

RECEIVED

Sep 19 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Master-in-Equity

Charles B. Simmons, Jr., Master in Equity

Case No. 2010-CP-23-3860
Appellate Case No. 2019-002047

Independence National Bank,

Respondent,

v.

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

Of who, David Decarlis is the Appellant.

Motion for Dismissal

The Parties to this action have settled this matter and wish to dismiss the appeal. They have entered into a settlement agreement where all claims between the parties have been resolved.

Pursuant to the Settlement Agreement, the parties agree the Order for Repatriation of Assets filed October 8, 2019, the Order Denying the Motion to Reconsider filed December 5, 2019, Order Holding Defendant Decarlis in Contempt of Court filed December 17, 2019, and Order Confirming Contempt Order filed February 13, 2020 are VACATED. All other orders are AFFIRMED.

These four orders all concern the repatriation of funds into the bank account of Shawn M. French, attorney for Mr. Decarlis with the ultimate goal of applying the funds toward the underlying judgment in this matter. The debt has been settled. Because of this, Independence National Bank no longer has standing as a creditor. The Order for Repatriation of Funds is moot as there is no longer any debt to apply it to.

The respondent has withdrawn its opposition to this appeal.

For these reasons, the Appellant requests that pursuant to Rule 261 SCACR, the Orders be vacated and this appeal be dismissed.

September 19, 2022

I SO MOVE:
/s/Shawn M. French, Sr.
Shawn M. French, Sr.
1476 Ben Sawyer Blvd, Ste. 3
Mount Pleasant, SC 29464
(ph) 843-606-6440
(fax) 888-850-0948
shawn@thefrenchlawfirm.com
Attorney for Appellant, David Decarlis

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Sep 19 2022

SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Master-in-Equity

Charles B. Simmons, Jr., Master in Equity

Case No. 2010-CP-23-3860
Appellate Case Number 2019-002047

Independence National Bank,

Respondent,

v.

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

Of who, David Decarlis is the

Appellant.

PROOF OF SERVICE

I certify that I have served the Motion to Dismiss on the below parties on September 19, 2022.

Aaron Angell
200 N. Main St
Greenville, SC 29601

Kevin Malony
212 Newberry Street NW
Aiken, SC 29801

Christopher Jones
650 E. Washington Street
Greenville, SC 29601

Joshua Jennings Hudson
Joseph Owen Smith
200 N. Main Street
Suite 301-C
Greenville, SC 29601

/s/Shawn M. French, Sr.
Shawn M. French, Sr.
1476 Ben Sawyer Blvd, Ste. 3
Mount Pleasant, SC 29464
(ph) 843-606-6440
(fax) 888-850-0948
shawn@thefrenchlawfirm.com
Attorney for Appellant, David Decarlis



RECEIVED
Sep 19 2022
SC Court of Appeals

SEPTEMBER 19, 2022

VIA EMAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Independence National Bank v. David Decarlis, et al.
Case No.: 2010-CP-23-3860

To Whom It May Concern,

I have received the Court's correspondence dated September 7th, 2022. It is true that the matter has settled but the settlement between the parties cannot fully resolve the matters of this appeal. There is still an order holding Mr. Decarlis in contempt and threatening incarceration. For this reason, the matter is not moot. The settlement agreement intentionally provided for the removal of all opposition to this appeal by the respondent so that the contempt can be fully cleared. The parties have no authority over the court that issued this order, but the Appellate Court does.

In order to resolve this matter, I am submitting a Motion to Dismiss with this letter and will be forwarding the filing fee by separate email.

If you have any questions, you can contact me at the below number.

Sincerely,

Shawn M. French