

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED

Jul 09 2020

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

SC Court of Appeals

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.

---

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

---

Appellant hereby moves pursuant to Rule 263(b), SCACR, for an extension 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. For the undersigned, this week has been taken up largely with dealing with unexpected and time-consuming matters that have delayed completion of the brief.
2. Accordingly, the undersigned is concerned that he will not finish the brief by its current deadline, which is tomorrow, July 10, 2020, and Appellant thus brings this motion in an abundance of caution.
3. Counsel for the Respondents consent to the extension sought, as noted in the email messages submitted with this motion.
4. This appeal is already proceeding on a faster timeline than most appeals, since Appellant's counsel received the transcript early in the appeal process.
5. A 10-day extension of this deadline to July 20, 2020, should be sufficient for the completion of the brief, and counsel does not anticipate the need to seek another extension.

6. 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 10 days, to July 20, 2020.

Respectfully submitted,

/s/ Andrew S. Radeker  
Andrew S. Radeker  
S.C. Bar No. 73743  
Harrison, Radeker & Smith, P.A.  
Post Office Box 50143  
Columbia, South Carolina 29250  
(803) 779-2211  
drew@harrisonfirm.com  
Attorney for Appellant

July 9, 2020

## Drew Radeker

---

**From:** Drew Radeker  
**Sent:** Thursday, July 9, 2020 12:05 PM  
**To:** David Walsh; Spruill, Sarah  
**Cc:** Rhonda Schaub  
**Subject:** RE: U.S. Bank v. Otto, Appellate Case No. 2020-000454

Thank you.

Drew Radeker



923 Calhoun Street,  
Columbia, South Carolina 29201  
Post Office Box 50143,  
Columbia, South Carolina 29250  
Telephone: (803) 779-2211  
Facsimile: (803) 779-6700  
[www.harrisonfirm.com](http://www.harrisonfirm.com)

**RECEIVED**

**Jul 09 2020**

**SC Court of Appeals**

*This e-mail message contains confidential, privileged information intended solely for the addressee. Please do not read, copy or disseminate it unless you are the addressee. If you have received it in error, please call us (collect) at (803) 779-2211 and ask to speak with the message sender. Also, we would appreciate your forwarding the message back to us and deleting it from your system. Any tax information or written tax advice contained herein (including any attachments) is not intended to be and cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.) Thank you.*

---

**From:** David Walsh <[dlwalsh@gainesandwalsh.com](mailto:dlwalsh@gainesandwalsh.com)>  
**Sent:** Thursday, July 9, 2020 12:02 PM  
**To:** Drew Radeker <[Drew@harrisonfirm.com](mailto:Drew@harrisonfirm.com)>; Spruill, Sarah <[sspruill@hsblawfirm.com](mailto:sspruill@hsblawfirm.com)>  
**Cc:** Rhonda Schaub <[Rhonda@harrisonfirm.com](mailto:Rhonda@harrisonfirm.com)>  
**Subject:** RE: U.S. Bank v. Otto, Appellate Case No. 2020-000454

I consent.

David L. Walsh  
**Gaines & Walsh**  
Suite 127, BTC 49  
145 N. Church Street [29306]  
**P.O. Box 5156**  
**Spartanburg, SC 29304**  
864-583-6363  
864-583-8446 [fax]  
864-621-7366 [cell]  
[dlwalsh@gainesandwalsh.com](mailto:dlwalsh@gainesandwalsh.com)

---

**From:** Drew Radeker <[Drew@harrisonfirm.com](mailto:Drew@harrisonfirm.com)>  
**Sent:** Thursday, July 9, 2020 11:44 AM  
**To:** Spruill, Sarah <[sspruill@hsblawfirm.com](mailto:sspruill@hsblawfirm.com)>; David Walsh <[dlwalsh@gainesandwalsh.com](mailto:dlwalsh@gainesandwalsh.com)>

**Cc:** Rhonda Schaub <[Rhonda@harrisonfirm.com](mailto:Rhonda@harrisonfirm.com)>  
**Subject:** RE: U.S. Bank v. Otto, Appellate Case No. 2020-000454

Thank you.

