

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

Albert J. Dooley, Special Referee

Case No. 2010-CP-32-00669  
Appellate Case No. 2016-001062

JPMorgan Chase Bank,  
National Association,  
Successor by Merger to Chase  
Home Finance LLC s/b/m to  
Chase Manhattan Mortgage  
Corporation,

Respondent,

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APR 20 2017

SC Court of Appeals

Demetric Hayes,

Appellant.

**MOTION TO DIMISS APPEAL, OR IN THE ALTERNATIVE TO REQUIRE  
APPELLANT TO SUPPLEMENT RECORD ON APPEAL AND TO HOLD  
DEADLINES IN ABEYANCE**

Respondent JPMorgan Chase Bank, National Association, Successor by Merger to Chase Home Finance LLC s/b/m to Chase Manhattan Mortgage Corporation ("Chase") hereby moves for an Order dismissing the appeal of Appellant Demetric Hayes ("Hayes"), or in the alternative to require Hayes to supplement the Record on Appeal to include all matters designated by Chase. Chase further seeks an Order staying the deadline for Chase to file its final brief until the issues raised in this Motion are resolved.

First, the Record on Appeal is incomplete, and does not comply with Rule 210, SCACR. Hayes only included 17 of the 53 documents listed by Chase in its Designation of Record on Appeal. A copy of Chase's Designation on Record on Appeal, with the documents that Hayes has omitted from the Record on Appeal noted and highlighted, is attached as Exhibit 1.

Second, Hayes has failed to file a final brief in this matter as required by Rule 211, SCACR. The initial brief was filed on July 13, 2016, and Chase filed its initial brief and Designation of Matter to be Included on the Record on Appeal. Hayes filed a Motion to Strike Chase's initial brief, which was denied on March 2, 2017. Other than filing a partial Record on Appeal, Hayes has not made any other filings.

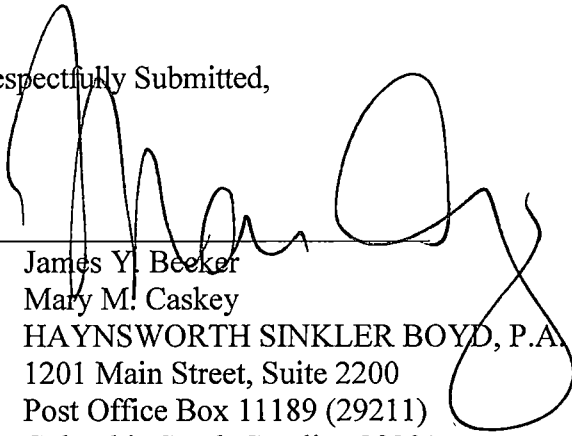
Third, this is not the first time Hayes has failed to abide by the South Carolina Rules of Appellate Procedure or orders from the Court of Appeals. Since the foreclosure that gave rise to this appeal was commenced on February 16, 2010, Hayes has filed a total of three appeals, including this one. The first appeal, Appellate Case No. 2014-000820, was dismissed on March 19, 2015, for his failure to serve and file the supplemental record on appeal as required by a prior order of the Court of appeals and the South Carolina Appellate Court Rules. Hayes filed a second appeal on November 4, 2015, Appellate Case Number 2015-002322, which was dismissed on January 13, 2016, after Hayes failed to provide the Court with a copy of the order being appealed. Hayes commenced this third appeal on May 18, 2016, and has again failed to abide by the South Carolina Rules of Appellate Procedure, despite having been advised of his obligations in the first appeal arising in this case. Consequently, Chase requests that the Court dismiss Hayes appeal.

In the event that the Court declines to grant Chase's Motion to Dismiss the Appeal, Chase requests that the Court direct Hayes to supplement the Record on Appeal with the matters

designated by Chase, and stay Chase's deadline to file its final brief until such time as the Court rules on this motion and the Record on Appeal is supplemented and served by Hayes.

Respectfully Submitted,

By



James Y. Becker  
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Attorneys for Respondent JPMorgan Chase Bank, National Association, Successor by Merger to Chase Home Finance LLC s/b/m to Chase Manhattan Mortgage Corporation

April 20, 2017

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Case No. 2010-CP-32-00669  
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JPMorgan Chase Bank, National Association, Successor by Merger to  
Chase Home Finance, LLC, s/b/m to Chase Manhattan Mortgage,

Respondent,

v.

Demetric Hayes,

Appellant.

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**RESPONDENT'S DESIGNATION OF MATTER TO BE  
INCLUDED IN RECORD ON APPEAL**

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Pursuant to Rule 209, SCACR, Respondent JPMorgan Chase Bank, National  
Association designates the following materials for inclusion in the record on appeal in  
connection with its initial brief:

ORDERS

DATED/FILED

Order of Reference  
Master's Order of Judgment and Foreclosure  
Order to Substitute Plaintiff

06/16/2010  
07/30/2010  
05/16/2012

Order of Reference	02/05/2014
Order Denying Defendant's Rule 60(b)(3) Motion to Vacate Judgment for Failure to Execute Service on Defendant and Supplemental Order Post-Judgment	03/25/2014
Order Denying Defendant's Motion for Reconsideration and Vacating of Order Based on Newly Discovered Evidence	04/14/2014
Remittitur	04/22/2015
Second Supplemental Order Post-Judgment	08/04/2015
Report on Sale	11/12/2015
Remittitur	04/27/2016
Order Denying Defendant's Motion to Vacate Sale	05/12/2016

