

**RECEIVED**  
**Aug 23 2021**  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
Bentley D. Price, Circuit Court Judge

Appellate Case No. 2020-001204  
Case No. 2018-CP-10-02762

Wilmington Trust National Association as Successor  
Trustee to Citibank N.A. as Trustee of Structured Asset  
Mortgage Investments II Inc., Bear Stearns ALT-A Trust  
II Mortgage Pass-Through Certificates Series 2007-1, ..... Plaintiff,

v.

Temisan Etikerentse a/k/a Temisan L. Etikerentse,  
Ijeoma Etikerentse a/k/a Ijeoma Etkis, Suntrust Mortgage  
Inc., Capital Bank Corporation, Bank of America  
NA, Keybank National Association, and Olde Park  
Homeowners' Association Inc., ..... Defendants.

AND

Temisan Etikerentse a/k/a Temisan L. Etikerentse,  
Ijeoma Etikerentse a/k/a Ijeoma Etiks ..... Appellants,

v.

Specialized Loan Servicing LLC a/k/a SLS, ..... Respondent.

**RETURN TO MOTION FOR EXTENSION**

Pursuant to Rules 240, SCACR, Respondent Specialized Loan Servicing LLC (“SLS”) submits this return to Appellants’ motion for extension of time to file their final brief. Respectfully, the deadline for Appellants to file their final brief has already expired and Appellants have not filed any motion for leave to file their brief out of time. Moreover, Appellants have not shown why good cause exists for an additional twenty day extension of this deadline.

SLS filed its Initial Brief of Respondent on April 22, 2021. Pursuant to Rule 208(a)(3), SCACR, Appellants' Initial Reply Brief was originally due on May 3, 2021. Appellants sought, and the Court granted, a first ten-day extension, which placed Appellants' deadline at May 13, 2021. Appellants then sought, and the Court granted, a second ten-day extension, which placed Appellants' deadline at May 24, 2021 after accounting for the weekend.<sup>1</sup> The Court's Order stated: "No further extensions will be granted absent extraordinary circumstances." Appellants did not file anything further.

Accordingly, on June 29, 2021, the Court issued a letter noting that the time to file and serve a reply brief and designation of matter had expired. The letter gave Appellants ten days to serve any reply brief and designation of matter and directed Appellants to file a motion requesting permission to serve out of time. The Court reiterated that a reply brief would not be considered if no motion was made within ten days of the letter. Appellants did not file anything in response to this letter.

Under Rule 210(a), service of the Record on Appeal was required within 30 days of service of last brief. *See* Rule 210(a), SCACR (providing that "[w]ithin thirty (30) days after service of the last brief, the appellant *shall serve* a copy of the Record on Appeal on each party who has served a brief" and "immediately file[]" proof of service with the clerk of the appellate court"). Because Appellants opted not to file a reply brief, this resulted in SLS's brief becoming the "last" brief. SLS served its brief on April 22, 2021, which made the deadline for serving the record on appeal May 24, 2021.

On July 26, 2021, Respondent filed a motion to dismiss the appeal because the record on appeal had not been served. Appellants filed and served the record on appeal later that same day.

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<sup>1</sup> The Court's order provided a deadline of May 23, 2021, which fell on a Sunday.

In light of Appellants' correction of this issue, SLS withdrew its motion to dismiss despite the timeliness issue.

Pursuant to Rule 211(a), the parties' time to serve their final briefs was twenty (20) days after service of the record on appeal, which placed the deadline at **August 16, 2021**. Respondent timely filed its final brief on July 28, 2021. To date, however, Appellants have not filed their final brief and have not filed a motion for leave to file out of time.

As Rule 211 notes, final briefs "shall be identical to the brief(s) previously served under Rule 208" except for the addition of citations to the record and correction of obvious typographical errors. *See* Rule 211, SCACR. No substantive changes are permitted. Accordingly, the scope of work in preparing final briefs is not expected to be significant and the rules do not contemplate that it will take the parties an extended period of time to complete this step.

Respondent would not object to Appellants' request under normal circumstances. However, Appellants have not offered any explanation as to why additional time is necessary. The previous delays in this matter and the lack of any supporting information demonstrating why good cause exists to grant an extension have necessitated this objection. Respondent respectfully requests that the Court take whatever action it believes to be appropriate regarding Appellants' motion.

*Signature on Following Page*

Respectfully submitted,

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