

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Master in Equity

The Honorable Mikell Scarborough

Case No. 2010-CP-10-7992

**RECEIVED**

SEP 22 2014

**SC Court of Appeals**

173615

BANK OF AMERICA f/k/a/ COUNTRYWIDE HOME  
LOANS, d/b/a AMERICA'S WHOLESALE LENDING . . . . .

Plaintiff/Respondent

v.

CORNELL L. WILLIAMS, DEBORAH P. WILLIAMS,  
GEORGE RODNEY DERRICK and MARY SCARBOROUGH,  
as Delinquent Tax Collector for Charleston County . . . . .

Defendants

Of Whom

GEORGE RODNEY DERRICK is . . . . .

Appellant.

**APPELLANT'S MOTION FOR  
CONTINUANCE OF TIME FOR THE  
FILING OF FINAL BRIEF AND  
RECORD ON APPEAL**

Appellant George Rodney Derrick timely filed a Notice of Appeal in this matter, and filed his Initial Brief and Designation of Matter on June 23, 2014. On August 25, 2014, Appellant received Respondent's Initial Brief and Designation of Matter. The Designation of Matter submitted by Respondent is identical to that of Appellant save for the final three documents Respondent wishes included in the Record on Appeal. These three documents are identified as letters V, W, and X, and read, verbatim: V. Certificate of Mailing, W. Certificate of Mailing, and X. Skip Trace.

Appellant cannot identify these documents from the Designation provided by Respondent. Furthermore, Appellant does not have possession of whatever these documents are, as they are clearly internal documents contained in Respondent's file and never provided to either the Trial Court or Appellant. Counsel for Appellant attempted to contact Counsel for Respondent via telephone on September 9, 2014. It was impossible to do more than leave voice mail messages requesting a return call; no such call has been received. At the same time, Counsel for Appellant wrote a letter, a copy of which is attached, requesting identification and copies of Respondent's documents. This letter was sent to Counsel for Respondent via regular United States Mail, email, and fax delivery. Appellant has received no response.

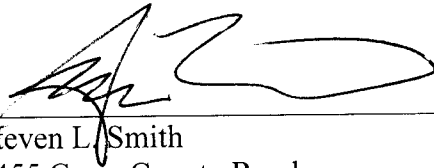
It is specifically the duty and responsibility of Appellant to prepare the Record on Appeal. S.C. App. R. 210. The Record "shall include all matter designated to be included by any party..." S.C. App. R. 210(c). Since Appellant cannot identify the three documents intended to be included by Respondent, and does not have copies, it is impossible to prepare a complete Record. Additionally, Final Briefs cannot be submitted until after the Record on Appeal has been filed with this Court and served upon all other parties. In fact, the time for submission of Final Briefs does not begin to run until after the Record has been filed. S. C. App. R. 211(a).

Appellant would respectfully request that this Court grant a continuance for the filing of the Record on Appeal and Appellant's Final Brief until such time as Respondent has responded to Appellant's request for copies of the documents Respondent wishes included. Until these documents have been received, it is impossible to prepare and submit a Record that complies with the Rules of Appellate Procedure.

SIGNATURE ON FOLLOWING PAGE

Respectfully submitted,

SMITH | CLOSSER, P.A.



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Steven L. Smith  
7455 Cross County Road  
P.O. Box 40578  
Charleston, SC 29423-0578  
(843) 760-0220  
(843) 552-2678 facsimile  
Attorneys for Appellant

9-18, 2014  
Charleston, SC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing Defendant/Appellant George Rodney Derrick's Motion for Continuance was served, via U.S. Mail, postage prepaid, and/or hand delivery upon the following:

Dean Hayes, Esq.  
1300 Pickens Street  
P.O. Box 12369  
Columbia, SC 29211  
(803) 252-5817  
Attorney for Plaintiff

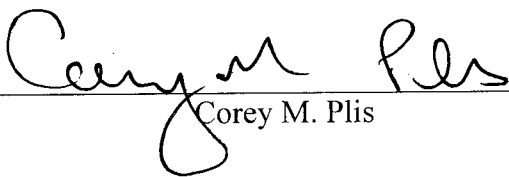
R. David Chard, Esq.  
2050 Spaulding Drive  
North Charleston, SC 29406  
(843) 554-6984  
Attorney for Defendant George Rodney Derrick

Daniel M. Bradley Law Firm, LLC  
875 Lowcountry Blvd  
Suite 210  
Mount Pleasant, SC 29464  
Attorney for Defendant Cornell L. Williams

Bernard E. Ferrara, Jr., Esq.  
4045 Bridge View Drive  
North Charleston, SC 29405  
Attorney for Defendant Mary Scarborough

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SMITH | CLOSSER, P.A.

