



DAVID R. PRICE, JR., P.A.

ATTORNEYS AT LAW

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SAMUEL B. TOOKER

DAVID R. PRICE, JR.

January 29, 2016

FEB 01 2016

SC Court of Appeals

**VIA HAND DELIVERY**

The Honorable M. Hope Blackley  
ATTN: Ms. Gail Moffitt  
Spartanburg County Clerk of Court  
PO Box 3483  
Spartanburg, SC 29304

**RE: U.S. Bank, NA, as trustee relating to the Chevy Chase Funding, LLC**  
**Mortgage Backed Certificates, Series 2004-B v. Alyce F. Otto, et. al.**

**AND**

**Alyce F. Otto, Trustee v. Jackson L. Munsey, Jr.**

**Of Whom Jackson L. Munsey, Jr., is the Appellant**

**C.A. No.: 2012-CP-42-3549**

**2012-CP-42-2874**

Dear Ms. Moffitt:

Please find enclosed the original and two (2) copies of the Affidavit of Undertaking of Jackson L. Munsey in the above-referenced matters, which have been appealed. Please file the original and return clocked copies to me.

Please also find enclosed a certified check made payable to the Spartanburg County Clerk of Court in the amount of \$243,000.00, representing the sum securing the enclosed undertaking as set by the Order on Posting Bond Staying the Foreclosure Sale, filed January 13, 2015. Pursuant to S.C. Code § 15-1-250, Mr. Munsey is depositing this sum with the court as security for the undertaking, in order to secure a stay of the foreclosure sale in the above-referenced matters, currently scheduled for February 1, 2016. Pursuant to S.C. Code § 18-9-170, the foreclosure sale shall be stayed pending appeal following the filing of the undertaking and deposit of the funds.

With highest regards, I remain

Sincerely,

David R. Price, Jr.

Mailing Address:  
POST OFFICE BOX 2446  
GREENVILLE, SC 29602

318 WEST STONE AVENUE  
GREENVILLE, SOUTH CAROLINA  
29609

Telephone: (864) 271-2636  
Facsimile: (864) 271-2637  
GREENVILLELEGAL.COM

**Enclosures**

**Cc: Client**

**The Honorable Gordon G. Cooper  
Master-in Equity for Spartanburg County**

**The Honorable Jenny Abbot Kitchings  
Clerk of Court for the South Carolina Court of Appeals,**

**Other Counsel of Record:**

**Erica Greer Lybrand, Esq.  
Richard C. Kelley, Esq.  
220 Executive Center Dr.  
Columbia, SC 29210  
Attorneys for Respondent U.S. Bank, NA**

**Kenneth C. Anthony, Jr., Esq.  
PO Box 3565  
Spartanburg, SC 29304  
Attorney for Respondent Alyce F. Otto**

**David L. Walsh, Esq.  
PO Box 5156  
Spartanburg, SC 29304**

**George John Conits, Esq.  
55 Beattie Place, St. 700  
Greenville, SC 29601**

**William Price Stork, Esq.  
3800 Fernandina Rd.  
Suite 110  
Columbia, SC 29210**

**Citibank, NA  
710 East 60<sup>th</sup> Street North  
Sioux Falls, SD 57104**

**Erin Culbertson, Esq.  
114 Manly St.  
Greenville, SC 29601  
Attorney for Appellant**

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,

vs.

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;

Defendants.

AND

Jackson L. Munsey, Jr.

vs.

Alyce F. Otto, Individually; and Alyce F. Otto, Trustee under Declaration of Trust of Alyce F. Otto, dated 11/17/09

IN THE COURT OF COMMON PLEAS OF THE SEVENTH JUDICIAL CIRCUIT

Docket No.: 2012-CP-42-3549

AND 2012-CP-42-2874

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SC Court of Appeals

AFFIDAVIT OF UNDERTAKING OF JACKSON L. MUNSEY

CLERK OF COURT  
SPARTANBURG COUNTY  
2016 JAN 29 AM 9:42  
M. HOPE BLACKLEY

Personally appeared before me Jackson L. Munsey, who, first being duly sworn, deposes and says as follows:

1. I am a defendant in the above-captioned action.
2. This undertaking is made for the purpose of staying the judicial sale of the property subject of the above-captioned action during the pendency of appellate proceedings

(including proceedings involving rehearing and certiorari, if applicable) arising out of the Judgment of Foreclosure and Sale filed December 22, 2015.

3. During my possession of the property subject of this action during such appellate proceedings and until the judicial sale thereof in this action, if any, I will not commit or suffer to be committed any waste on or of such property.
4. If judgment in this action directing the sale of the said property be ultimately affirmed and the said property be sold for less than the judgment debt and costs in this action, then I shall pay for any waste committed or suffered to be committed thereon and shall pay a reasonable rental value for the use and occupation of the said property from the time of the execution of this undertaking to the time of the sale, but not exceeding the sum fixed by the court as \$243,000.00 pursuant to the Order on Posting Bond Staying the Foreclosure Sale, filed January 13, 2016, or the amount of such deficiency, whichever is less, which sum shall be duly entered as a payment on the judgment.
5. As security for this undertaking I am depositing \$243,000.00 with the Court pursuant to S.C. Code § 15-1-250.

FURTHER AFFIANT SAYETH NOT.

*Jackson L. Munsey*  
 Jackson L. Munsey

CLERK OF COURT  
 SPARTANBURG COUNTY  
 2016 JAN 29 AM 9:42  
 M. HOPE BLACKLEY

SWORN to and subscribed before me this 28<sup>th</sup> day of January, 2016.

*Carolyn B. Couch* (L.S.)  
 NOTARY PUBLIC FOR SOUTH CAROLINA  
 My Commission Expires: \_\_\_\_\_

**Carolyn B. Couch**  
 NOTARY PUBLIC  
 State of South Carolina  
 My Commission Expires 7/24/2024

*R*

**Common Pleas  
M Hope Blackley  
Spartanburg County  
Spartanburg, SC 29304**

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Date: 1/29/2016  
Transaction Number: 1  
Clerk: M Hope Blackley  
Received By: c42ciackso

Received From: Munsey, Jackson

Paying For: Jackson Munsey

Payment Type: CK

Payment Amount: \$ 243,000.00

Reference Number: 6825101

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<u>Case #</u>	<u>Caption</u>	<u>Amount Paid</u>
2012CP4202874	Alyce F Otto VS Jackson L Munsey Jr	\$ 243,000.00





**DAVID R. PRICE, JR., P.A.**

ATTORNEYS AT LAW

POST OFFICE BOX 2446 · GREENVILLE, SC 29602



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FEB 01 2016

**SC Court of Appeals**

S.C. Court of Appeals  
C/o Jenny Abbot Kitchings  
Clerk of Court  
1220 Senate Street  
Columbia, SC 29201

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