

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Albert J. Dooley, Special Referee

Case No. 2010-CP-32-00669
Appellate Case No. 2015-002322

RECEIVED

MAR 02 2016

SC Court of Appeals

JPMorgan Chase Bank, Respondent,
National Association,
Successor by Merger to Chase
Home Finance LLC s/b/m to
Chase Manhattan Mortgage
Corporation,

v.

Demetric Hayes, Appellant.

RETURN TO MOTION TO REINSTATE

Respondent JPMorgan Chase Bank, National Association, Successor by Merger to Chase Home Finance LLC s/b/m to Chase Manhattan Mortgage Corporation (“Chase”) hereby responds to Appellants Demetric Hayes’ (“Hayes”) Motion to Reinstate, and requests that the Motion be denied. As noted below, Hayes has repeatedly failed to comply with this Court’s Orders and the Rules governing this Appeal. Further, Hayes has admitted that there is no order from which he can Appeal, and his Appeal should remain dismissed.

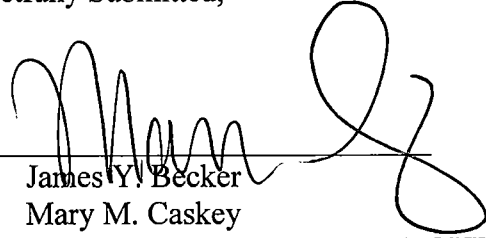
This is a foreclosure action, and this is the second appeal in this case. The prior appeal, which appealed from an order setting the sale of the property for May 5, 2014, was dismissed on March 19, 2015, for Hayes' failure to serve and file the supplemental record pursuant to this Court's order. (A copy of the Order dismissing the prior appeal is attached as Exhibit A.)

Following the dismissal of the appeal, the property was sold on November 2, 2015. Plaintiff was the successful bidder, and the title to the Property was transferred to the Secretary of Veterans Affairs via the Special Referee's Title recorded on November 12, 2015. (A copy of the deed is attached as Exhibit B.)

As Hayes himself admitted in a filing dated November 25, 2015, there is no order from the sale of the property from which he can appeal. (A copy of the November 25, 2015, filing is attached as Exhibit C.) Hayes claims that the reason that there is no order is because the Special Referee purchased the property, but this is nonsensical and demonstrably false. (*See* Exh C.) Instead, the order from which Hayes could have appealed—the order setting the property for sale—has already been appealed and the appeal already dismissed. (*See* Exh. A.) Hayes has also admitted that he sold the property in 2011 (albeit it subject to Chase's mortgage), and that he no longer has any ownership interest in the property. For all of the above reasons, Chase requests that the Court deny Appellant's Motion to Reinstate and dismiss the Appeal.

Respectfully Submitted,

By



James Y. Becker

Mary M. Caskey

HAYNSWORTH SINKLER BOYD, P.A.

1201 Main Street, Suite 2200

Post Office Box 11189 (29211)

Columbia South Carolina 29201

(803) 779-3080

(803) 765-1243

Attorneys for Respondent JPMorgan Chase Bank, National
Association, Successor by Merger to Chase Home Finance
LLC s/b/m to Chase Manhattan Mortgage Corporation

March 1, 2016

The South Carolina Court of Appeals

JPMorgan Chase Bank, National Association, Successor
by Merger to Chase Home Finance, LLC S/B/M to Chase
Manhattan Mortgage Corporation, Respondent,

v.

Demetric Hayes, Appellant.

Appellate Case No. 2014-000820

The Honorable Albert John Dooley, Jr.
Lexington County
Trial Court Case No. 2010CP3200669

ORDER

Appellant has failed to serve and file the supplemental record on appeal pursuant to this Court's order of February 25, 2015. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY


CLERK

Columbia, South Carolina

FILED

3-19-15

cc:

EXHIBIT

A

tabbles

Demetric Hayes
James Y. Becker, Esquire
Mary McFarland Caskey, Esquire

SPECIAL REFEREE'S TITLE

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

TO ALL WHOM THESE PRESENT SHALL CONCERN:

I, Albert J. Dooley, Jr., Esq., Special Referee for Lexington County, the said State, send greetings:

WHEREAS, in an action in the Court of Common Pleas in Lexington County between

JPMorgan Chase Bank, National Association, Successor by Merger to Chase Home Finance, LLC s/b/m to Chase Manhattan Mortgage Corporation,

as Plaintiff and

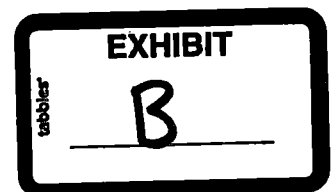
Demetric Hayes,

as Defendant, by the Master's Order of Judgment and Foreclosure and Sale filed July 30, 2010, the Order of Reference filed February 5, 2014, and the Second Supplemental Order Post-Judgment filed August 4, 2015, it was decreed that the property hereinafter described should be sold by the Special Referee for Lexington County on the terms and for the purposes mentioned in the Order granted in the case (see **Judgment Roll No. 2010-CP-32-00669**) (**A MORTGAGE FORECLOSURE ACTION-TRANSFERRING REALTY**)

