

81704

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Master in Equity

Case No. 2015-CP-07-1340

Appellate Case No. 2016-001616

Alan F. McNeal and Adrienne McNeal,

Appellants,

v.

Ocwen Loan Servicing, LLC, and Nationstar Mortgage, LLC

Respondent.

**RESPONDENT, OCWEN LOAN SERVICING, LLC'S THIRD MOTION
FOR EXTENSION OF TIME TO FILE INITIAL BRIEF**

RECEIVED

NOV 28 2016

SC Court of Appeals

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
200 South Orange Avenue
PO Box 1549
Orlando, FL 32802-1549
Telephone: (407) 422-6600
Facsimile: (407) 841-0325
Attorney for Respondent, Ocwen
mwsmith@bakerdonelson.com
wirvin@bakerdonelson.com
OLS-eService@bakerdonelson.com

By: /s/ Michael W. Smith
Michael W. Smith, Esq.
S.C. Bar No.: 71184

✓

COMES NOW RESPONDENT, Ocwen Loan Servicing, LLC ("Respondent" or "Ocwen"), by and through its undersigned counsel, and hereby moves this Court for an extension of time to file the Initial Brief of Respondent, and in support thereof states as follows:

1. Appellants filed their Initial Brief on or about August 26, 2016.
2. Respondent's Initial Brief is due on November 28, 2016, pursuant to this Court's October 25, 2016 Order granting Respondent's Second Motion for Extension of Time to File Initial Brief.
3. In this most recent order, this Court stated that "no further extensions will be granted absent extraordinary circumstances."
4. On November 22, 2016, counsel for Appellants filed a Motion to Withdraw From Representation of Appellants. Within this Motion, counsel for Appellant stated that "it may be appropriate for the Respondent Ocwen to request and/or the Court to extend the time for Respondent Ocwen to file its Initial Brief to give the Appellants more time to find other counsel."
5. Appellant's filing is an extraordinary circumstance.
6. Respondent agrees with Appellant's counsel that Respondent should be granted additional time to file the Initial Brief to provide Appellant with an opportunity to obtain new counsel.
7. No party will be prejudiced by the court granting additional time. Moreover, Appellant, through their counsel, has consented to this relief.
8. For this reason, Respondent respectfully requests an additional thirty (30) days in which to file its Initial Brief, or such other time as the Court finds appropriate.

9. The undersigned counsel represents that this Motion is being filed in good faith and not for the purpose of delay.

WHEREFORE, Respondent, Ocwen, respectfully requests that this Honorable Court enter an Order granting Respondent an extension of time in which to file the Initial Brief, and any other relief this Court deems just and proper.

Respectfully submitted this 23rd day of November, 2016.

/s/ Michael W. Smith
Michael W. Smith, Esquire

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Respondent's Third Motion for Extension of Time to File Initial Brief in the above-referenced case has been served by U.S. Mail, postage-paid, on the 23rd day of November, 2016, to the following:

Sean A. O'Connor, Esq.
Finkel Law Firm, LLC
4000 Faber Place Drive, Suite 450
North Charleston, SC 29405

Terence A. Willis, Esq.
Willis Law of South Carolina
18 Ribaut Drive
Hilton Head Island, SC 29926

Trent M. Grissom, Esq.
McGuireWoods LLP
201 North Tryon Street, Suite 3000
Charlotte, NC 28202

RECEIVED

NOV 28 2016

SC Court of Appeals

/s/ Michael W. Smith
Michael W. Smith, Esquire

BAKER DONELSON
BEARMAN, CALDWELL & BERKOWITZ, PC

Michael W. Smith
Direct Phone: 407-367-5437
E-Mail: mwsmith@bakerdonelson.com

200 SOUTH ORANGE AVENUE
SUITE 2900

POST OFFICE BOX 1549
ORLANDO, FLORIDA 32802

PHONE: 407.422.6600
FAX: 407.841.0325

www.bakerdonelson.com

November 23, 2016

VIA FEDERAL EXPRESS

Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RECEIVED

NOV 28 2016

SC Court of Appeals

Re: *Alan F. McNeal and Adrienne McNeal v. Ocwen Loan Servicing, LLC, and
Nationstar Mortgage, LLC*
Case No. 2015-CP-07-1340
Appeals Case No. 2016-001616

Dear Clerk:

Enclosed please find Respondent, Ocwen Loan Servicing, LLC's Third Motion for Extension of Time to File Initial Brief and check number 003207 in the amount of \$25.00 which represents your filing fee in regards to the above-captioned case. Please file the Motion with your court and mail a date-stamped copy back to me in the enclosed self-addressed stamped envelope provided for your convenience.

Thank you for your assistance in this regard.

Sincerely,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

/s/ Michael W. Smith
Michael W. Smith

MWS/wi
Enclosures

cc: Sean A. O'Connor, Esq., (via U.S. Mail)
Terence A. Willis, Esq., (via U.S. Mail)
Trent M. Grissom, Esq., (via U.S. Mail)

ORIGIN ID:ORLA (407) 422-6600
WANDA IRVIN
BAKER DONELSON
200 S. ORANGE AVE.
STE 2900
ORLANDO, FL 32801
UNITED STATES US

SHIP DATE: 23NOV16
ACTWGT: 1.00 LB
CAD: 106461766/NET3790

BILL SENDER

TO

SOUTH CAROLINA COURT OF APPEALS
1220 SENATE STREET

RECEIVED

COLUMBIA SC 29201

NOV 28 2016

(000) 000-0000

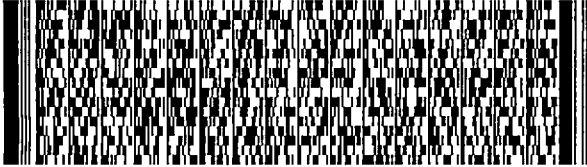
REF: 2914856-008417-MCNEAL

INV:

PO:

DEPT:

SC Court of Appeals



FedEx Express



0162016102201ur

FedEx Ship Manager - Print Your Label(s)

FRI - 25 NOV 3:00P

STANDARD OVERNIGHT

TRK#

0201

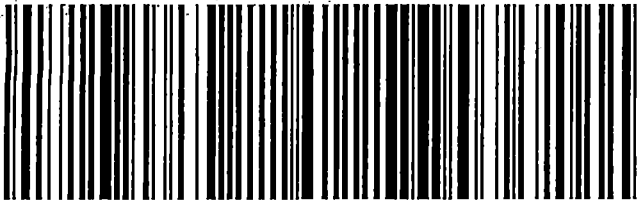
7777 8568 7018

XH USCA

29201

SC-US

CAE



11/23/2016