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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM SPARTANBURG COUNTY
Gordon G. Cooper, Master in Equity Judge

MAY 18 2015

SC Court of Appeals

Case No.: 2013-002811

Bayview Loan Servicing, LLC,

Respondent,

v.

Scott A. Schledwitz, Roxanne J. Schledwitz a/k/a Roxanne Johnson Schledwitz,
Mortgage Electronic Registration Systems, Inc. (MERS) as nominee for Tylor, Bean
& Whitaker Mortgage Corp., The United States of America, by and through its
agency, the Internal Revenue Service, and the South Carolina Department of
Revenue,

Defendants,

of whom Schott A. Schledwitz is the

Appellant.

RESPONDENT'S THIRD MOTION TO DISMISS OR, IN THE ALTERNATIVE,
MOTION TO FILE AND SERVE AN APPENDIX

RILEY POPE & LANEY, LLC

Damon C. Wlodarczyk, Esquire
Riley, Pope & Laney, LLC
2838 Devine Street
Post Office Box 11412 (29211)
Columbia, South Carolina 29205
Telephone: (803)799-9993
Facsimile: (803) 239-1414

Attorneys for Respondent

On April 21, 2015, this Court issued an Order directing Appellants to serve and file a supplemental record on appeal that contained “a copy of the Complaint, Respondent’s Motion for Summary Judgment and Exhibits, and the Motion for Summary Judgment hearing transcript” within twenty days. The Order further provided that Appellant shall fix the cover of the record on appeal by including all counsel of record and Appellant Roxanne Johnson Schledwitz within twenty days.

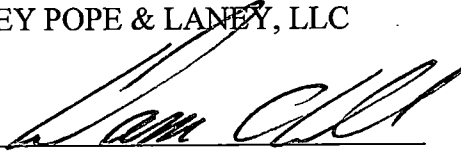
On May 14, 2015, the undersigned received an “Amended Record on Appeal[.]” The 106 page Amended Record on Appeal included the Complaint and summary judgment hearing transcript but does not contain Respondent’s Summary Judgment Motion and Exhibits cited to in Respondent’s Initial Brief and Designation of Matter to be Included in the Record on Appeal. Moreover, the cover page does not list the undersigned as counsel for record.

Therefore, Respondent respectfully requests that the appeal be dismissed as allowed by Rule 260, SCACR, due to Appellants failure to comply with the South Carolina Appellate Court Rules and this Court’s April 21, 2015 Order.

In the alternative, Respondent requests leave to file an Appendix containing the Respondent’s Motion for Summary Judgment and Exhibits as allowed by Rule 212, SCACR.

SIGNATURE BLOCK APPEARS ON FOLLOWING PAGE

RILEY POPE & LANEY, LLC



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Attorneys for Respondent

Columbia, South Carolina

May 14, 2015

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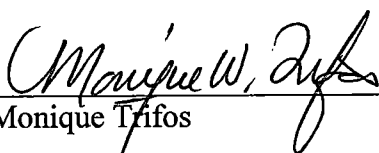
of whom Schott A. Schledwitz is the

Appellant.

CERTIFICATE OF SERVICE

I do hereby certify that I served the Respondent's Third Motion to Dismiss or, in the Alternative, Motion to File and Serve an Appendix upon the parties below herein by depositing a copy of same, this date, in the U.S. Mail, first class postage prepaid, and addressed as follows:

Scott Allen Schledwitz
13118 Sunkiss Loop
Windermere, FL 34786


Monique Trifos

Columbia, SC
May 15, 2015

RILEY POPE & LANEY, LLC
ATTORNEYS AND COUNSELORS AT LAW

2838 DEVINE STREET
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COLUMBIA, SOUTH CAROLINA 29205

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(803) 799-9993

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May 14, 2015

Ms. Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED
MAY 18 2015
SC Court of Appeals

Re: Bayview Loan Servicing, LLC, Respondent,
vs.
Scott A. Schledwitz, Roxanne J. Schledwitz aka Roxanne Johnson Schledwitz, Mortgage Electronic Registration Systems, Inc. (MERS) as nominee for Taylor, Bean & Whitaker Mortgage Corp., The United States of America, by and through its agency, the Internal Revenue Service, and The South Carolina Department of Revenue, Defendants
Of whom
Scott A. Schledwitz is the Appellant
Appeal No.: 2013-002811
Our File No. 4028.02911

Dear Ms. Kitchings:

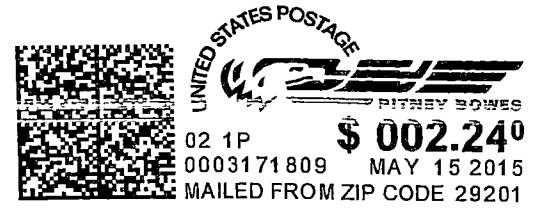
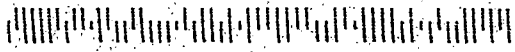
Enclosed please find an original and seven (7) copies of the Respondent's Third Motion to Dismiss or, in the Alternative, Motion to File and Serve and Appendix and proof of service along with my firm's check in the amount of \$25.00 to cover the filing fee. Please file the enclosed documents and return the clocked copy to me in the self-addressed, postage paid envelope I have included for your convenience.

Sincerely,



Damon C. Wlodarczyk

DCW/
Enclosures



Riley Pope
& Laney, LLC ATTORNEYS AND COUNSELORS AT LAW

POST OFFICE BOX 11412
COLUMBIA, SOUTH CAROLINA 29211

TO:
Ms. Jenny Abbott Kitchings
South Carolina Court of Appeals
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