

Greene, Diane

RECEIVED

OCT 28 2015

From: joe deboskey <dawn810@bellsouth.net>
Sent: Wednesday, October 28, 2015 9:02 AM
To: Drew, Ellis B.; Magalie Creech; Greene, Diane
Subject: Deutsche Bank NA v. DeBoskey (Appellate Case 2015-001269)

SC Court of Appeals

Hi All,

It has come to me attention that an order was issued yesterday from the South Carolina Court of Appeals denying my motion for a continuance of the hearing scheduled for today October 28, 2015. Please be advised, I have the right, under Rule 240 (f) to reply to Ms. Creech's return docketed yesterday October 27th, 2015. Upon proper service of that said return, I intend upon doing so or in the alternative, filing a motion for reconsideration based on the fact that I have been denied the right to reply.

Furthermore, it has also come to my attention and in accordance with a phone call to the Appellate Court, my Petition for review of the lower Court order has also been denied. Therefore, and in accordance with Rule 241 (d) 2, I now have the right to petition the full appellate court for review of said decision. Again, upon proper service of the aforementioned order, I intend to petition for such review.

Lastly, my position is very clear, albeit in conflict with opposing counsel, under Rule 241(a) *the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision.* Therefore, until such a time as a procedurally correct motion to lift the stay is properly filed, noticed, set for hearing, and subsequently ruled on by a Court possessing proper jurisdiction, the said stay remains in effect.

Sincerely,

Joseph F. DeBoskey