

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Albert J. Dooley, Special Referee

Case No. 2010-CP-32-00669
Appellate Case No. 201400820

RECEIVED

JAN 09 2015

SC Court of Appeals

174733

JPMorgan Chase Bank,
National Association,
Successor by Merger to Chase
Home Finance LLC s/b/m to
Chase Manhattan Mortgage
Corporation,

Respondent,

v.

Demetric Hayes,

Appellant.

MOTION TO DISMISS APPEAL

Respondent JPMorgan Chase Bank, National Association, Successor by Merger to Chase Home Finance LLC s/b/m to Chase Manhattan Mortgage Corporation (“Chase”) hereby moves for an Order dismissing the Appeal. As explained below, Appellant Demetric Hayes (“Hayes”) has repeatedly failed to comply with this Court’s Orders and the Rules governing this Appeal, and his Appeal should be dismissed.

Hayes filed an initial Notice of Appeal on April 22, 2014, and an Amended Notice of Appeal on May 2, 2014. Pursuant to an extension granted by this Court, Hayes filed his initial

brief on July 3, 2014. Hayes failed to include his designation of matter to be included on the record of appeal with his initial brief, but he eventually filed a designation on July 21, 2014, after notice from the Clerk. Chase filed its initial brief and designation of matter to be included on the record of appeal on August 4, 2014. Hayes filed his initial reply brief on August 19, 2014.

Although Hayes timely filed the Record on Appeal on September 17, 2014, the Record on Appeal failed to include any of the items designated by Chase for the Record on Appeal, and had several other deficiencies noted by the Clerk's letter to Hayes dated September 24, 2014. On October 1, 2014, Chase filed a Motion to Require Appellant to Supplement Record on Appeal and to Hold Deadlines in Abeyance because Chase could not file its final brief without a complete Record on Appeal. Hayes filed an Amended Record on Appeal on October 2, 2014, but the Amended Record still failed to include the matters designated by Chase.

On November 25, 2014, this Court entered an Order requiring Hayes to supplement the Record on Appeal no later than December 26, 2014, holding that his failure to do so might result in the dismissal of his appeal. To date, Hayes has not filed any further Record on Appeal or otherwise responded to the Court's Order. It appears his last filing was his final brief on November 5, 2014.

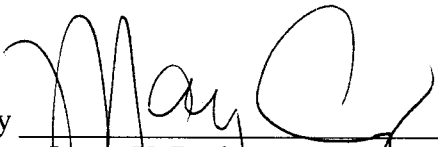
Hayes has failed to abide by numerous Rules throughout this appeal, and most recently, has failed to supplement the Record on Appeal pursuant to this Court's November 25, 2014, Order. His actions prevent Chase from completing its final brief, and thus prevent the Appeal from moving forward, all to Hayes' benefit. This is a foreclosure action that has been pending since February 2010, and the sale of the property is on hold pending the conclusion of the

Appeal. Because Hayes has refused to abide by this Court's orders and rules, Chase requests that the Appeal be dismissed.

CONCLUSION

For all of the above reasons, the appeal should be dismissed.

Respectfully Submitted,

By 
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January 9, 2015

Attorneys for Respondent JPMorgan Chase Bank, National Association, Successor by Merger to Chase Home Finance LLC s/b/m to Chase Manhattan Mortgage Corporation

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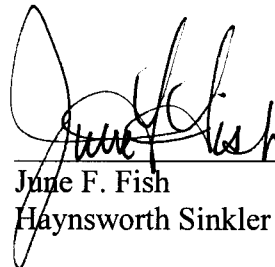
Demetric Hayes,

Appellant.

PROOF OF SERVICE

I certify that on January 9, 2015 a copy of the foregoing **Motion to Dismiss Appeal** has been served upon the Appellant by placing the same in the United States mail to the following party:

Demetric Hayes
232 Edinfield Ct.
Gaston, SC 29053
Pro se Appellant



June F. Fish
Haynsworth Sinkler Boyd, P.A.

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January 9, 2015

VIA HAND DELIVERY

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

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JAN 09 2015

RE: JPMorgan Chase Bank, National Association v. Demetric Hayes **SC Court of Appeals**
Appellate Case No. 2014-000930
HSB File No. 09150.0378

Dear Ms. Kitchings:

With regard to the above-referenced appeal, enclosed for filing please find the original and six (6) copies of Respondent's Motion to Dismiss Appeal, along with Proof of Service and \$25.00 filing fee check. Please date-stamp the enclosed extra copy and return it to me.

Sincerely yours,

Mary M. Caskey

Mary M. Caskey

MMC/jff

Enclosure(s) (as stated)

cc: Demetric Hayes (w/encl.)