WHEREAS, the Special Referee is aware that after the foreclosure action was filed on February 16, 2010, the Defendant transferred the property to Carla R. Marshall as Trustee of the Heart to Heart Trust, by deed recorded on September 30, 2011, in Book 15084 at Page 107 in the Office of the Register of Deeds for Lexington County. The Special Referee notes that such deed is subject to the lien of Plaintiff's mortgage recorded in Book 9298 at Page 295 recorded on May 28, 2004, and subsequently re-recorded on June 8, 2004 in Book 9324 at Page 237 in the Office of the Register of Deeds for Lexington County.

NOW THEREFORE KNOW ALL MEN, That I, the undersigned, as Special Referee for Lexington County, pursuant to the foregoing and in consideration of the sum of **Sixty Thousand and 00/100 (\$600,000.00) Dollars**, as paid by the Secretary of Veterans Affairs, an Officer of the United States ("Grantee"), the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant and release the following property unto the grantee,

**Grantee's Address: Secretary of Veterans Affairs, an Officer of the United States
Department of Veterans Affairs
PO Box 100023
Decatur, Georgia 30031-7023**



LEGAL DESCRIPTION:

Address: 232 Edinfield Court, Gaston, South Carolina, 29053

All that certain piece, parcel or lot of land, with the improvements thereon, situate, lying and being in the County of Lexington, State of South Carolina, being shown and designated as Lot 75 Heather Hill, Phase II-B (formerly Heatherwood, Phase IIB) on a plat prepared for McLeod Development, LLC by AccuPoint Surveying, P.A., dated March 3, 2003 and recorded in the ROD Office for Lexington County in Plat Book 8221 at Page 134; said plat being incorporated by reference and made a part of this description and said lot having such boundaries and measurements as shown thereon, all being a little more or less.

This being the same property conveyed to Demetric Hayes by deed from Mark Homebuilders, Inc., dated 05/27/2004 and recorded 05/28/2004 in deed book 9298 Page 293 in the Office of the Register of Deeds for the county of Lexington South Carolina.

TMS No. 009024-01-091

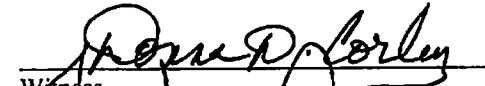
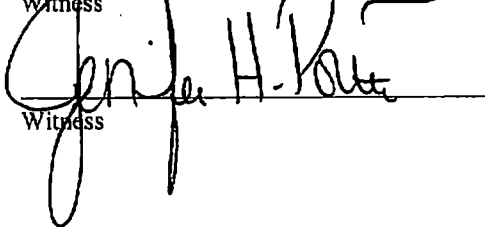
This property was sold subject to any past due or accruing property taxes, assessments, existing easements, restrictions of record and any other senior encumbrances.


TOGETHER with all and singular the hereditaments, rights, members and appurtenances whatsoever to the said property belonging or in any wise incident or appertaining, and the reversions and remainders, rents, issues, and profits thereof, and also any estate, right, title, interest, dower, possession, benefit, claim or demand therein whatsoever of all parties to the said suit and of all other person who might rightfully claim the same or any part thereof, by, from, or under them, or either of them;

TO HAVE AND TO HOLD the said property, with its hereditaments, privileges and appurtenances, unto the said grantee, its successors and assigns for their own use, benefit, and behoof, forever.

IN WITNESS WHEREOF, I, the said Special Referee under and by virtue of the said Order, have hereunto set my Hand and Seal at Lexington, South Carolina this 10th day of November, 2015.

SIGNED, SEALED AND DELIVERED)
IN THE Presence of:)

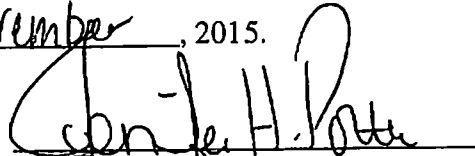

Witness

Witness


Albert J. Dooley, Jr. Esq.
Special Referee

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

I, Jennifer H. Porter, do hereby certify that Albert J. Dooley, Jr., as Special Referee for Lexington County, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 10th day of November, 2015.


