

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,

v.

Demetric Hayes,

Appellant.

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SEP 14 2017

SC Court of Appeals

RETURN TO MOTION FOR EXTENSION OF TIME

Respondent JPMorgan Chase Bank, National Association, Successor by Merger to Chase Home Finance LLC s/b/m to Chase Manhattan Mortgage Corporation (“Chase”) hereby responds to Appellants Demetric Hayes’ (“Hayes”) Motion For Extension of Time to serve and file a supplemental record on appeal, and requests that the Motion be denied. As noted below, Hayes has repeatedly failed to comply with this Court’s Orders and the Rules governing this Appeal, which has been pending since May 18, 2016. On June 16, 2017, the Court issued an order directing Appellant to serve a supplemental record on appeal to include the documents



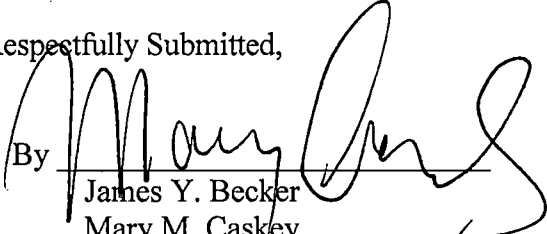
designated by Respondent. This is Appellant's second motion for an extension of time to supplement the record, and his third motion for an extension of time in this Appeal, all of which relate to filings required in order to correct various deficiencies.¹

Hayes argues that he has been prevented from filing and serving a supplemental record on appeal because he was evicted from the subject property. He argues that the Appeal should have stayed the eviction, but no bond was posted and the eviction action was not stayed. *See* Rule 241(b)(10), SCACR. Additionally, the eviction did not occur until August 2017, which was over two months after the Court issued its order on June 15, 2017, directing him to supplement the record, so he has had ample time to gather the documents.

For the reasons stated above and in the interests of moving this matter forward, Chase requests that the Court deny Appellant's Request for Extension of Time to submit supplemental record on appeal.

Respectfully Submitted,

By


James Y. Becker

Mary M. Caskey

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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

September 15, 2016

¹ Appellant is well aware of the requirements related to the Record on Appeal, as his prior appeal was dismissed for his failure to properly supplement the record on appeal in that case. The prior appeal, which appealed from an order setting the sale of the property for May 5, 2014, was dismissed on March 19, 2015, for Hayes' failure to serve and file the supplemental record pursuant to this Court's order. (A copy of the Order dismissing the prior appeal is attached as Exhibit A.)

THE STATE OF SOUTH CAROLINA
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APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Albert J. Dooley, Special Referee

Case No. 2010-CP-32-00669
Appellate Case No. 201400820

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

Respondent,

v.

Demetric Hayes,

Appellant.

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SC Court of Appeals

PROOF OF SERVICE

I certify that on September 14, 2017 a copy of the foregoing **Return to Motion for Extension of Time** 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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September 14, 2017

VIA HAND DELIVERY

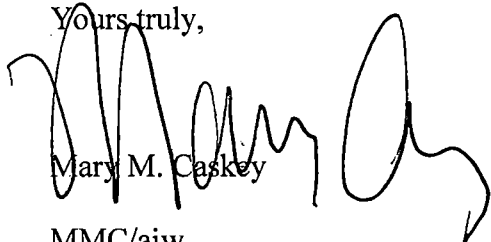
Jenny Abbott Kitchings
Clerk of South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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

Dear Ms. Kitchings:

With regard to the above-referenced matter, enclosed for filing please find the original and six (6) copies of Respondent's Return to Motion for Extension of Time, along with a Proof of Service. 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.)

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