PLEADINGS

Lis Pendens (listed on index, but not included)	02/16/2010
Summons and Complaint (only the Complaint is included, not the Summons)	02/16/2010
Notice of Final Hearing	07/21/2010
Motion to Dismiss Foreclosure Action	01/11/2013
Motion for Order Confirming Reference	07/12/2013
Opposition to Motion for Order Confirming Reference and Appointing Special Referee	07/25/2013
Rule 60(b)(3) Motion to Vacate Judgment for Failure to Properly Execute Service on Defendant	09/10/2013
Plaintiff's Memorandum in Opposition to Defendant's Rule 60(b)(3) Motion to Vacate Judgment for Failure to Properly Execute Service on Defendant (Memorandum, Exhibits 5 and 7 only)	12/31/2013
Motion of Filing IRS Form 56 Notice Concerning Fiduciary Relationship and IRS Cancellation of Debt Form-1099C	01/21/2014
Memorandum in Support of Defendant's Motion to Vacate Default Judgment and to Grant Defendant's Motion to Dismiss	03/13/2014
Motion for Removal of Special Referee Due to Conflict of Interest	04/14/2014
Motion for Reconsideration and Vacating of Order Based on Newly Discovered Evidence	04/04/2014
Plaintiff's Motion for Entry of Second Supplemental Order Post-Judgment	07/02/2015
Notice of Sale	08/04/2015
Notice of Sale	09/21/2015
Notice of Sale	10/15/2015
Assignment of Bid	11/12/2015
Motion to Vacate	12/02/2015

TRANSCRIPTS

Transcript of Supplemental Foreclosure Hearing(pgs 1-12,17-26 not included)	07/05/2012
Transcript of Second Supplemental Foreclosure Hearing	10/30/2012
Transcript of Motion to Dismiss Supplemental Hearing	03/20/2013

AFFIDAVITS

Affidavit of Service	03/16/2010
Affidavit of Default	06/16/2010
Affidavit of Fact re non-service	03/10/2014
Affidavit of Fact re no evidence of note, mortgage, assignments	03/10/2014
Affidavit of Fact re deprivation of constitutional rights	03/10/2014
Carla Marshall Affidavit of Fact re deprivation of constitutional rights	03/10/2014
Affidavit of Fact re intent to foreclosure, accounting principles	03/10/2014

OTHER MATERIALS OR DOCUMENTS

Trustee Notice and Determination; Notice of Fraud; Charging Sheet	07/29/2010
Notice of Right to Foreclosure Intervention	05/07/2012
Hayes response to Notice of Foreclosure Intervention	05/17/2012
Attorney Certification	05/17/2012
Notice of Fraud and Intent to Litigate	05/21/2012
Hayes letter to Chase giving Notice of Default	07/02/2012
Notice to Principal is Notice to Agent; Notice to Agent is Notice to Principal	07/02/2012
Hayes letter to Lexington County Clerk of Court	07/24/2015
Affidavit of Publication	09/03/2015
Affidavit of Publication	10/01/2015
Affidavit of Publication	10/30/2015
Special Referee's Title	11/12/2015
Cancellation and Release of Lien	11/12/2015

CERTIFICATION

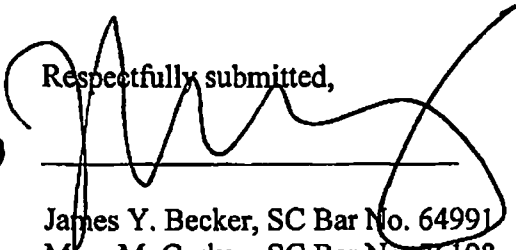
Pursuant to Rule 209(c), SCACR, we certify that this designation contains no matter which is irrelevant to the appeal.

Respectfully submitted,

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OCT 31 2016

**SC Court of Appeals**

  
James Y. Becker, SC Bar No. 64991  
Mary M. Caskey, SC Bar No. 76198  
Haynsworth Sinkler Boyd, P.A.  
1201 Main Street, Suite 2200 (29201)  
Post Office Box 11889 (29211)  
Columbia, South Carolina  
*Attorneys for Respondent*

October 31, 2016

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In the Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

Albert J. Dooley, Special Referee

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Case No. 2010-CP-32-00669  
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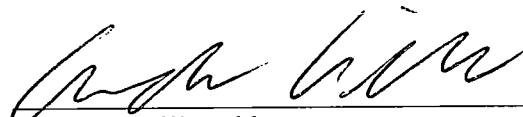
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**PROOF OF SERVICE**

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I certify that on April 20, 2017 a copy of the foregoing **Motion to Dismiss Appeal, or in the Alternative to Require Appellant to Supplement Record on Appeal and to Hold Deadlines in Abeyance** has been served upon the Appellant by placing the same in the United States mail to the following party:

Demetric Hayes  
232 Edinfield Ct.  
Gaston, SC 29053  
*Pro se Appellant*

  
Amanda Willoughby  
Haynsworth Sinkler Boyd, P.A.

Haynsworth  
Sinkler Boyd, P.A.

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April 20, 2017

**VIA HAND DELIVERY**

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

Re: *JPMorgan Chase Bank v. Demetric Hayes*  
Appellate Case No: **2016-001062**  
HSB File No. 09150.0378

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APR 20 2017

SC Court of Appeals

Dear Ms. Kitchings:

With regard to the above-referenced matter, enclosed for filing please find the original and six (6) copies of Respondent's Motion to Dismiss Appeal, or in the Alternative to Require Appellant to Supplement Record on Appeal and to Hold Deadlines in Abeyance, along with a Proof of Service. I have also enclosed a \$25.00 check for the filing fee. Please date-stamp the enclosed extra copy and return via our courier.

Yours truly,

Mary M. Caskey

MMC/ajw

Enclosures

cc: Mr. Demetric Hayes (w/encl.)