Notary Public of South Carolina
My commission expires: 1-8-17

INDEX

Grantor(s): Albert J. Dooley, Jr., Esq., Special Referee
Demetric Hayes
Grantee: Secretary of Veterans Affairs, an Officer of the United States

After recording return to:
Haynsworth Sinkler Boyd, P.A. (HSB #09150.0378)
PO Box 11889
Columbia SC 29211-1889

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals
Appellate Case No. 2015-002322**

Appeal from the Circuit Court of Lexington County, South Carolina

The Honorable James O. Spence/ Master of Equity
Albert J. Dooley, Judge/ Special Referee

Case No. 2010-cp-32-00669

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION SUCCESSOR BY
MERGER TO CHASE HOME FINANCE
LLC S/B/M TO CHASE MANHATTAN
MORTGAGE CORPORATION.....Respondent

V.


Demetric Hayes.....Appellant

To Whom It May Concern:

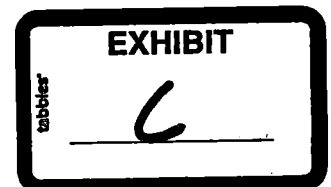
This letter is in response to the 19 November, 2015 deficiency letter from your office. I have not received an order from Special Referee Dooley likely due to the following facts. He was not only the presiding judge over the case, he was the auctioneer, he bid on the property, and purchased the property for \$60,000 on 2 November 2015. This was a property which was never on the sale list.

Counsel of record for the respondent:

Mary M. Caskey, Esquire, FeD ID No. 10120
James Y Becker, Esquire, Fed ID No. 5733
Haynsworth Sinkley Boyd, P.A.
1201 Main Street, Suite 2200
Post Office Drawer 11889 (29211-1889
Columbia, South Carolina 29201
Telephone: 803- 779-3080


Demetric Hayes Pro Se, Appellant
232 Edinfield Ct.
Gaston, SC 29053
(803)-920-4478

25 November 2015



**THE STATE OF SOUTH CAROLINA
In the Court of Appeals
Appellate Case No. 2015-002322**

Appeal from the Circuit Court of Lexington County, South Carolina

The Honorable James O. Spence/ Master of Equity
Albert J. Dooley, Judge/ Special Referee

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JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION SUCCESSOR BY
MERGER TO CHASE HOME FINANCE
LLC S/B/M TO CHASE MANHATTAN
MORTGAGE CORPORATION.....Respondent

V.

Demetric Hayes.....Appellant

PROOF OF SERVICE

I certify that a copy of the foregoing letter has been served upon the Respondent by placing the same in the United States mail, addressed to the following as shown below this 25 November 2015.

Counsel of record for the respondent:

Mary M. Caskey, Esquire, FeD ID No. 10120
James Y Becker, Esquire, Fed ID No. 5733
Haynsworth Sinkley Boyd, P.A.
1201 Main Street, Suite 2200
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Columbia, South Carolina 29201
Telephone: 803- 779-3080

Presiding Judge / Special Referee:

Albert J. Dooley, Jr., Esq
The Dooley Law Firm
218 East Main Street
Lexington, SC 29072
(803)-359-2547

Master of Equity

Judge James O. Spence
205 E. Main Street
Lexington, South Carolina 29072
(803)-785-8291



Demetric Hayes Pro Se, Appellant
232 Edinfield Ct.
Gaston, SC 29053
(803)-920-4478

25 November 2015

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY
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Albert J. Dooley, Special Referee

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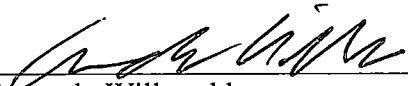
Demetric Hayes,

Appellant.

PROOF OF SERVICE

I certify that on March 2, 2016 a copy of the foregoing **Return to Motion to Reinstate** has been served upon the Appellant by placing the same in the United States mail to the following party:

Demetric Hayes
232 Edinfield Ct.
Gaston, SC 29053
Pro se Appellant


Amanda Willoughby
Haynsworth Sinkler Boyd, P.A.

Haynsworth
Sinkler Boyd, P.A.

ATTORNEYS AND COUNSELORS AT LAW

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www.hsblawfirm.com

MARY M. CASKEY
DIRECT DIAL NUMBER 803.540.7870
mcaskey@hsblawfirm.com

March 2, 2016

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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MAR 02 2016

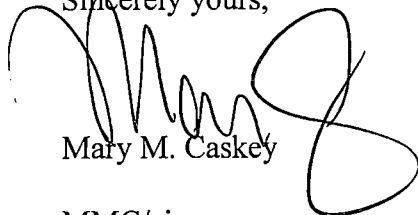
SC Court of Appeals

RE: JPMorgan Chase Bank, National Association v. Demetric Hayes
Appellate Case No. 2015-002322
HSB File No. 09150.0378

Dear Ms. Kitchings:

With regard to the above-referenced appeal, enclosed for filing please find the original and six (6) copies of Respondent's Return to Motion to Reinstate, along with Proof of Service. Please date-stamp the enclosed extra copy and return it to me.

Sincerely yours,



Mary M. Caskey

MMC/ajw

Enclosures

cc: Demetric Hayes (w/encl.)