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February 21, 2013

VIA FACSIMILE & U.S. MAIL

Clerk of the South Carolina Court of Appeals
Attn: V. Claire Allen, Deputy Clerk
Post Office Box 11629
Columbia, SC 29211
Fax: 803-734-1839

RE: Bank of America, N.A. v. Todd Draper, et al.
C/A No.: 2010-CP-23-10468
Appellate Case No. 2012-208806
RETURN TO MOTION TO DISMISS HENRICKSON

Dear Ms. Allen:

This letter is in response to the request by the South Carolina Court of Appeals that I provide a response to motion by the appellant, Matthew Henrikson, that his appeal- but not that of Todd Draper- be dismissed. The respondent objects to allowing Mr. Henrikson to be dismissed from the appeal at this time for a couple of reasons.

First, the record on appeal and the amended record on appeal have already been prepared, and the record contains documents prepared by Mr. Henrikson individually and prepared by Mr. Henrikson as attorney for Todd Draper. These documents- and respondent's responses to these documents- differ slightly, and in respondent's brief, respondent may have addressed the documents separately. Thus, releasing Mr. Henrikson as a party at this time may change somewhat the argument on appeal.

Second, respondent believes the procedural history of the case and the reason for this appeal are better understood if Mr. Henrikson remains as an appellant. The interests of Mr. Draper and Mr. Henrikson differ somewhat. Mr. Draper does not reside on the property and admits that he is in default for failing to make the payments on his note. (ROA, pp. 59-60) He also admits that respondent's payment history is accurate. (ROA, p. 59-60).

Mr. Henrikson lives on the property and has a contract to purchase the property from Mr. Draper. The contract to purchase the property, which was filed for record in the Greenville County Register of Deeds Office, is the reason Mr. Henrikson was named as a party to this foreclosure case. (ROA, p. 9). Respondent believes Mr. Henrikson individually benefits more from this appeal than does Mr. Draper and that Mr. Henrikson should remain as a party to this case to answer any questions regarding his position individually.

Sincerely,



Dean A. Hayes
Attorney for Respondent

Enc: (6 copies of original)

Cc: Matthew H. Henrikson, Esq.
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