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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas

RECEIVED

S. Jackson Kimball, III, Master-in-Equity for York County

DEC 27 2017

Case No.: 2015-CP-46-03068

SC Court of Appeals

Appellate Case No. 2016-002161

The Bank of New York Mellon fka The Bank of New York, as Trustee (CWALT 2004-2CB),.....Respondent,

v.

Tara B. Barfield a/k/a Tara Burdiss Barfield,.....Appellant.

**RESPONDENT'S MOTION FOR INVOLUNTARY DISMISSAL OF APPEAL**

This mortgage foreclosure matter has been fully briefed by the parties. Appellant filed a supplemental Designation of Matter on July 24, 2017, along with her Initial Reply Brief. This designation purportedly added a transcript from a hearing on April 20, 2016, on Plaintiff's motion for partial summary judgment (designated as #13 on Appellant's Amended Designation of Matter). This hearing concerned Plaintiff's first cause of action for declaratory relief on the priority of its mortgage, and did not address the merits of the foreclosure cause of action.


Thereafter, Appellant moved on August 28, 2017, for an extension of time to serve the Record on Appeal. Appellant informed this Court that she was awaiting the receipt of the transcript from the hearing on Plaintiff's motion for partial summary judgment. The extension

was granted, and Appellant responded to the Court on September 20, 2017, stating that the transcript had been ordered and that she expected to receive it no later than October 9, 2017. This Court held the appeal in abeyance based on Appellant's representations.

The expected delivery date of the additional transcript has come and gone. Appellant has not communicated with the undersigned counsel concerning this matter. Upon information and belief, Appellant has not communicated with the Court as to the status of the requested transcript or the service of the Record on Appeal.

Respondent now moves to dismiss this matter based on the extended and unexplained delay, or Appellant moves for an Order requiring that the Record on Appeal be prepared and filed, with the exception of the transcript from April 20, 2016 (designated as #13 on Appellant's Amended Designation of Matter).

RILEY POPE & LANEY, LLC



Peter M. Balthazor, SC Bar No. 68244  
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Columbia, South Carolina 29205  
(803) 799-9993  
Attorney for Respondent

December 22, 2017

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In the Court of Appeals

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v.

Tara B. Barfield a/k/a Tara Burdiss Barfield,.....Appellant.


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**CERTIFICATE OF SERVICE**

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I do hereby certify that I served the Respondent's Motion for Involuntary Dismissal of Appeal upon the parties below herein by depositing a copy of same, this date, in the U.S. Mail, first class postage prepaid, and addressed as follows:

Tara B. Barfield a/k/a Tara Burdiss Barfield, *Pro Se*  
5088 Mariana Court  
Tega Cay, South Carolina 29708-7232

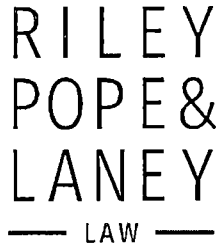


Paula P. Ash  
Paralegal

Columbia, South Carolina  
December 22, 2017

**South Carolina**

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December 22, 2017

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SC Court of Appeals

(Via Hand-Delivery)  
Ms. Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

Re: The Bank of New York Mellon fka The Bank of New York, as Trustee (CWALT 2004-2CB) vs. Tara B. Barfield a/k/a Tara Burdiss Barfield, Samuel C. Barfield, SouthTrust Bank, N.A., Beneficial Financial I Inc., CACH, LLC, and The South Carolina Department of Revenue  
Calendar No.: 2015-CP-46-03068  
Appellate Case No.: 2016-002161  
Our File No.: 4028.00915

Dear Ms. Kitchings:

Please find enclosed the original and six (6) copies of the Respondent's Motion for Involuntary Dismissal of Appeal with Certificate of Service in the above-referenced matter. Please file the enclosed documents and return one (1) filed copy with my courier.

Thank you,

A handwritten signature in black ink, appearing to read "Peter M. Balthazor".

Peter M. Balthazor

PMB/pash  
Enclosures

cc: Tara B. Barfield a/k/a Tara Burdiss Barfield, *Pro Se* (via USPS)

Riley Pope  
& Laney, LLC | ATTORNEYS AND COUNSELORS AT LAW

POST OFFICE BOX 11412  
COLUMBIA, SOUTH CAROLINA 29211

**TO:**

**VIA HAND DELIVERY**

Ms. Jenny Abbott Kitchings

South Carolina Court of Appeals

1220 Sumter Street

Columbia, SC 29201

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SC Court of Appeals