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OCT 19 2015

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

Ellis B. Drew, Jr., Master-in-Equity

Appellant Court Case Number No. 2015-001416

Lower Court Case No. 2011-CP-04-3316

Deutsche Bank National Trust Company as
Indenture Trustee for MortgageIT Trust 2004-1

Respondent,

v.

Joseph F. DeBoskey

Appellant.

MOTION FOR CONTINUANCE

Joseph F. DeBoskey, the Appellant herein, moves the Court to grant a continuance of a hearing set before the lower court in accordance with the assertions contained herein.

DATED this 17th day of October, 2015



Joseph F. DeBoskey, Pro-se
115 Caribou Cove
Anderson, SC 29621
(864) 221-9057
Dawn810@bellsouth.net

COMES NOW the Appellant, Joseph F. DeBoskey (“DeBoskey”), a Defendant below, and respectfully requests the Court to order a continuance of a hearing set before the lower court in above-styled case. Said hearing is currently set to be heard on October 28, 2015. This Motion is brought in accordance to a recent South Carolina Supreme Court Order rendered on October 6, 2015, concerning the hazardous weather conditions resulting from the recent storms in this State (a copy being attached hereto and marked as Exhibit 2-Page 4). In support of his Motion, Appellant further states as follows:

1. On June 30, 2015, the Appellant brought an appeal to this Court. His appeal concerns the lower court’s acts in denying the Defendant’s Motion to Dismiss (Case Number No. 2015-001416).

2. This Appeal is pending, with the Appellant’s Initial Brief of the Merits due on or about November 15, 2015.

3. During the pendency of the Appeal and in violation of Rule 241(a), the lower court conducted *ex parte* discussion during on Plaintiff/Appellant’s motion for a supplemental hearing on July 6th, 2015.

4. Appellant has separately sought review of the lower court’s order issued out of the *ex parte* hearing. A Petition to Review the aforementioned order is currently pending before this Court.

5. As a result of the *ex parte* hearing and subsequent order thereof, Appellant moved the lower court to recuse itself. That motion was filed below on or about August 6, 2015.

6. This Court has subsequently set a hearing and rendered a scheduling order on or about August 27, 2015 (a copy being attached hereto and marked as Exhibit 2-Page 5).

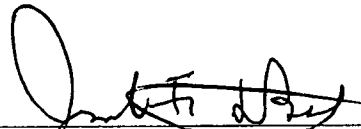
7. As a result of the recent hazardous weather conditions, Defendant is experiencing personal issues. Therefore on October 13, 2015, DeBoskey filed a Motion for Continuance with the lower court for hearing set for October 28th, 2015, in the Common Pleas Court of Anderson County South Carolina (a copy being attached hereto and marked as Exhibit 2-Pages 1-5).

7. On or about October 14, 2015, the lower court denied a continuance (a copy being attached hereto and marked as Exhibit 3).

Request for Relief

FOR THESE REASONS the Defendant, JOSEPH F. DeBOSKEY, requests this Court grant this Motion, to order the continuance of the referenced hearing in the trial court, and to provide such other relief it deems appropriate.

DATED this 17th day of October, 2015



Joseph F. DeBoskey
a Self-Represented Litigant
115 Caribou Cove
Anderson, South Carolina 29621
(864) 221-9057
Dawn810@bellsouth.net

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

Ellis B. Drew, Jr., Master-in-Equity

Appellant Court Case Number No. 2015-001416

Lower Court Case No. 2011-CP-04-3316

Deutsche Bank National Trust Company as
Indenture Trustee for MortgageIT Trust 2004-1

Respondent,

v.

Joseph F. DeBoskey

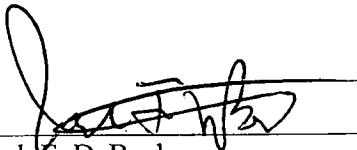
Appellant.

PROOF OF SERVICE

I certify that I served the Respondent, Deutsche Bank National Trust Company as Indenture Trustee for MortgageIT Trust 2004-1, this Motion for a Continuance and on all counsel of record by depositing a copy of it in the United States Mail, postage prepaid on October 19th, 2015, addressed as below:

FINKEL LAW FIRM
Magalie A. Creech
P.O. Box 71727
North Charleston, SC 29415

DATED this 17th day of October, 2015



Joseph F. DeBoskey,
a Self-Represented Litigant
115 Caribou Cove
Anderson, SC 29621
(864) 221-9057
Dawn810@bellsouth.net

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS

COUNTY OF ANDERSON) Docket Number: 2011-CP-04-3316

Deutsche Bank National Trust Co.,
Etc.,

Plaintiff(s),

vs.

