

**MOTION FOR EXTENSION OF TIME TO RECEIVED (FULL COPIES OF "DESIGNATIONS") FROM
RESPONDENT, NOT AN INDEX, TO FILE A SUPPLEMENT TO RECORD ON APPEAL AND FILE
FINAL BRIEF**

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

Philip E. Wright, Special Referee

Case No. 2013-002373

RECEIVED
JAN 09 2015
SC Court of Appeals
M4130

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 and American Home
Mortgage Servicing, Inc. s/b/m to Option One Mortgage
Servicing, Inc. s/b/m to Option One Mortgage Corporation,
Defendants,

Appellant

Of Whom Ziraili M. Elbey is the Appellant.

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FROM RESPONDENT, NOT AN INDEX, TO FILE A SUPPLEMENT TO RECORD ON APPEAL AND
FILE FINAL BRIEF**

Appellant, moves under Rule 263 of the South Carolina Appellate Court Rules for
an extension of time file its Final Brief in this matter, 60 to 90 days, and as reference
below:

1. Appellant filed '*In Propria Persona*'. Appellant pursuant to SCACR Rules 209,
Rule 210, 211, and 267 is complaisant. Appellant served a Notice of Appeal on
this Matter on October 29, 2013. Appellant filed her initial brief on January 31,

2014. Respondent filed its initial brief on October 8, 2014, not within the 30 days RULE according to the SCACR Rule 208. Appellant did not receive Respondent's full copies designation of matters, but an index, until after October 8, 2014, to be include in Appellant's Record on Appeal. Appellant's Record on Appeal was filed on November 12, 2014.

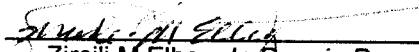
2. If Appellant has not designated an item that the respondent deems should be included in the appeal, the Respondent should designate that item. Pursuant to SCACR 212(b), an Appellant may supplement the Record on Appeal at any time before argument commences.
3. Appellant pursuant to SCARC Rule 212(b) will not only need time to supplement Record on Appeal, but further request that attorney for H & R Block provide full copies of items to be supplemented to the previously submitted Record on Appeal. e.g. 1) Order of Reference; 2) Transcript of August 22, 2012 Hearing; 3) Motion and Order to Restore with Exhibit "A";
4. Appellant has already included the following in the Record on Appeal 1) Alleged Defendant's Motion to Dismiss dated May 22, 2012; 2) Plaintiff's Memorandum In Support of Plaintiff's Motion for Summary Judgment dated August 7, 2012; 3) Alleged Defendant's Notice of Bankruptcy Filed August 30, 2012; 4) Alleged Defendant's Verified Motion to Vacate a Quash Void Judgment dated September 17, 2012; Alleged Defendant's Answer to Plaintiff's Motion & Order to Restore dated August 5, 2013; Alleged Defendant's Notice in the Nature Equitable Interest as Beneficial Land Owner and Real Party as Counter Claimant dated August 13, 2013; 5) Alleged Defendant's Motion to Vacate

Judgment of Foreclosure and Sale dated August 06, 2013; 6) Alleged Defendant's Notice of Non-Response to Affidavit of Commercial Obligation & Notice of Fault & Opportunity to Cure dated August 6, 2013; 7) Alleged Defendant's Notice of Objection to Special Referee's Report, Judgment of Foreclosure, Notice of Sale dated November 21, 2013; 8) Alleged Defendant's Motion to Dismiss Order for Writ of Assistance and Writ of Assistance dated January 20, 2014. e.g. 1) Affidavit of Service on Defendant Elbey filed January 18, 2011; 2) Answer and Counterclaim; 3) Order of Reference; 4) Transcript¹ August 22, 2013; 5) Supplemental Special Referee's Report and Judgment of Foreclosure and Sale; and Order filed November 27, 2013.

5. Appellant, after receiving full copies of Respondent's ("Designations") she will complete a supplemental filing according to the rules and move to complete Final Brief at the extension allocated.
6. Appellant "objects" to any further erroneous delays by Respondent's attorneys in filing the Final Brief in this case.

Wherefore, Appellant respectfully requests that this Court grant her an additional 60 days to prepare a motion supplement the Record on Appeal, and an additional 90 day to prepare her Final Brief.

January 5, 2015


By: 
Ziraili M Elbey, *In Propria Persona*
9789 Charlotte Highway, #400-191
Ft. Mill, South Carolina, 29707
(803) 233-2665

¹ Appellant as a defendant was never provided a copy of the August 22, 2012 Hearing Transcript by Court or Counsel. Defendant notified the Court of her absence because of hospitalization and recovery (R. p.89-91).

