

The South Carolina Court of Appeals

Independence National Bank, Respondent,

v.

Buncombe Professional Park, LLC and David DeCarlis
s/a David D. DeCarlis, Defendants,

Of Whom David DeCarlis is the Appellant.

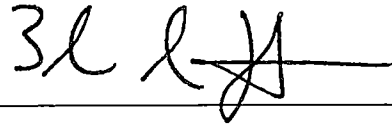
Appellate Case No. 2019-002047

ORDER

This is one of several appeals arising out of an attempt to enforce a judgment against David DeCarlis. This particular appeal (which began as two appeals but was consolidated into one) involved three orders: a November 2019 order appointing a receiver, a December 2019 order denying DeCarlis's motion to reconsider the order requiring him to repatriate assets, and a February 2020 order holding him in contempt. The briefing in this case is complete and the case is currently on the preliminary list for review. DeCarlis contends the circuit court erred in appointing a receiver, erred in holding him in contempt, and erred in concluding he had control over the funds in a trust.

Subsequent events suggest the circumstances have materially changed. DeCarlis separately appealed a June 2021 order establishing a procedure to sell his property. See C-TRACK Appellate Case No. 2021-000704. That case was dismissed by consent based on the parties' joint representation to the court that they have reached a "settlement." That case bore the same circuit court case number as this one: case 2010-CP-23-03860. In response to a request for information from this court, the respondent has formally withdrawn opposition to this appeal and suggests that the appeal is moot.

Within ten (10) days, DeCarlis is directed to send a letter to the court explaining why the case should not be dismissed as moot. If the parties have reached an agreement to settle the debt, that would seem to necessarily resolve all disputes about the debt, including appointing a receiver to collect it, requiring DeCarlis to repatriate money to satisfy it, and contempt for not paying it. Failure to respond will result in the case's dismissal.



J.

Columbia, South Carolina

cc:

Shawn Micheal French, Sr., Esquire

Aaron J. Angell, Esquire

Kevin Nicklaus Molony, Esquire

Christopher L. Jones, Esquire

Joseph Owen Smith, Esquire

Joshua Jennings Hudson, Esquire

FILED
Sep 07 2022