

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas
Philip E. Wright, Special Referee

Appellate Case No. 2013-002373

RECEIVED
DEC 05 2014
SC Court of Appeals

174391

H&R Block Bank, FSB.....Respondent,

v.

Ziraili M. Elbey a/k/a Ziraili Mohassan El Bey, WKFC Living Trust
Under Trust Agreement Dated June 4, 2010 By and Through its Trustee
Wellesley K. Clayton, American Home Mortgage Servicing, Inc.
s/b/m to Option One Mortgage Corporation.....Defendants,

Of whom Ziraili M. Elbey a/k/a Ziraili Mohassan El Bey is the.....Appellant.

MOTION FOR EXTENSION OF TIME TO SERVE AND FILE FINAL BRIEF

Respondent, H&R Block Bank, FSB, through undersigned counsel, moves under Rule 263 of the South Carolina Appellate Court Rules for an extension of time to file its Final Brief in this matter, and as grounds therefore states as follows:

1. Appellant served her Notice of Appeal in this Matter on October 29, 2013. Appellant filed her Initial Brief on January 31, 2014. Respondent filed its initial brief on October 7, 2013. Appellant filed her Reply Brief on October 14, 2014.

151
12-2

2. Pursuant to SCACR 210, Appellant was required to serve a copy of the Record on Appeal on Respondent no later than November 13, 2014.


3. On November 12, 2014, Respondent received from Appellant a document denominated "Appellant's Record on Appeal." This document included an index but did not actually contain copies of any of the documents designated in the parties' Designations of Matters to be Included in the Record on Appeal ("Designations"). Additionally, the index did not appear to list all the documents designated in the parties' Designations. To date, Respondent has not received a complete copy of the Record on Appeal as required by SCACR 210.

4. Respondent has been unable to complete its Final Brief without possessing a copy of the Record on Appeal containing all documents included in the parties' Designations.

5. Respondent requests an additional 30 days to prepare a motion to supplement the Record on Appeal that includes the documents in Respondent's Designation, and an additional 60 days to prepare its Final Brief citing to an Appendix to the Record on Appeal to be prepared by Respondent in accordance with SCACR 212.

WHEREFORE, Respondent, H&R Block Bank, FSB respectfully requests that this Court grant it an additional 30 days to prepare a motion to supplement the Record on Appeal, and an additional 60 days to prepare its Final Brief.

December 3rd, 2014



Chad W. Burgess, Esq. (SC Bar# 72520)
Brock and Scott, PLLC
3800 Fernandina Road, Suite 110
Columbia, SC 29210
(803) 454 3540

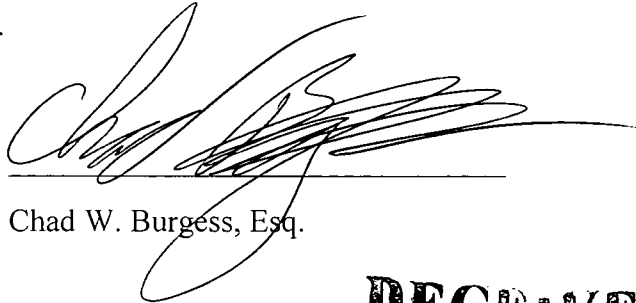
G. Benjamin Milam, Esq. (SC Bar#80311)
McGuireWoods LLP
201 North Tryon Street, Suite 3000
Charlotte, NC 28202
(704) 343-2000
Attorneys for Respondent

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Motion was served on the Appellant by depositing a copy thereof in the United States Mail, first class, postage prepaid, addressed to:

Ziraili M. Elbey
9789 Charlotte Highway, #400-191
Indian Land, South Carolina 29707
Appellant

This the 3rd day of December, 2014.



Chad W. Burgess, Esq.

RECEIVED

DEC 05 2014

SC Court of Appeals



RECEIVED
DEC 05 2014
SC Court of Appeals

THOMAS E. BROCK *
GREGORY A. SCOTT *
JAMES P. BONNER *
MARK A. PEARSON **
BRIAN L. CAMPBELL**
SEAN M. CORCORAN*

COLUMBIA OFFICE
WESTPARK CENTER
3800 FERNANDINA ROAD
SUITE 110
COLUMBIA, SC 29210
PHONE 803-454-3540
FAX 803-454-3541

ATLANTA, GA
CHARLOTTE, N C
RALEIGH, NC
WILMINGTON, NC
WINSTON-SALEM, NC
COLUMBIA, SC
FRANKLIN, TN

www.brockandscott.com

* Licensed in North Carolina

** Licensed in North Carolina and South Carolina

December 3, 2014

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

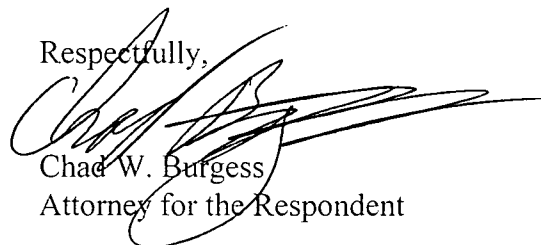
RE: H&R Block, FSB v. Ziraili M. Elbey
Appellate Case 2013-002373
B&S File No.: 10-19401

Dear Ms. Kitchings:

Enclosed please find the original and one copy of the Respondent's Motion for an extension of time to serve and file final brief along with the Certificate of Service and a check in the amount of \$25.00 for the filing fee. Please have a filed copy returned to me in the enclosed envelope.

Thank you for your kind assistance in this matter.

Respectfully,



Chad W. Burgess
Attorney for the Respondent

Enclosure
CC: Ziraili M. Elbey

*** THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU HAVE BEEN DISCHARGED IN A CHAPTER SEVEN BANKRUPTCY, WE ARE NOT SEEKING PERSONAL LIABILITY AGAINST YOU, BUT ARE PURSUING THE RIGHTS AGAINST THE PROPERTY AS PROVIDED IN THE SECURITY AGREEMENTS***