Joseph F. Deboskey,

Defendant.

Revised Scheduling Order

The Defendant, Joseph F. Deboskey has notified the Court by certified mail and letter dated August 14, 2015, that he works out of town and will not be available for the hearing on September 15, 2015.

Therefore, the Court grants his request to reschedule the hearing on his Motion for Wednesday, October 28, 2015 at 11:00 a.m., Third Floor, Court Room 2, Anderson County Courthouse. The Defendant stated in his letter that he will be available at that time. Defendant's failure to appear could result in Dismissal of his Motion.

The prior Order of July 20, 2015 is therefore stayed.

It is so ordered.

8-29-2015



Ellis B. Drew, Jr., Master in Equity

Cc: Attorney Magalie A. Creech
Finkel Law Firm
Joseph F. Deboskey

Exhibit 1

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

Deutsch Bank National Trust Company as
Indenture Trustee for MortgageIT Trust
2004-1

PLAINTIFF,

vs.

Joseph F. DeBoskey, et al

DEFENDANTS

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO: 2011-CP-04-3316

**DEFENDANT'S MOTION
FOR CONTINUANCE OF
HEARING**

COMES NOW the Defendant, Joseph F. DeBoskey respectfully requests that the hearing in above styled case set for October 28, 2015 be continued. This motion is brought in accordance to a recent South Carolina Supreme Court Order rendered on October 6, 2015 (a copy is attached hereto and marked exhibit 1). In support of this Motion Defendant further states as follows:

1. The defendant filed a Motion for Recusal and Vacation of Order on or about August 6, 2015.
2. This Court subsequently rendered a scheduling order on or about August 27, 2015 (a copy is attached hereto and marked exhibit 2).
3. As a result of the recent hazardous weather conditions, the defendant is experiencing personal issues and now cannot appear at the October 28th hearing.
4. As an alternative, the defendant sets forth the following 3 days on which he can appear:
 - a) Friday December 4, 2015 (afternoon)

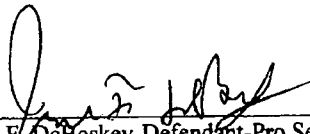
Exhibit 2-Page 1

b) Monday, December 7, 2015 (all day)

c) Wednesday, December 9, 2015 (all day)

Request for Relief

FOR THESE REASONS the Defendant, JOSEPH F. DeBOSKEY, requests that Court grant this Motion for a Continuance and schedule a hearing date and time on the defendants pending motion for recusal and vacation of order on one of the 3 days set forth in this motion.



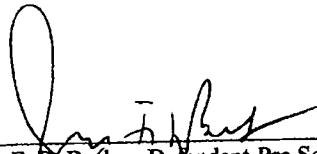
Joseph F. DeBoskey-Defendant-Pro Se
115 Caribou Cove
Anderson, South Carolina 29621
(864) 221-9057
Dawn810@bellsouth.net

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have hand delivered the original of Defendant's Motion for a Continuance to the Anderson County Clerk, 100 South Main Street, Anderson, South Carolina and a true copy has been furnished by U.S. mail to:

Magalie Creech, Esquire
Finkel Law Firm, LLC.
4000 Faber Place
Suite 450
North Charleston, SC 29405

on this 13 day of Oct, 2015.



Joseph F. DeBoskey-Defendant-Pro Se
115 Caribou Cove
Anderson, South Carolina 29621
(864) 221-9057
Dawn810@bellsouth.net

15-10-06-01

The Supreme Court of South Carolina

Re: Cancellation of Circuit and Family Court Terms of Court Oct. 7 – 10, 2015

ORDER

Pursuant to the provisions of S.C. Const. Art. V, §4, I find that flooding throughout the state has caused continuing hazardous travel conditions and extensive road and bridge closures. In consideration of the safety and well-being of court participants, I find it necessary to issue this order.

IT IS ORDERED that all Circuit and Family Court Terms of Court scheduled in the following counties are canceled for the remainder of the week of October 5, 2015: Berkeley, Calhoun, Charleston, Clarendon, Darlington, Dorchester, Fairfield, Florence, Georgetown, Horry, Kershaw, Lee, Lexington, McCormick, Orangeburg, Richland, Saluda, Sumter, and Williamsburg. This includes General Sessions, Common Pleas (jury and non jury), Grand jury and Family Court. Clerks of Court have authority to open courthouses as deemed safe to do so and shall notify the public of the opening of the courthouse on the county website as well as inform Court Administration for posting on the SC Judicial Department website.

