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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Master in Equity

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Ellis B. Drew, Jr., Master in Equity, Anderson County SEP 02 2015

SC Court of Appeals

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 OR IN THE ALTERNATIVE TO AMEND
THE RECORD ON APPEAL

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 210, 212 and 240, SCACR, moves the Court for an order dismissing the appeal filed by the appellant or in the alternative to amend the Record on Appeal. 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 along with its Designation of Matter.
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 on June 4, 2015, after Appellant's failure to file the Record on Appeal, Respondent filed a motion to dismiss appeal.
8. That on or about June 11, 2015 filed a Motion for Extension to file the record on appeal.
9. On July 24, 2015, this Court denied Respondent's motion to dismiss and Appellant was granted an additional 30 days to file and serve the record on appeal. Said Order stated that the "failure to do so may result in the dismissal of this appeal".

10. That on or about August 20, 2015, Appellant filed a second motion for extension of time to file the Record on Appeal and Final Brief.
11. That on or about August 26, 2015, Respondent received a copy of Record on Appeal submitted by Appellant. Said proposed Record on Appeal fails to include all matter designated to be included by Respondent as required by Rule 210, SCACR. A copy of Respondent's Designation of Matter is attached hereto as Exhibit A.
12. The documents listed in Respondent's Designation of Matter but not included in Appellant's Record on Appeal are as follows:
 - a. The Lis Pendens, Summons and Complaint from Case number 2010-CP-04-03548.
 - b. Affidavit of Service from Case number 2010-CP-04-03548.
 - c. Affidavit of Default and Non-Military Service from Case number 2010-CP-04-03548.
 - d. Motion for Order of Default and Order for Reference dated December 2, 2010 from Case number 2010-CP-04-03548.
 - e. Notice of Hearing and Certificate of Service dated December 17, 2010 from Case number 2010-CP-04-03548.
 - f. Master in Equity's Order and Judgment of Foreclosure and sale filed January 24, 2011 from Case number 2010-CP-04-03548.
 - g. Notice of Sale filed January 24, 2011 from Case number 2010-CP-04-03548.
 - h. Transcript of Testimony of hearing on January 24, 2011 from Case number 2010-CP-04-03548.
 - i. Record of Foreclosure Hearing with exhibits filed January 24, 2011 from Case number 2010-CP-04-03548.
 - j. Certificate of Service of the January 24, 2011 Order and Judgment of Foreclosure and Sale and Notice of Sale filed February 17, 2011 from Case number 2010-CP-04-03548.
 - k. Order of Deficiency Judgment filed April 12, 2011 from Case number 2010-CP-04-03548.
 - l. Master in Equity's Taxation of Costs filed April 12, 2011 from Case number 2010-CP-04-03548.

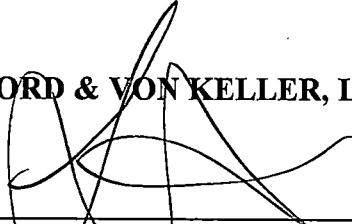
- m. Report on Sale and Disbursements filed April 12, 2011 from Case number 2010-CP-04-03548.
 - n. Certificate of Service of the April 12, 2011 Order of Deficiency Judgment filed April 21, 2011 from Case number 2010-CP-04-03548..
 - o. Master in Equity's Deed by Foreclosure filed April 20, 2011 in Book 10000 at Page 00107 from Case number 2010-CP-04-03548..
 - p. Motion for Writ of Assistance filed June 2, 2011 from Case number 2010-CP-04-03548.
 - q. Writ of Assistance filed June 2, 2011 from Case number 2010-CP-04-03548.
 - r. Affidavit of Service of Writ of Assistance from Case number 2010-CP-04-03548.
 - s. Complete Transcript of Testimony for hearing held January 23, 2012 from Case number 2010-CP-04-03548.
 - t. Summons and Complaint in Case number 2012-CP-04-01576 filed April 23, 2012.
 - u. Motion for Summary Judgment in Case number 2012-CP-04-01576 filed April 4, 2013.
 - v. Order filed June 7, 2013 in case number 2014-CP-04-01576.
 - w. Motion for Leave to Proceed under Rule 60 filed in Appellate Case number 2012-210846 filed July 8, 2013.
 - x. Return to Motion for Leave to Proceed under Rule 60 filed July 8, 2013 in Appellate Case number 2012-210846.
 - y. South Carolina Court of Appeals Order field September 16, 2013 in Appellate Case number 2012-210846.
 - z. South Carolina Supreme Court Order dated October 24, 2013 in Appellate Case number 2013-002244.
 - aa. South Carolina Court of Appeals Order filed November 20, 2013 in Appellate Case Number 2012-210846.
12. That said proposed Record on Appeal further includes irrelevant documents and documents which were not presented to the lower court, which does not comply with Rule 210, SCACR. The irrelevant items and items not presented to the lower court, but proposed to be included in the Record on Appeal are as follows:
- a. #10 of proposed Record on Appeal- "Text - Home Affordable Mortgage Act (HAMP)"