Drew Radeker



923 Calhoun Street,  
Columbia, South Carolina 29201  
Post Office Box 50143,  
Columbia, South Carolina 29250  
Telephone: (803) 779-2211  
Facsimile: (803) 779-6700  
[www.harrisonfirm.com](http://www.harrisonfirm.com)

*This e-mail message contains confidential, privileged information intended solely for the addressee. Please do not read, copy or disseminate it unless you are the addressee. If you have received it in error, please call us (collect) at (803) 779-2211 and ask to speak with the message sender. Also, we would appreciate your forwarding the message back to us and deleting it from your system. Any tax information or written tax advice contained herein (including any attachments) is not intended to be and cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.) Thank you.*

---

**From:** Spruill, Sarah <[sspruill@hsblawfirm.com](mailto:sspruill@hsblawfirm.com)>  
**Sent:** Thursday, July 9, 2020 11:41 AM  
**To:** Drew Radeker <[Drew@harrisonfirm.com](mailto:Drew@harrisonfirm.com)>; [dlwalsh@gainesandwalsh.com](mailto:dlwalsh@gainesandwalsh.com)  
**Cc:** Rhonda Schaub <[Rhonda@harrisonfirm.com](mailto:Rhonda@harrisonfirm.com)>  
**Subject:** RE: U.S. Bank v. Otto, Appellate Case No. 2020-000454

I consent.



**Sarah P. Spruill** | Attorney  
Direct 864.240.3220 | [sspruill@hsblawfirm.com](mailto:sspruill@hsblawfirm.com)  
Haynsworth Sinkler Boyd, P.A.  
ONE North Main, 2nd Floor | Greenville, SC 29601  
Main 864.240.3200 | Fax 864.240.3300  
[Web](#) | [Bio](#) | [vCard](#) | [Map](#) | [Linked In](#) | [Blog](#)

---

**From:** Drew Radeker <[Drew@harrisonfirm.com](mailto:Drew@harrisonfirm.com)>  
**Sent:** Thursday, July 9, 2020 11:40 AM  
**To:** Spruill, Sarah <[sspruill@hsblawfirm.com](mailto:sspruill@hsblawfirm.com)>; [dlwalsh@gainesandwalsh.com](mailto:dlwalsh@gainesandwalsh.com)  
**Cc:** Rhonda Schaub <[Rhonda@harrisonfirm.com](mailto:Rhonda@harrisonfirm.com)>  
**Subject:** RE: U.S. Bank v. Otto, Appellate Case No. 2020-000454

Sarah & David:

I hope you're both doing well. I'm writing to see if you'll consent to a short extension of our brief and designation deadline, which is presently tomorrow. A bunch of my time this week got taken up having to deal with other things (which is still happening today), and I'm concerned that I won't be able to get this done by tomorrow. I plan to ask for a 10-day extension, even though I also plan to have the brief finished in a lot less time than that.

Thanks. Let me know.

Drew Radeker



923 Calhoun Street,  
Columbia, South Carolina 29201  
Post Office Box 50143,  
Columbia, South Carolina 29250  
Telephone: (803) 779-2211  
Facsimile: (803) 779-6700  
[www.harrisonfirm.com](http://www.harrisonfirm.com)

*This e-mail message contains confidential, privileged information intended solely for the addressee. Please do not read, copy or disseminate it unless you are the addressee. If you have received it in error, please call us (collect) at (803) 779-2211 and ask to speak with the message sender. Also, we would appreciate your forwarding the message back to us and deleting it from your system. Any tax information or written tax advice contained herein (including any attachments) is not intended to be and cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.) Thank you.*

---

**CONFIDENTIALITY NOTICE:** *This e-mail and any files transmitted with it are confidential and may contain information which is legally privileged or otherwise exempt from disclosure. They are intended solely for the use of the individual or entity to whom this e-mail is addressed. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please immediately notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.*

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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

**RECEIVED**  
**Jul 09 2020**  
SC Court of Appeals

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.

---

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

---

I certify that I served the appellant's motion 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:

Sarah P. Spruill, Esq.  
sspruill@hsblawfirm.com

Max T. Hyde, Jr., Esq.  
max@maxhydelawfirm.com

Samantha N. Larkins, Esq.  
samantha@maxhydelawfirm.com

David L. Walsh, Esq.  
dlwalsh@gainesandwalsh.com

Respectfully submitted,

/s/ Andrew S. Radeker  
Andrew S. Radeker  
S.C. Bar No. 73743  
Harrison, Radeker & Smith, P.A.  
Post Office Box 50143  
Columbia, South Carolina 29250  
(803) 779-2211  
drew@harrisonfirm.com  
Attorney for Appellant

July 9, 2020