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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas – Master in Equity

James O. Spence, Master-in-Equity

Appellate Case No. 2016-000856  
Case No. 2008-CP-32-3594

**RECEIVED**

DEC 20 2016

**SC Court of Appeals**

Deutsche Bank National Trust Company,

Respondent,

v.

Steven E. Sharpe; Sherry L. Sharpe; The United States of America  
acting by and through its agent, Internal Revenue Service;  
The State of South Carolina Department of Revenue,  
Of whom: **Steven E. Sharpe and Sherry L. Sharpe are**  
**Appellants.**

Appellants.

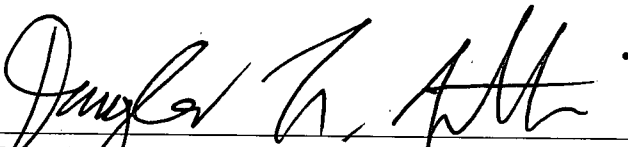
**MOTION FOR EXTENSION  
(VERIFIED)**

Appellants Steven and Sherry Sharpe hereby respectfully move for an extension to file Appellants' Initial Brief and Designation of Matter for a reasonable time because of counsel's recent hospitalizations at the South Carolina Oncology Associates (SCOA) cancer hospital in Columbia, South Carolina, and extensive testing, recently worsening physical difficulties from medical causes, and upcoming biopsies and surgery to be conducted on an expedited basis on December 19, 2016, and consequent recovery, pursuant to Rule 240(b), SCACR, on the following grounds.

1. On April 18, 2016, Appellants duly filed Notice of Appeal with the Court of Appeals, and properly served it upon all other counsel.
2. By Order of the Court of Appeals most recently issued in the instant case, the deadline for filing Appellants' Initial Brief was set for December 16, 2016.
3. Undersigned counsel has been seriously ill, was hospitalized for three weeks in May 2016, and devoted the ensuing four months, upon physicians' advice and directives, to convalescence and recovery at home, unable to work. On September 9, 2016, following a routine blood test and some recurring issues of fatigue and weakness, undersigned counsel for Appellants was hospitalized on an emergency basis and placed in intensive care. Counsel received a blood transfusion over several days, and underwent surgery on September 12 to determine the cause of blood loss and cause of internal bleeding. He continues to recover from this most recent emergency. The diagnosis was a massive gastric ulcer which continues to bleed, albeit at a reduced rate, which is leaving him weak and fatigued.
4. Within the past month, undersigned counsel's condition has worsened, with increasing fatigue, substantially impairing his ability to concentrate and work.
5. Undersigned counsel also is burdened with a still undiagnosed liver disease or condition that must be identified as soon as possible so that appropriate treatment may be determined and administered. On September 20 and October 13, 2016, he travelled to the Medical University of South Carolina for consultations with a hepatologist and for tests. He also consulted with a local gastroenterologist on September 26 about his liver condition and his newly discovered gastric ulcer.
6. On October 5, 2016, undersigned counsel returned to the emergency room at his local hospital where he was treated for internal bleeding and blood loss, and released after several hours.

7. On December 7, 2016, upon examining undersigned counsel, his physician arranged for his emergency admission to SCOA hospital the next day, during which counsel underwent extensive imaging and other medical tests. Biopsies are to be scheduled. Meanwhile, on December 14, 2016, with abdominal pain and overall fatigue worsening, and precipitously dropping hemoglobin levels, counsel's gastroenterologist scheduled expedited endoscopic surgery, biopsies and replacement of his gastronomy tube, on December 19, 2016; and directed counsel to halt working and rest.
8. Undersigned counsel has learned to heed the advice and directives of his physicians.
9. The facts warranting this Motion as stated herein are verified and corroborated by the attached affidavit of undersigned counsel.
10. Undersigned obtained copies of all relevant hearing transcripts from proceedings in the lower court; there are no transcripts to order or request.
11. Counsel hereby certifies that this Motion is not an attempt to delay unduly the instant appeal. Indeed, after practicing law nearly thirty-five years, counsel deeply respects and reveres all procedures in the courts and the judicial system, and is most appreciative of opposing counsel's collegiality. Undersigned counsel for Appellants respectfully states that the bases of the instant Motion are grounded in the facts.

