

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

JUL 14 2014

Appellate Case Number 2014-001139

S.C. Supreme Court

Case No. 2011-197766 in the Court of Appeals
Deutsche Bank Trust Company Americas as Trustee for RALI2007QS8
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

July 14, 2014

REQUEST FOR EXTENSION OF TIME TO FILE PETITION
FOR THE WRIT OF CERTIORARI 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 June 16, 2014 order extending the time through July 14, 2014 that this appellant was given for serving and filing the Petition for Writ of Certiorari and Appendix, Appellant still finds it necessary to ask this Honorable Court for an additional 30 days extension of time for serving and filing the Petition and Appendix as ordered, and for the same reasons that she cited in her original petition for extension of time dated June 13, 2014.

Once again, I am painfully mindful of the fact that Chief Justice Toal in a previous order stated 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 still 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 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, same as I had to do previously, and for the exact same reasons. They are as follows.

With all due respect to the Court, I do expect to have the funds in hand before the end of the 30-day period that are necessary for me to produce the copies that I must file and serve. A major problem that I still face for the moment is a financial one. Even coming up with the \$25 filing fee for this request is a hardship for the moment.

However, I fully expect that a long-awaited matter in my case will be funded within the next two to three weeks, which will provide me with the funds that I need to pay for production of the copies that I must file and serve.

I have no choice but to beg the Court’s indulgence and assistance in the matter.

I have invested too much time and energy in seeking remedy in this matter for it to fail now due to my temporary lack of resources for producing the copies and originals for filing and for service.

I sincerely ask the Court for consideration and for assistance with this extension of time in order to protect and preserve my substantial right to due process in the matter.

These “most exceptional of circumstances” are still applicable at this writing.

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.

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From: Janice Cross, Appellant, Petitioner
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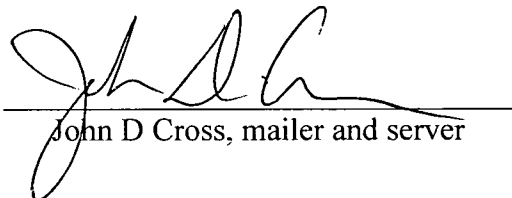
To: Honorable Daniel E. Shearouse
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PROOF OF SERVICE OF REQUEST FOR EXTENSION OF TIME TO FILE
PETITION FOR THE WRIT OF CERTIORARI AND APPENDIX

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' five-page REQUEST FOR EXTENSION OF TIME TO FILE PETITION FOR THE WRIT OF CERTIORARI 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 14th day of July, 2014

by:


John D Cross, mailer and server



The Supreme Court of South Carolina

Janice Cross
c/o PO Box 2453
West Columbia SC 29171

07/14/2014

RECEIPT #72854

Case No: 2014-001139
Case Short Title: Deutsche Bank v. Janice Cross
Event:
Fee Type: Motion Fee
Amount: \$25.00
Payment Type: Cash
Reference No:
Check/Money Order Date: 07/14/2014
Comments: