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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SEP 12 2016
SC Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Gordon G. Cooper, Master-in-Equity Judge

Case No.: 2012-CP-42-3549
2012-CP-42-2874

Appellate Case No. 2016-000099

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

Of whom U.S. Bank, NA, is the.....Respondent.

v.

Alyce F. Otto, Individually; Alyce F. Otto, Trustee Under Declaration
Of Trust of Alyce F. Otto dated the 17th 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.; and Citibank, NA.....Defendants,

Of whom Jackson L. Munsey, Jr., is the.....Appellant,

and

Alyce F. Otto, Individually; Alyce F. Otto, Trustee Under Declaration
Of Trust of Alyce F. Otto dated the 17th of November, 2009.....Plaintiff,

Of whom Alyce F. Otto is the.....Respondent,

v.

Jackson L. Munsey, Jr.,.....Defendant,

Of whom Jackson L. Munsey, Jr. is the.....Appellant.

MOTION TO WITHDRAW AS COUNSEL

Pursuant to Rule 264(b) of the South Carolina Appellate Court Rules and Rule 1.16 of the South Carolina Rules of Professional Conduct, the law firm of Kehl Culbertson Andrighetti, LLC, (the "Law Firm") hereby moves this Court for an Order to be relieved as counsel for Appellant Jackson L. Munsey, Jr. ("Appellant"). In support of this motion, the Law Firm submits to the Court the following:

The Law Firm entered into a written Representation and Fee Agreement with the Appellant on December 3, 2012 (the "Agreement"), which provided, in part, that the Law Firm would undertake the representation of the Appellant based upon the Appellant's agreement to pay the Law Firm an hourly billing rate and to reimburse the Law Firm for expenditures made on Appellant's behalf. The Agreement further provided, in part, that upon the non-payment of the agreed-upon hourly rate or the Appellant's failure to reimburse the Law Firm for expenditures made on Appellant's behalf, the Law Firm would cease its representation of the Appellant. The Appellant has failed and/or refused to pay all or any portion of the Law Firm's statements for services rendered since March of 2015. The Appellant was given written notice of the Law Firm's intention to proceed to be relieved as counsel in the event that the past due balance was not brought current by correspondence dated February 1, 2016, February 24, 2016, March 7, 2016, May 16, 2016, June 6, 2016, and June 22, 2016. The Appellant was further given notice multiple times during telephone conversations with the undersigned, the most recent and final of which was on June 28, 2016, wherein the Appellant asked for an eight (8) week extension of time within which to make payment in full. More than eight (8) weeks have passed since that

date and the Law Firm has received neither payment nor any further communication from the Appellant.

This Motion is further based upon the fact that the Law Firm can withdraw at this time without any material adverse effect on the interests of Appellant, as Appellant has retained appellate counsel and is currently represented by the law firm of David R. Price, Jr., P.A. The withdrawal of the Law Firm will not prejudice any party in this matter or delay this appeal in any way.

WHEREFORE, the Law Firm respectfully prays that this Court enter an Order relieving it as counsel for the Appellant and that the Law Firm be removed from all notices, letters, and other communications in this appeal. No memorandum in support of this motion is being filed as it is counsel's belief that such memorandum would not aid the Court in ruling on this motion.

Respectfully submitted,



Erin Culbertson (SC Bar # 68271)
KEHL CULBERTSON ANDRIGHETTI, LLC
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Greenville, SC 29601
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Attorney for Appellant Jackson R. Munsey, Jr.

September 8, 2016

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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and

Alyce F. Otto, Individually; Alyce F. Otto, Trustee Under Declaration
Of Trust of Alyce F. Otto dated the 17th of November, 2009.....Plaintiff,

Of whom Alyce F. Otto is the.....Respondent,

v.

Jackson L. Munsey, Jr.,.....Defendant,

Of whom Jackson L. Munsey, Jr., is the.....Appellant.

CERTIFICATE OF SERVICE

I certify that on this 8th day of September, 2016, I have caused the MOTION FOR LEAVE TO WITHDRAW AS COUNSEL to be served in this action by depositing a copy of the same in the United States Mail, postage prepaid, addressed as follows:

Erica Greer Lybrand, Esq.
220 Executive Center Dr.
Columbia, SC 29210

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

RECEIVED

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

Citibank, NA
710 E. 60th Street North
Sioux Falls, SD 57104

SEP 12 2016
SC Court of Appeals

Kenneth C. Anthony, Jr., Esq.
PO Box 3565
Spartanburg, SC 29304


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George J. Conits, Esq.
55 Beattie Place, Ste. 700
Greenville, SC 29601

Jackson L. Munsey, Jr.
1841 Fairview Farms Rd.
Campobello, SC 29322

This the 8th day of September, 2016.


Erin Culbertson

John L.B. Kehl
Erin Culbertson

J.J. Andrighetti
Sarah Brown



KEHL • CULBERTSON • ANDRIGHETTI
— ATTORNEYS AT LAW —

September 8, 2016

The Hon. Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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SC Court of Appeals

Re: *U.S. Bank, N.A. v. Alyce F. Otto, et al.*
Appellate Case No. 2016-000099

Ladies/Gentlemen:

Enclosed please find an original and copy of a Motion to Withdraw as Counsel in the above-captioned matter, along with this firm's check in the amount of \$25.00, which represents the filing fee. I would appreciate if you would file the original and return the copy to me in the enclosed envelope. Should you have any questions or concerns, please don't hesitate to contact me.

With kind regards, I remain,

Yours very truly,

Erin Culbertson
erin@palmettolawfirm.com

enclosures

cc: All counsel and parties as named on the Certificate of Service
file

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Kehl Culbertson Andrighetti, LLC
114 Manly St.
Greenville, SC 29601



The Hon. Jenny Abbott Kitchings
South Carolina Court of Appeals
PO Box 11629
Columbia SC 29211-1629

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