

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

U.S. Bank, NA as trustee relating to the Chevy Chase Funding, LLC Mortgage Backed Certificates, Series 2004-B,

Plaintiff,

v.

Alyce F. Otto, individually; Alyce F. Otto, Trustee Under Declaration of Trust of Alyce F. Otto dated the 17th day of November 2009; TD Bank, NA; The United States of America, acting by and through its agency, the Internal Revenue Service; Laura Kerhulas Giese, as Co-Trustee of the Theodore Ernest Kerhulas Trust Under Declaration of Trust dated May 25, 2004 ; Mark Warner Kerhulas, as Co-Trustee of the Theodore Ernest Kerhulas Trust Under Declaration of Trust dated May 25, 2004 ; Jackson L. Munsey, Jr.; Citibank, NA;

Defendant(s).

(505071-00160)

IN THE COURT OF COMMON PLEAS

DOCKET NO. 2012-CP-423549

RECEIVED

JAN 19 2016

SC Court of Appeals

ORDER DENYING DEFENDANT JACKSON L. MUNSEY, JR.'S MOTION TO SET ASIDE DEFAULT AND LEAVE TO FILE ANSWER OUTSIDE OF TIME

FILED
CLERK OF COURT
2013 MAY -6 PM 3:34
MUNSEY

This matter came before me for a hearing held May 6, 2013 at 2:30 PM, regarding Defendant Jackson L. Munsey, Jr.'s ("Munsey") Motion to Set Aside Default and Leave to File Answer Outside of Time. Erica G. Lybrand appeared on behalf of the Plaintiff. Erin Culbertson appeared on behalf of Defendant Munsey. Other parties appearing are as follows:


Kenneth C. Anthony, Jr on behalf of ALYCE F. OTTO. *JK*

Based on the record and arguments made at the hearing, the Court denies Munsey's motion as Munsey has failed to put forth a satisfactory explanation for his default. As Munsey has not met this initial burden in seeking to set aside the entry of default against him, this Court need not consider the factors as set forth in *Wham v. Shearson Lehman Brothers*.

JK

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendant Munsey's Motion to Set Aside Default and Leave to File Answer Outside of Time is denied and Munsey shall remain in default.

AND IT IS SO ORDERED.



Gordon G. Cooper
Master-in-Equity for Spartanburg County

Spartanburg, South Carolina

May 6, 2013

A CERTIFIED COPY
M Hope Beckley
CLERK OF COURT
SPARTANBURG COUNTY
BY: Dorothy B. [unclear] D.C.
DATED 5/10/13

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -6 PM 3:34
MUNSEY

