

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

**Sep 28 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.

---

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

---

Appellant hereby moves pursuant to Rule 263(b), SCACR, for an extension to October 15, 2020, of the time in which to serve and file the Appellant's initial reply brief and any accompanying 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 past week and weekend has been taken up largely with dealing with unexpected and time-consuming matters that have delayed completion of the reply brief. The undersigned is also working to meet a writing-intensive deadline today. The undersigned also has hearings and a bench trial, in addition to several meetings and other deadlines, coming up within the next ten days.
2. Accordingly, it is likely that the undersigned he will not finish the reply brief by its current deadline, which is today, September 28, 2020, and Appellant thus brings this motion.
3. Counsel for Respondent Otto consents to the extension sought. (To the undersigned's knowledge, the Kerhulas Respondents have not served a brief.)
4. This is the first extension sought of this deadline.

5. This appeal is already proceeding on a faster timeline than most appeals, since Appellant's counsel received the transcript early in the appeal process.
6. An extension of this deadline to October 15, 2020, should be sufficient for the completion of the reply brief, and counsel does not anticipate the need to seek another extension.
7. 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 reply brief and any accompanying designation of matter to be included in the record on appeal to October 15, 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

September 28, 2020

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED

Sep 28 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.

---

PROOF OF SERVICE

---

I certify that I served the foregoing motion for extension 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

September 28', 2020