Judges assigned to counties operating as normal are directed to be flexible in granting continuances to attorneys and parties who are experiencing personal issues caused by the hazardous weather conditions that prevent their appearance in court.

The provisions of this Order are effective immediately.

s/Jean H. Toal
Jean H. Toal, Chief Justice

October 6, 2015
Columbia, South Carolina

Exhibit 2 Page 4

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS

COUNTY OF ANDERSON) Docket Number: 2011-CP-04-3316

Deutsche Bank National Trust Co.,
Etc.,

Plaintiff(s),

vs.

Joseph F. Deboskey,

Defendant.

Revised Scheduling Order

The Defendant, Joseph F. Deboskey has notified the Court by certified mail and letter dated August 14, 2015, that he works out of town and will not be available for the hearing on September 15, 2015.

Therefore, the Court grants his request to reschedule the hearing on his Motion for Wednesday, October 28, 2015 at 11:00 a.m., Third Floor, Court Room 2, Anderson County Courthouse. The Defendant stated in his letter that he will be available at that time. Defendant's failure to appear could result in Dismissal of his Motion.

The prior Order of July 20, 2015 is therefore stayed.

It is so ordered.

8-27-2015



Ellis B. Drew, Jr., Master in Equity

Cc: Attorney Magalie A. Creech
Finkel Law Firm
Joseph F. Deboskey

Exhibit 2 Page 5

STATE OF SOUTH CAROLINA)
)
COUNTY OF Anderson)

IN THE COURT OF COMMON PLEAS

Civil Action Number: 2011-CP-04-03316

Deutsche Bank National Trust Co. as)
Indenture Trustee for Mortgage IT Trust)
2004-1,)
Plaintiff,)
Vs.)
Joseph F. DeBoskey, et al)
Defendant(s).)
_____)

RECEIVED

ORDER DENYING DEFENDANT
Joseph F. DeBoskey's
MOTION FOR CONTINUANCE

OCT 19 2015
SC Court of Appeals

The Court after specific request of the Defendant scheduled a hearing on his Motion for Wednesday, October 28th, 2015 at 11:00 a.m. The Order of October 6, 2015 referred to by the Defendant does not include Upstate Counties, Anderson, Oconee, Pickens, Greenville, etc.

Therefore, I do not see any reason to grant a continuance based on recent hazardous weather conditions.

I therefore expect the Defendant, Joseph F. DeBoskey to appear at the hearing scheduled at his specific request on Wednesday, October 28, 2015 at 11:00 a.m., Anderson County Courthouse, 100 South Main Street, Third Floor, Courtroom #2, Anderson SC 29624.

It is so Ordered.

October 14, 2015
Anderson, South Carolina



Ellis B. Drew, Jr.
as Master in Equity

Exhibit 3

Joseph F. DeBoskey
115, Caribou Cove
Anderson, South Carolina 29621

October 17, 2015

Via: United States Mail (Express Mail)

The Honorable Jenny Abbott Kitchings
Clerk of the Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

RECEIVED
OCT 19 2015
SC Court of Appeals

Re: Appellate Case No. 2015-001416

**Deutsche Bank National Trust Company as Indenture Trustee for
MortgageIT Trust 2004-1 v. Joseph F. DeBoskey and Suntrust Bank.
Case No. 2011-CP-04-3316**

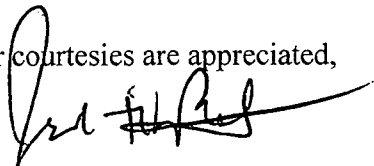
Dear Ms. Kitchings,

Enclosed for filing one (1) original and six (6) copies of the Appellant's Motion for Continuance in the above referenced case. I have also enclosed the following:

- (1) Proof of service of the Petition for Review to the Respondents.
- (2) A money order in the amount of \$25.00 for the filing fee.

Thank you for your assistance. If you have any questions, please do not hesitate to contact me at your convenience.

Your courtesies are appreciated,



Joseph F. DeBoskey, Pro Se
115 Caribou Cove
Anderson, SC 29621
(864) 221-9057
Dawn810@bellsouth.net