- b. #11 of proposed Record on Appeal- "Text - Fair Debt Collection Practices Act (FDCA)"
- c. #12 of proposed Record on Appeal- "Copy of Bank Statements and Mortgage Statements"
- d. Page 106 of proposed Record on Appeal- April 23, 2014 e-mail between Mr. Gaddy and Donna McClellion
- e. #1 of proposed Record on Appeal - Affidavit of Corrie Martin

WHEREFORE, Respondent moves for dismissal of the appeal based on the failure to comply with the South Carolina Appellate Court Rules or in the alternative for an Order to Amend the Record on Appeal to include all necessary documents and to remove all irrelevant documents and/or documents not presented to the lower court.

CRAWFORD & VON KELLER, LLC

BY:



B. Lindsay Crawford, III
Theodore von Keller
Sara C. Hutchins
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(803) 790-2626
Attorneys for Respondent

Columbia, South Carolina
August 31, 2015

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

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Appellate Case No: 2014-000796

Corrie Ann Martin, Appellant

v.

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Of whom Green Tree Servicing, LLC is Respondent

MEMORANDUM IN SUPPORT OF RESPONDENT'S MOTION TO DISMISS OR IN
THE ALTERNATIVE TO AMEND THE RECORD ON APPEAL

B. LINDSAY CRAWFORD, III
THEODORE VON KELLER
SARA C. HUTCHINS
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(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 and that the Record on Appeal "shall include all matter designated to be included by any party under Rule 209". The Record on Appeal submitted by Appellant fails to include 27 items designated by Respondent in its Designation of Matter filed on April 15, 2015.

Rule 210, SCACR further mandates that the Record on Appeal "shall not, however, include matter which was not presented to the lower court or tribunal." A Record on Appeal shall furthermore, not include any matter which is not relevant. Rule 209, SCACR. The proposed Record on Appeal includes copies of 2 legal text (#11 of proposed Record on Appeal - Text of portion of Fair Debt Collection Act and #10 of the proposed Record on Appeal Text of portion of the Home Affordable Mortgage Act), which are irrelevant and not properly part of this appeal. Additionally those legal texts were not made a part of the lower courts record. The proposed Record on Appeal also includes copies of bank statements, which were not properly presented to the lower and which are also irrelevant as the content of said statements has no bearing on the questions presented to this Court for appeal. Lastly, the proposed Record includes an April 23, 2015 e-mail between Mr. Gaddy, the former attorney for Appellant, and Donna McClellion, an employee in the office of the Honorable Ellis B. Drew, Jr.. Said e-mail was not made part of the lower court's record and is also irrelevant.

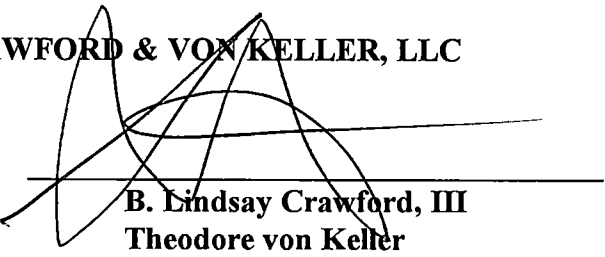
CONCLUSION

Based upon Rule 209 and 210, SCACR and South Carolina case law, the subject appeal should be dismissed for Appellant's blatant failure to comply with the rules of this Court. In the alternative Appellant should be required to file and serve a complete and accurate 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

August 31, 2015

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PROOF OF SERVICE

I certify that I have served the Respondent's Motion to Dismiss and Memorandum by depositing a copy of it in the United States Mail, postage prepaid, on August 25, 2015, addressed to its Appellant at the following address:

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

CRAWFORD & VON KELLER, LLC

BY:



B. Lindsay Crawford, III
Theodore von Keller

Sara C. Hutchins

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Attorneys for Respondent Green Tree Servicing, LLC

Columbia, South Carolina
August 31, 2015

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POST OFFICE BOX 4216, COLUMBIA, SOUTH CAROLINA 29240

TELEPHONE NUMBER (803) 790-2626

FACSIMILE NUMBER (803) 790-1277

August 31, 2015

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SC Court of Appeals

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

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

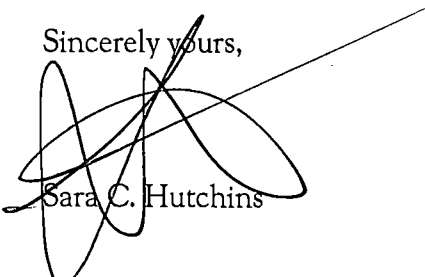
Dear Mr. Richstad

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)

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

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08/31/2015

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Honorable Kenneth A. Richstad
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Appeals
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