December 16, 2016



DOUGLAS K. KOTTI  
6326 St. Andrews Road  
Columbia, SC 29212  
(803) 772-0662 / FAX: (803) 772-0369  
E-MAIL: dkotti.law@gmail.com  
Attorney for Appellants Steven and Sherry Sharpe

VERIFICATION

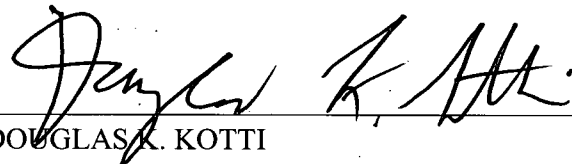
Douglas K. Kotti, first being duly sworn, deposes and says as follows.

The facts stated hereinabove are true, correct and accurate.

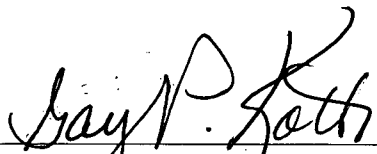
The instant Motion is not intended for the purposes of delay.

The undersigned has made substantial progress towards completion of Appellants' initial brief and the designation of mater to be included in the record on appeal. But for the medical setbacks during the past three weeks or so, he would have completed the documents for Appellants' case pending in the Court of Appeals.

The undersigned is informed and believes that his upcoming surgery and a brief period of recuperation will restore much of his physical energy and relieve much of the fatigue and pain he is currently experiencing.

  
\_\_\_\_\_  
DOUGLAS K. KOTTI

SWORN TO AND SUBSCRIBED BEFORE ME THIS 16<sup>th</sup> DAY OF DECEMBER 2016

  
\_\_\_\_\_  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission expires: May, 30, 2017

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**Appellate Case No. 2016-000856**  
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Deutsche Bank National Trust Company,

Respondent,

v.

Steven E. Sharpe; Sherry L. Sharpe; The United States of America  
acting by and through its agent, Internal Revenue Service;  
The State of South Carolina Department of Revenue,  
Of whom: **Steven E. Sharpe and Sherry L. Sharpe are**  
**Appellants.**

Appellants.

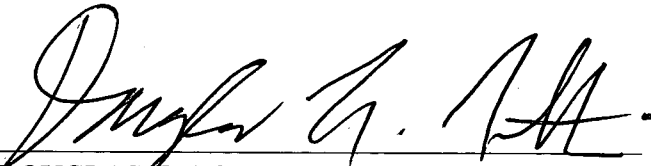
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**PROOF OF SERVICE**

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I certify that I have served the Motion for Extension on Respondent, and on the other parties Defendant in the lower court, by depositing a copy of the Motion in the United States Mail, postage prepaid, on December 16, 2016, addressed to all counsel of record enumerated *infra*.

December 16, 2016



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Other Counsel of Record:

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Ronald W. Urban  
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SC Court of Appeals

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December 16, 2016

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: *Deutsche Bank National Trust Co. v. Steven E. Sharpe and Sherry L. Sharpe, et al.*  
Appellate Case No. 2016-000856  
Case No. (lower court): 2008-CP-32-3594

Dear Ms. Kitchings:

Enclosed for filing please find the original and six copies of Appellants' Motion for Extension to file the initial brief and designation of matter, the original proof of service, and a filing fee of \$25.00.

Thank you for your service and cooperation and that of your staff. Best wishes to all for the holiday season.

With kindest regards, I am  
Very truly yours,

  
DOUGLAS K. KOTTI

Enclosures

cc:

Charlie S. Gwynne, Jr.  
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Columbia, SC 29202

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✓

**DOUGLAS K. KOTTI**

Attorney and Counselor at Law

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The Hon. Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
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