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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM ANDERSON COUNTY
Master in Equity**

Ellis B. Drew, Jr., Master in Equity, Anderson County

Appellate Case No: 2014-000796

Corrie Ann Martin, Appellant

v.

Green Tree Servicing, LLC, and John Skipper, as Sheriff of Anderson County, Defendants

Of whom Green Tree Servicing, LLC is Respondent

MOTION TO DISMISS BY RESPONDENT

**B. LINDSAY CRAWFORD, III
THEODORE VON KELLER
SARA C. HUTCHINS
CRAWFORD & VON KELLER, LLC
POST OFFICE BOX 4216
COLUMBIA, SOUTH CAROLINA 29240
(803) 790-2626
ATTORNEYS FOR RESPONDENT GREEN TREE
SERVICING LLC**

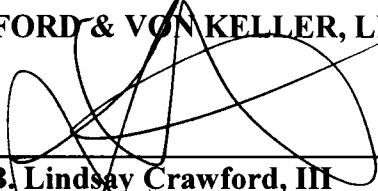
The Respondent, Green Tree Servicing, LLC,(Hereinafter referred to as “Green Tree”), pursuant to Rules 208 and 231, SCACR, moves the Court for an order dismissing the appeal filed by the appellant. In support of the motion, the respondent shows the following to the court::

1. That on April 14, 2014, Appellant filed a Notice of Appeal in the above captioned action.
2. That on December 23, 2014, Respondent filed a Motion to Dismiss for the failure to file an Initial Brief.
3. That on February 12, 2015, the above Motion to Dismiss was denied and Appellant was granted additional time to file an Initial Brief.
4. That on March 18, 2015, Appellant filed an Initial Brief.
5. That on April 15, 2015, Respondent filed its Initial Brief.
6. That, pursuant to Rule 210, SCACR, Appellant was to serve a copy of the Record on Appeal on or before May 15, 2015.
7. That, to date, respondent has not been served with the Record on Appeal and no proof of service of the same has been filed with the South Carolina Court of Appeals.
8. Rule 210, SCACR, requires that within thirty (30) days after service of the last initial brief, the appellant shall serve a copy of the Record on Appeal on each party.

WHEREFORE, Respondent moves for dismissal of the appeal based on the failure to comply with the South Carolina Appellate Court Rules.

CRAWFORD & VON KELLER, LLC

BY:



**B. Lindsay Crawford, III
Theodore von Keller
Sara C. Hutchins
Post Office Box 4216
Columbia, South Carolina 29240
(803) 790-2626
Attorneys for Respondent**

Columbia, South Carolina

June 01, 2015

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v.

Green Tree Servicing, LLC, and John Skipper, as Sheriff of Anderson County, Defendants
Of whom Green Tree Servicing, LLC is Respondent

MEMORANDUM IN SUPPORT OF RESPONDENT'S MOTION TO DISMISS

B. LINDSAY CRAWFORD, III
THEODORE VON KELLER
SARA C. HUTCHINS
CRAWFORD & VON KELLER, LLC
POST OFFICE BOX 4216
COLUMBIA, SOUTH CAROLINA 29240
(803) 790-2626
ATTORNEYS FOR RESPONDENT GREEN TREE
SERVICING LLC

Green Tree Servicing, LLC (hereinafter referred to as “Green Tree”), by and through counsel, hereby submits this Memorandum in Support of its Motion to Dismiss.

STATEMENT OF FACTS

Rule 210, SCACR requires that the Appellant serve a copy of the Record on Appeal within thirty (30) days from the last brief. The last brief in the subject appeal was served on April 15, 2015, making the time to serve the Record on Appeal on or before May 15, 2015. To date, the record on appeal has not be served and no proof of service of the same has been filed.

The rules of appellate procedure require that the appealing party to prepare the record on appeal and South Carolina courts have “traditionally held the appealing party accountable for failing to present the court with an adequate record on appeal for review.” *Johnson v. S.C. Dep’t of Probation, Parole & Pardon Servs.*, 372 S.C. 279, 283, 641 S.E.2d 895, 897 (2007). The right to an appeal my be lost through the failure to serve and file a record on appeal. *State v. Serrette*, 375 S.C. 3650, 654 S.E. 2d 554 (Ct. App. 2007)

CONCLUSION

Based upon Rule 210, SCACR and South Carolina case law, the subject appeal should be dismissed for the failure to timely serve the Record on Appeal.

Respectfully submitted,

CRAWFORD & VON KELLER, LLC

BY: _____

**B. Lindsay Crawford, III
Theodore von Keller
Sara C. Hutchins
Post Office Box 4216
Columbia, South Carolina 29240
Telephone: (803) 790-2626
Attorney for Respondent Green Tree
Servicing LLC**

June 01, 2015

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Green Tree Servicing, LLC, and John Skipper, as Sheriff of Anderson County, Defendants
Of whom Green Tree Servicing, LLC is Respondent

PROOF OF SERVICE

I certify that I have served the Respondent's Motion to Dismiss and Memorandum in Support of Respondent's Motion to Dismiss by depositing a copy of it in the United States Mail, postage prepaid, on June 01, 2015, addressed to its Appellant at the following address:

Corrie A. Martin
Post Office Box 14042
Anderson, SC 29624

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CRAWFORD & VON KELLER, LLC

BY:


B. Lindsay Crawford, III

Theodore von Keller

Sara C. Hutchins

Post Office Box 4216

Columbia, South Carolina 29240

(803) 790-2626

Attorneys for Respondent Green Tree Servicing, LLC

**Columbia, South Carolina
June 01, 2015**

CRAWFORD & VON KELLER, LLC

POST OFFICE BOX 4216, COLUMBIA, SOUTH CAROLINA 29240

TELEPHONE NUMBER (803) 790-2626

FACSIMILE NUMBER (803) 790-1277

June 01, 2015

Honorable Kenneth A. Richstad
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

RE: Green Tree Servicing LLC, v. Corrie A. Martin, et al.
Appellate Case No. 2014-000796
Our File No.: 1323.5874

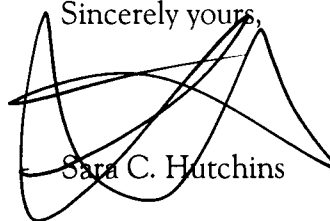
Dear Mr. Richstad

I am enclosing the original and seven (7) copies of the Motion to Dismiss by Respondent and Proof of Service in the above-captioned action. Please file the original and six (6) copies, returning the extra copy to me, clocked, in the envelope provided for your convenience. I am enclosing this firm's check in the amount of \$25.00 to cover the cost of filing this motion.

By copy of this letter, I am providing Corrie Ann Martin with a copy of this letter and Motion.

If you have any questions, please contact me.

Sincerely yours,



Sara C. Hutchins

Enclosures

cc: Corrie Ann Martin (w/enclosures)

RAWFORD & von KELLER, LLC
P.O. Box 4216
Columbia, SC 29240

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06112-0204

Honorable Kenneth A. Richstad
Clerk, South Carolina Court of
Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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