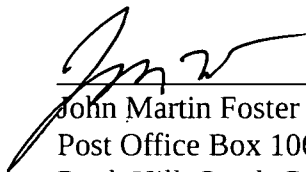
served on opposing counsel by mail, on this date.

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  
Post Office Box 106  
Rock Hill, South Carolina 29731  
803 324-8100  
Attorney for Appellants

Other Counsel of Record:

Michael J. Anzelmo  
Nelson Mullins Riley & Scarborough, LLP  
Attorneys for Deutsche Bank  
Post Office Box 11070  
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803 255-9312

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of whom  
CORA B. WILKS and  
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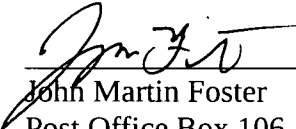
PROOF OF SERVICE

I certify that I have served the Return to Motion to Dismiss and Motion to File th 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

Attorney at law

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

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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

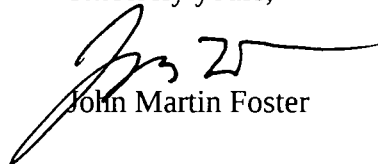
the original and seven (7) copies of the Appellants' Return to the Motion to Dismiss and their Motion to File Outside Time, as to serve the Record on Appeal, together with Certificate of Service for the same in the above referenced case.

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  
Attorneys for Deutsche Bank  
Post Office Box 11070  
Columbia, S.C. 29211  
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