

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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JUN 13 2014

Case No. 2011-197766 in the Court of Appeals
Deutsche Bank Trust Company Americas as Trustee for RALI2007QS8 **SC Court of Appeals**
and Respondent H. Guy Gantt v. Janice Cross et als
Appeal from Lexington County Court of Common Pleas
of the August 8, 2011 order of Edward B. Cottingham
Case No. C/A 2009-CP-32-05140

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S.C. Supreme Court

June 13, 2014

REQUEST FOR EXTENSION OF TIME TO FILE PETITION
FOR THE WRIT OF CERTIORI AND APPENDIX

From: Janice Cross, Petitioner
in care of Post Office Box 2453
West Columbia, South Carolina 29171
803.556.6077

To: Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Dear Mr. Shearouse:

Pursuant to the May 30, 2014 order of Chief Justice Jean Toal, the petition for the writ of certior and appendix are due to be filed and served by Friday, June 13, 2014. As petitioner, I am painfully mindful that the order states that “no further extensions to serve and file the petition and appendix will be granted except for the most exceptional of circumstances.”

With all due respect, however, I am in-fact compelled for the following “most exceptional of circumstances” to ask for the Court’s patience in the matter for a grant of a 30-45 day extension of time through Monday, July 28, 2014, or for a minimum of 30 days as the Court may determine, in order to serve and file the petition and appendix as ordered.

I request this extension due to the “most exceptional of circumstances” in my case. They are as follows.

FOUR MOST EXCEPTIONAL OF CIRCUMSTANCES

There are four exceptional circumstances that justify an extension of time as requested.

First 'most exceptional of circumstances.' My foremost exceptional circumstance and one that has hampered my ability for completion timely of the petition and appendix as ordered is one of extreme hardship involving the pending death of my only father in life, Roy Hendershot, 84. Mr. Hendershot suffers from a fatal blood disorder and is under hospice care in Winslow, Arizona. My family and I are literally on a day-to-day death watch as of the date of this petition.

For objective verification of his fatal condition under hospice care, the Court will please note that Mr. Hendershot was under the care of primary care physician Dr. John Sears in Winslow [86047] at 200 Lee Street, phone 928.289.3396, who can also vouch for his terminal condition.

Mr. Hendershot is under the care of Medicare-provided physicians from Hospice Compassus, 1000 N. Humphreys Street, Ste 220, Flagstaff, Arizona 86001, telephone 928.556.1500. Winslow is located on Interstate 40 about an hour's drive from Flagstaff.

The Court may also confirm the facts by contacting **Medicare** directly in care of the U.S. Department of Health and Human Resources, Washington, DC at www.hhs.gov or www.medicare.gov or by contacting the main office at The U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201. Or the Court may call HHS on its toll free number at 1-877-696-6775.

Petitioner's brother John Hendershot, also of Winslow, holds the general power of attorney over my father and his affairs, and is his lawful primary care giver of record. He may be reached at 928.289.5544.

My only father in life is literally dying as we speak, and I need to make arrangements logistically to travel to Arizona to be with my family at such a time as this. I am barely able to function as it is on net earnings of about \$750 every two weeks for monthly bills totaling approximately \$1,800. I am under severe economic hardship.

Second most exceptional of circumstances. My second exceptional circumstance is the economic hardship that I am operating under in general and the problem I am having in coming up with the \$300-350 that it will take me to reproduce the multiple copies of associated documentation required to satisfy the filing requirements under the rules, as I understand them. Even coming up with the \$25 filing fee for this petition is a strain on me at the moment.

Accordingly, I sincerely request the Court's forbearance. I request that I not be penalized for my momentary condition *in forma pauperis*, as I fully expect to have the funds in hand within the 30-45 day period as requested in order to complete the filing.

The Court will also please note that on May 30, 2014, which ironically is the same date of the Court's order that is the subject of this request, the starter in my 2001 Infiniti failed, and I had to spend \$293 to get the car running. It is my only means of transportation to and from my work as a balancing specialist. I was required to borrow the money from my next paycheck, and the funds that I had to return to Advance America in Cayce on June 7, 2014 left me with about \$300 to survive on for two weeks, leaving me no funds to pay for my daily bread or for other key items as well.

Despite my hardship, the Court will please note that I have diligently worked on and have actually just now completed the 25-page (maximum) petition itself and caption page and index in good faith pursuant to the rules, but not the appendix. Notwithstanding, I have gathered together most of the documents for the appendix.

Nor do I yet have the funds in hand to produce multiple copies of the documents required by rule and/or by the order, but I expect to have it within the time requested.

I work a full-time job and maintain a household. This is a great stress upon me as a laywoman who is unschooled in law to prosecute my case, and at the same time, it is evident that I have been intent and persistent in trying to get a hearing for my case.

After having invested so much time and energy in this case, I very much desire to complete this process and to be able to present my case to this Honorable Court for consideration. The fact is, this case is eminently worthy of this Court's review.

Accordingly, I ask this Court not to let my labor simply go in vain for this temporary lack of available time and resources under these difficult, albeit temporary circumstances.

Third most exceptional of circumstances. The third most exceptional of circumstances that warrants a grant of this petition is the sheer confusion that surrounded my original request for an extension of time with this Court, a request that I filed timely on April 25, 2014, or three days before the April 28, 2014 deadline. Notwithstanding my request, the Court of Appeals on May 22, 2014 issued a remittitur untimely in the matter.

