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Jun 26 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Joseph M. Strickland, Circuit Court Judge

Court of Appeals Appellate Case No. 2022-001597

Capital Bank, N.A., formerly known as NAFH National Bank,
successor in interest to Carolina National Bank and Trust Company,
and to First National Bank of the South,.....Appellant,

v.

Rosewood Holdings, LLC, D. Christopher Twitty, and
First Citizens Bank and Trust Company, Inc.,..... Defendants,

Of Which Rosewood Holdings, LLC and D. Christopher Twitty are Respondents.

APPELLANT’S MOTION TO FILE REPLY TO
RETURN TO APPELLANT’S MOTION FOR
EXPEDITED APPEAL OUT OF TIME

Appellant electronically served and filed its Motion to Expedite Appeal on June 12, 2023, making Respondents’ Return due on or before June 22, 2023. (Rule 240(e), SCACR). Respondents hand filed their Return to the motion with this Court on June 14, 2023, but served Appellant via U.S. Mail, as evidenced by its Proof of Service. Appellant’s Reply was therefore due on or before June 22, 2023 (Rules 240(f) and 263(a), SCACR), but Appellant did not receive and was not aware of the Return until June 21, 2023. At that time, undersigned counsel was (and remains) out of the office due to the sudden and unexpected death of a member of his immediate family.

Based on the foregoing circumstances, Appellant respectfully requests that it be permitted to file a Reply to Respondent’s Return on or before July 10, 2023.

Respectfully Submitted,

/s/Robert L. Widener

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ATTORNEYS FOR APPELLANT

June 26, 2023
Columbia, SC

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APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland, Master-In-Equity

Appellate Case No. 2022-001597

Capital Bank, N.A., formerly known as NAFH National Bank,
successor in interest to Carolina National Bank and Trust Company,
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v.

Rosewood Holdings, LLC, D. Christopher Twitty, and
First Citizens Bank and Trust Company, Inc.,..... Defendants,

Of which Rosewood Holdings, LLC and D. Christopher Twitty are Respondents.

CERTIFICATE OF SERVICE

I, Ann Shuler, an employee of Burr & Forman LLP certify that I have served the
*APPELLANT'S MOTION TO FILE REPLY TO RETURN TO APPELLANT'S MOTION FOR
EXPEDITED APPEAL OUT OF TIME* on counsel for the Respondents via email at the email addresses
listed below, on June 26, 2023:

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SC Court of Appeals

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June 26, 2023

VIA EMAIL (CTAPPFILINGS @sccourts.org)

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

**Re: Capital Bank, N.A. -v- Rosewood Holdings, LLC. et al.
Appellate Case No.: 2022-001597**

Dear Madam Clerk:

Attached for filing, please find *Appellant's Motion to File Reply to Return to Appellant's Motion for Expedited Appeal Out of Time*, along with the Certificate of Service for same. The filing fee of \$50 will be hand delivered to the Court today. Counsel for the Respondents have been served with a copy of this motion via email.

Thank you for your assistance in this matter.
Sincerely,

Burr & Forman LLP



Robert Widener

RLW/as

Attachments

cc: Spencer Andrew Syrett
Ian D. McVey