  
Corey M. Plis

9-18, 2014  
Charleston, South Carolina  
14-089

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# FAX

**To:** Dean Hayes, Esq.  
Korn Law Firm

**Fax #:** (803) 252-5827

**Subject:** *Bank of America v. Cornell Williams, et al.*  
Appellate File No. 2014-001113  
Case No. 2010-CP-10-7992

**Date:** September 9, 2014

**Pages:** -2-

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### SC Court of Appeals

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# Smith | Closser, P.A.

Attorneys at Law  
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Post Office Box 40578  
Charleston, South Carolina 29423-0578

Steven L. Smith  
ssmith@scnlaw.com

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Fax – 843-552-2678  
www.smithclosser.com

September 9, 2014

Dean Hayes, Esq.  
Korn Law Firm, P.O.  
P.O. Box 12369  
Columbia, SC 29211-2369

VIA FAX: 803-252-6827 and  
email: dean.hayes@kornlawfirm.com

Re: *Bank of America v. Cornell Williams, et al.*  
Case No. 2010-CP-10-7992  
Appellate Tracking No.: 2014-001113

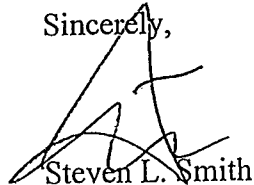
Dear Mr. Hayes,

I have attempted to contact you via telephone regarding your designation of matter for inclusion in the record on appeal in the above-referenced case. You have identified three documents – two otherwise unidentified Certificates of Mailing, and a Skip-Trace report – which are not in my possession. In order for me to be able to include in the record all of the documents you have listed, I will have to have you send me these final three documents.

I would greatly appreciate it if you could fax these to me office at your earliest possible convenience, or email them to Kathy Korda at [kkorda@scnlaw.com](mailto:kkorda@scnlaw.com) as soon as you are able. We need to have the record at the printer's early next week.

Please feel free to call me directly should this request pose a problem.

Sincerely,



Steven L. Smith

SLS/kak

Cc: Court of Appeals  
Via fax and U.S. Mail

Smith | Closser

Bank of America v. Cornell Williams, et al.

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**Bank of America v. Cornell Williams, et al.**

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**Kathy Korda** <kkorda@scnlaw.com>  
To: dean.hayes@kornlawfirm.com

Tue, Sep 9, 2014 at 12:19 PM

Please see attached.

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 **doc04364320140909122218.pdf**  
42K

# Smith | Closser, P.A.

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Steven L. Smith  
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September 18, 2014

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

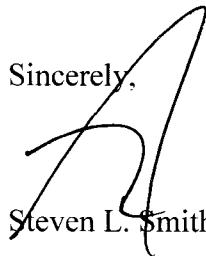
Re: *Bank of America v. Cornell L. Williams, et al.*  
Case No. 2010-CP-10-7992

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Dear Ms. Kitchings,

Enclosed please find the Defendant/Appellant George Rodney Derrick's Motion for Continuance of Time For the Filing of Final Brief and Record of Appeal, the accompanying Certificate of Service showing that the same has been served upon all counsel of record and a check in the amount of \$25.00. Please feel free to contact us should you have any questions.

Sincerely,

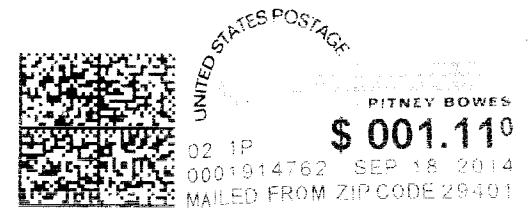


Steven L. Smith

cc: Clerk of Court of Charleston County  
All counsel of record

**Smith | Closser, P.A.**

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Charleston, South Carolina 29423-0578



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Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
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