Unfortunately, I became confused when this Court did not answer my original request for an extension until days after the Court of Appeals had issued the remittitur.

This Court on May 30, 2014 asked the Court of Appeals to recall the remittitur under these circumstances and gave me a very short two weeks to complete my filings.

With all due respect, the delay I experienced in hearing from this Court was initially a cause for confusion to me as a laywoman who is unschooled in law, although I did continue to work in good faith on my petition to the best of my limited ability.

On or about June 6, 2014, or one short week ago, I received from the Court of Appeals a copy of an order by that tribunal dated June 4, 2014 instructing the Lexington County clerk of the court to return the remittitur within 15 days from the date of the order, or by this coming June 19, 2014.

As petitioner, I still need to review the Court files for a copy of one or two documents for the appendix that appear to be missing or misplaced from my own files, and I am in process of trying to obtain a copy of the said documents from the Court. The documents are important to the appendix and petition for the writ of certiorari.

Petitioner respects the fact that this Court's initial oversight in failing to answer my petition timely is itself a "most exceptional of circumstances," given the efficiency of the courts in general, and of this Court in particular.

Fourth most exceptional of circumstances. The fact of the matter is that in this case I have been denied the right to be heard as a matter of full due process of law and procedure. With all due respect, I was ordered by the Court of Appeals to produce several documents for the Record on Appeal upon the misguided motion of counsel for Respondent Deutsche Bank Americas as Trustee for the securitized loan trust known as RALI2007QS8 that simply do not exist anywhere in the lower court case filings.

In addition, I was ordered to expunge documentation from the Record on Appeal upon that same motion that has long appeared in the lower court case files and that I quote from extensively in the Initial and Final Briefs, briefs that the Court had previously ordered to let stand. Thus, I was asked to do the impossible, on the one hand, and on the other hand, I was ordered to expunge documentation that will destroy the appeal and require a total rewrite of the brief long after the Court had approved a brief that cannot be re-written pursuant to the rules.

Moreover, the Court failed to consider my timely filed and duly filed motion for reconsideration of the order compelling me to perform these impossibilities, a motion that I had filed consistent with the rules. With all due respect, therefore, the procedural errors and the due process errors in this important case are simply stark.

The 13 Issues on Appeal are substantive in this case, including the refusal by the circuit court to hear petitioner's timely filed Rule 60(b) Motion to Vacate a Void Judgment involving newly discovered evidence and other timely filed motions of record.

Finally, petitioner has raised novel question(s) of law [SCAR 242(b)(1)] that this Court should hear, such as the constitutionality of S.C. Code Ann. Section 33-15-101f.

Petitioner's case is a classic example involving bank frauds in the widely publicized "robo-signing" scandal that not only affects this case, but hundreds of other cases in this great state. Documentation in the land records of Lexington County involving this case is fraudulent to this day *ab initio*, as petitioner proves unequivocally.

The proofs are incontrovertible, and they are in the Record on Appeal.

CONCLUSION

The foregoing should meet the burden of "the most exceptional of circumstances" and of good faith in this matter. Accordingly, this petition is due to be granted by this Honorable Court for good cause shown.

I firmly believe that the facts of record will show that the issues on appeal and the substantive errors in the lower court(s) with respect to violations of procedure and of due process have denied this petitioner my fundamental right to be heard.

The facts of record deserve this Court's honorable and careful consideration, and should result in remand to the lower court(s) and a re-opening of the case as provided for by law, including case law as cited in petitioner's brief.

By copy of this letter, I am informing the South Carolina Court of Appeals, as well as Mark Wierman, counsel for Respondent Deutsche Bank Americas as Trustee, and Henry Taylor, counsel for Respondent H. Guy Gantt, of this extension request.

Thanking you for your cooperation and assistance in this matter, petitioner so moves this Honorable Court for an unconditional grant of this timely filed request.

I am filing this request out of necessity, and I am filing it in good faith with respect to the court system of South Carolina as I have witnessed it firsthand.

Respectfully,



Janice Cross, Petitioner

cc: Court of Appeals; Mark Wierman; Henry Taylor

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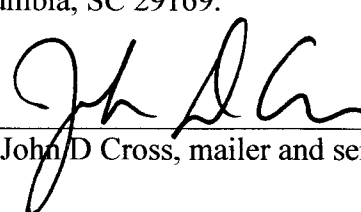
To: Honorable Daniel E. Shearouse
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PROOF OF SERVICE OF REQUEST FOR EXTENSION OF TIME TO FILE
PETITION FOR THE WRIT OF CERTIORI AND APPENDIX

I, the undersigned mailer and server, herein certify on this date as indicated below that I filed this proof of service and a copy of petitioner Janice Cross' four-page REQUEST FOR EXTENSION OF TIME TO FILE PETITION FOR THE WRIT OF CERTIORI AND APPENDIX with the South Carolina Supreme Court and a courtesy copy with the South Carolina Court of Appeals. Further, I certify that I mailed a copy of the foregoing documents by USPO regular mail to the two respondents in the matter. They are: (1) Deutsche Bank Trust Company Americas as Trustee for RALI2007QS8, c/o Mark Wierman, Bradley, Arant, Boulton, Cummings, LLP, 100 North Tryon Street, Suite 2690, Charlotte, NC 28202, and: (2) Respondent H. Guy Gantt, c/o Henry Taylor, Esquire, 3618 Sunset Boulevard, Suite D, West Columbia, SC 29169.

Executed on this 13th day of June, 2014

by:


John D Cross, mailer and server