

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Diane S. Goodstein, Circuit Court Judge

Appellate Case No. 2015-001543

RECEIVED
APR 13 2016
SC Court of Appeals

The Bank of New York Mellon Trust Company, N.A,
not in its individual capacity but solely as trustee on behalf of the
FDIC 2013-N1 Asset Trust,

Respondent,

v.

Cornell Riley,

Appellant.

**RESPONDENT'S RETURN TO APPELLANT'S MOTION FOR ENLARGEMENT OF
TIME
TO SERVE THE RECORD ON APPEAL**

Undersigned counsel for Respondent The Bank of New York Mellon Trust Company, N.A, not in its individual capacity but solely as trustee on behalf of the FDIC 2013-N1 Asset Trust respectfully submits its Return to the Appellant's Motion for Enlargement of Time to Serve the Record on Appeal ("Motion").

The Appellant's Reply Brief was served on February 13, 2016, and the related proof of service accompanying the Motion and Record on Appeal is dated April 1, 2016. Pursuant to Rule 210, SCACR, the deadline for Appellant to serve the Record on Appeal would have been March 14, 2016. Additionally, Respondent is uncertain whether the Record submitted to the


Bank of New York Mellon Trust v. Cornell Riley
Appeal from Dorchester County Court of Common Pleas
Appellate Case No. 2015-001543

Court by Appellant is in conformity with Rule 267, SCACR, because the copy received by Respondent was double sided and bound with tape and glue.

In light of the Respondent's uncertainties as to the Record's compliance under the applicable rules and possibility that Appellant's Motion shall not be heard prior to April 20, 2016, Respondent respectfully requests that the Court issue an Order specifying the deadline for Respondent's Final Brief to be filed. If necessary, Respondent shall file a formal motion to seek the relief requested herein.

Respectfully submitted,

FINKEL LAW FIRM LLC


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mcreech@finkellaw.com
Attorneys for Respondent

April 8, 2016

CC:
Cornell Riley
100 Madison Ave.
Ladson, South Carolina 29456

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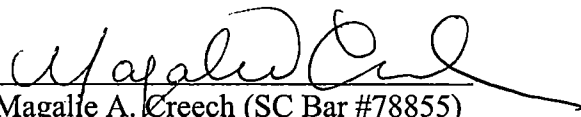
v.

Cornell Riley,

Appellant.

PROOF OF SERVICE

I certify that I have served the *Respondent's Return to Appellant's Motion for Enlargement of Time to Serve the Record on Appeal* by depositing a copy of same in the United States Mail, postage prepaid, on April 8, 2016, addressed to Appellant of record, Cornell Riley, 100 Madison Ave., Ladson, South Carolina 29456.


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Attorney for Respondent

April 8, 2016



MAGALIE A. CREECH
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REPLY TO:
CHARLESTON LITIGATION

April 8, 2016

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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RE: The Bank of New York Mellon Trust Company, N.A., not in its individual capacity
but solely as trustee on behalf of the FDIC 2013-N1 Asset Trust v. Cornell Riley
Appellate Case No.: 2015-001543
Our File No.: 65050.48466

Dear Ms. Kitchings:

Enclosed for filing is the *Respondent's Return to Appellant's Motion for Enlargement of Time to Serve the Record on Appeal* and related *Proof of Service* in the above-referenced case, along with six (6) copies, which we kindly ask you to file and return in the attached, self-addressed, stamped envelope.

Should you have any questions concerning this matter, please do not hesitate to contact our office at your earliest convenience.

With kind personal regards, we are

Yours very truly,

FINKEL LAW FIRM

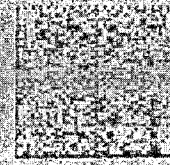
Magalie A. Creech

CC: Cornell Riley

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DFB/MAA

The Honorable Jenny Abbott Kitchings
 Clerk, South Carolina Court of Appeals
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