

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

**Jun 18 2020**

**SC Court of Appeals**

APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas  
Gordon G. Cooper, Master-in-Equity

Appellate Case No. 2020-000454

U.S. Bank, NA, as trustee relating to the Chevy Chase Funding, LLC Mortgage Backed  
Certificates, Series 2004-B, .....Plaintiff,

v.

Alyce F. Otto, Individually; Alyce F. Otto, Trustee Under Declaration of Trust of Alyce  
F. Otto dated the 17<sup>th</sup> of November 2009; TD Bank, NA; The United States of America,  
acting by and through its agency, the Internal Revenue Service; Laura Kerhulas Giese,  
as Co-Trustee of the Theodore Ernest Kerhulas Trust Under Declaration of Trust dated  
May 25, 2004; Mark Warner Kerhulas, as Co-Trustee of the Theodore Ernest Kerhulas  
Trust Under Declaration of Trust dated May 25, 2004; Jackson L. Munsey, Jr.;  
Citibank, NA, .....Defendants,

and

Alyce F. Otto, Trustee Under Declaration of Trust of Alyce F. Otto dated November  
17, 2009.....Plaintiff,

v.

Jackson L. Munsey, Jr.....Defendant.

of whom Jackson L. Munsey, Jr., is the.....Appellant,

and

Alyce F. Otto, Individually; Alyce F. Otto, Trustee Under Declaration of Trust of Alyce  
F. Otto dated the 17<sup>th</sup> of November 2009; Laura Kerhulas Giese, as Co-Trustee of the  
Theodore Ernest Kerhulas Trust Under Declaration of Trust dated May 25, 2004; Mark  
Warner Kerhulas, as Co-Trustee of the Theodore Ernest Kerhulas Trust Under  
Declaration of Trust dated May 25, 2004 are the.....Respondents.

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MOTION OUT OF TIME FOR EXTENSION OF TIME TO SERVE AND FILE  
INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN  
RECORD ON APPEAL

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Appellant hereby moves pursuant to Rule 263(b), SCACR, for an extension, out of time, to July 10, 2020, of the time in which to serve and file the Appellant's initial brief and designation of matter to be included in the record on appeal. The grounds for this motion are that there is good cause to grant the requested extension, as the following shows:

1. The current COVID-19 pandemic and its attendant disruption of the ordinary functioning of business has disrupted Appellant's counsel's schedule and ordinary pace of work, affecting numerous matters, including the completion of the initial brief in this case.
2. Apparently, that situation also disrupted the calendaring of the deadline to submit the initial brief and designation in this case. This deadline was previously extended to June 10, 2020; however, that deadline, through inadvertence, was not calendared on Appellant's counsel's calendaring system. Accordingly, Appellant's counsel missed the deadline.
3. The Respondents will suffer no prejudice if this extension is granted. This is only the second extension of this deadline sought in this appeal, which is already proceeding on a faster timeline than most appeals, since Appellant's counsel received the transcript early in the appeal process.

4. A 30-day extension of this deadline to July 10, 2020, should be sufficient for the completion of the brief, and counsel does not anticipate the need to seek another extension.
5. The undersigned has served this document on opposing counsel by email to registered AIS email address on the date given below.

WHEREFORE Appellant prays for an order extending the time in which to serve and file the Appellant's initial brief and designation of matter to be included in the record on appeal by 30 days, to July 10, 2020.

Respectfully submitted,

/s/ Andrew S. Radeker  
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June 18, 2020

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PROOF OF SERVICE OF MOTION OUT OF TIME FOR EXTENSION OF TIME  
TO SERVE AND FILE INITIAL BRIEF AND DESIGNATION OF MATTER TO  
BE INCLUDED IN RECORD ON APPEAL

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I certify that I served the appellant's motion out of time for extension of time in  
this case by providing a copy of it by email to opposing counsel at the email address(es)  
shown below and on the date shown below:

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Respectfully submitted,

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June 18, 2020