Certificate by Appellant

The undersigned hereby certifies that MOTION FOR EXTENSION OF TIME TO RECEIVED (FULL COPIES OF "DESIGNATIONS") FROM RESPONDENT, NOT AN INDEX, TO FILE A SUPPLEMENT TO RECORD ON APPEAL AND FILE FINAL BRIEF contains all material proposed to be included by any of the parties and not any other material.

January 5, 2015

By: 
Zirāli M Elbey, *In Propria Persona*
9789 Charlotte Highway, #400-191
Ft. Mill, South Carolina, 29707
(803) 233-2665

ATTACHMENT:

Chad Burgess, Brock & Scott, PLLC
3800 Fernandina Rd., Ste 110
Columbia, South Carolina, 29210
803-454-3340

George B. Milam, New Counsel for Respondent
1800 Baity Hill Dr., Apt 126
Chapel Hill, NC 27514

Certificate of Service
State of South Carolina
Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

Philip E. Wright, Special Referee

Case No. 2013-002373

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 and American Home Mortgage Servicing, Inc. s/b/m to Option One Mortgage Servicing, Inc. s/b/m to Option One Mortgage Corporation, Defendants,

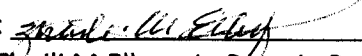
Appellant

Of Whom Ziraili M. Elbey is the Appellant.

PROOF OF SERVICE

I certify that Brock & Scott, PLLC, Attn: Chad Burgess, 3800 Fernandina Rd., Ste 110, Columbia, South Carolina, 29210; George B. Miliam, 1800 Baity Hill Dr., Apt. 126, Chapel Hill, NC 27514 received a copy of the **MOTION FOR EXTENSION OF TIME TO RECEIVED (FULL COPIES OF "DESIGNATIONS") FROM RESPONDENT, NOT AN INDEX, TO FILE A SUPPLEMENT TO RECORD ON APPEAL AND FILE FINAL BRIEF** (see attached) by depositing a copy of it in the U.S. Mail, postage prepaid, on January 5th, 2015 addressed to above counsel listed and this Appellate Court.

January 5, 2015

By: 

Ziraili M Elbey, *In Propria Persona*
9789 Charlotte Highway, #400-191
Ft. Mill, South Carolina, 29707
(803) 233-2665

January 5, 2015

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

RECEIVED
JAN 09 2015
SC Court of Appeals


RE: H & R Block, FSB v. Ziraili M Elbey

Appellate Case 2013-002373 – Request of an extension

Dear Ms. Kitchings:

Enclosed, please find the original and one copy of **MOTION FOR EXTENSION OF TIME TO RECEIVED (FULL COPIES OF "DESIGNATIONS") FROM RESPONDENT, NOT AN INDEX, TO FILE A SUPPLEMENT TO RECORD ON APPEAL AND FILE FINAL BRIEF** Kindly find Certificate of Service and a CHECK in the amount of twenty-five dollars for filing fee. Please have a filed copy returned to me in the stamped enclosed envelope. Thank you for your assistance in this matter.

Very truly yours,

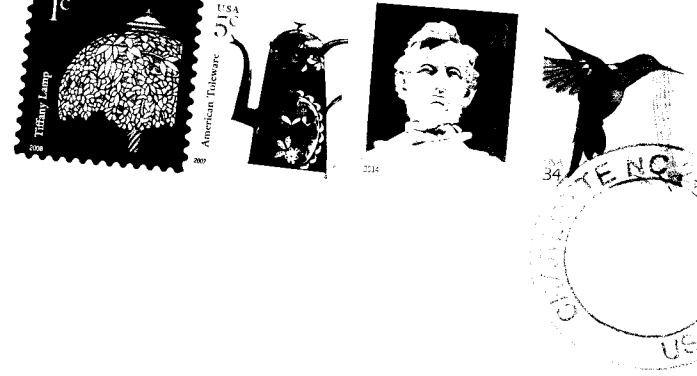
By: 
Ziraili M Elbey, 'In Propria Persona'
9789 Charlotte Highway, #400-191
Ft. Mill, South Carolina, 29707
(803) 233-2665

Enclosure

Cc: File

Brock & Scott, PLLC
George B. Milam

Return Mail:
9489 Charlotte Hwy
400-191
Ft Mill, SC 29707



The SC Court of Appeals
C/o Jerry Abbott Kelchings
Clerk of Court of Appeals
1015 Sumter St
Columbia, SC 29201

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SC Court of Appeals

