

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas  
Master in Equity

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James E. Chellis, Master- In – Equity

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Case No. 2016-000704

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**RECEIVED**  
JUL 05 2016  
SC Court of Appeals

Wells Fargo Bank, N.A.,

Respondent,

vs.

Richard B. Cunningham; Latisa L. Cunningham; SC Housing Corp.; Drakesborough  
Homeowners Association, Inc.,  
Appellant

Of Whom Latisa L. Cunningham is the Appellant

**RESPONDENT'S RETURN TO APPELLANT'S MOTION FOR EXTENDED TIME TO  
AMEND INITIAL BRIEF**

Respondent, Wells Fargo Bank, N.A., hereby submits this Return to Appellant's Motion for Extended Time to Amend Initial Brief and requests that said Motion be denied. The instant appeal is not Appellant's first appeal regarding the subject foreclosure action. The first appeal, bearing appellate case number 2015-001211, was dismissed due to Appellant failing to timely correct deficiencies in her initial brief. A copy of the Order dismissing the prior appeal is attached hereto as **Exhibit "1"**.

Appellant has failed to timely meet the deadlines regarding the instant appeal as well. Appellant's initial brief and designation of matter were due to be served on or before May 2, 2016. On May 19, 2016, the Clerk of Court notified Appellant that failure to file and serve her initial brief and designation of matter within ten (10) days along with a motion requesting permission to

serve and file Appellant's initial brief outside of the filing deadlines or her case would be dismissed.

Appellant submitted her initial brief and Motion to File Initial Brief Beyond Deadline on May 27, 2016. Appellant's request to file her initial brief out of time was granted on June 16, 2016 without objection. On that same day, Appellant was notified by the Clerk of Court for the Court of Appeals that the initial brief she submitted May 27, 2016 was deficient. Appellant was given a further ten (10) days to correct the deficiency and notified that failure to timely correct the deficiency would result in her appeal being dismissed. No such correction appears to have been filed to date. Appellant's Motion requests a further extension of time to file her corrected initial brief. Appellant's Motion states no grounds or reason for making her request.

In light of the foregoing, Respondent objects to Appellant's request for a further extension and respectfully requests that the appeal be dismissed as is outlined in the Clerk's June 16, 2016 letter.

Respectfully submitted,



Chad W. Burgess, SC Bar No. 72520  
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3800 Fernandina Road, Suite 110  
Columbia, SC 29210  
Phone 803-454-3540 Fax 803-454-3541  
Attorney for Plaintiff

Dated 1<sup>st</sup> day of July, 2016.

# EXHIBIT 1

# The South Carolina Court of Appeals

Wells Fargo Bank, N.A., Respondent,

v.

Richard B. Cunningham; Latisa L. Cunningham; SC  
Housing Corp.; Drakesborough Homeowners  
Association, Inc., Defendants,

Of Whom Latisa L. Cunningham is the Appellant.

Appellate Case No. 2015-001211

The Honorable James E. Chellis  
Dorchester County  
Trial Court Case No. 2013CP1800519

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## ORDER

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Appellant has failed to correct the deficiencies of the appellant's initial brief, as required by Rule 208 of the South Carolina Appellate Court Rules, and this Court's letter dated October 27, 2015. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina  
cc:  
Latisa L. Cunningham  
James Martin Page, Esquire

**FILED**  
December 2, 2015


**CERTIFICATE OF SERVICE BY MAIL**

The undersigned hereby certifies that he is an employee of Brock & Scott, PLLC, and is a person of such age and discretion as to be competent to serve papers.

That on July 1, 2016, he served a copy of the below listed documents by placing said copy in a postage paid envelope addressed to each of the following persons at the address stated below, which is the last known address, and by depositing said envelope and contents in the U.S. Mail.

Document(s): Respondent's Return to Appellant's Motion for Extended Time to Amend Initial Brief

Party(ies) Served: Latisa L. Cunningham  
1227 Wild Goose Trail  
Summerville, SC 29483



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Chad W. Burgess, SC Bar No.: 72520  
Brock & Scott, PLLC

Columbia, South Carolina

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SC Court of Appeals

July 1, 2016

Clerk of Court  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Re: Wells Fargo Bank, N.A. v.; Latisa L. Cunningham; et al.  
Case Number: 2013-CP-18-00519  
Appellate Case Number: 2016-000704  
B&S file Number: 13-03642

Dear Sir or Madam,

Enclosed please find an original and seven copies of Respondent's Return to Appellant's Motion for Extended Time to Amend Initial Brief, with regard to the above referenced matter. Kindly file the same and return a clocked copy to me in the enclosed envelope.

Thank you in advance for your assistance in this matter.

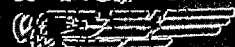
Sincerely,

Chad W. Burgess, Esq.  
Brock & Scott, PLLC

Enclosures  
CC: Latisa L. Cunningham



US POSTAGE & FEES PAID



ZIP 29207 \$002.41<sup>0</sup>  
02 JUL 05 2016

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