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September 19, 2013

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

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SC Court of Appeals

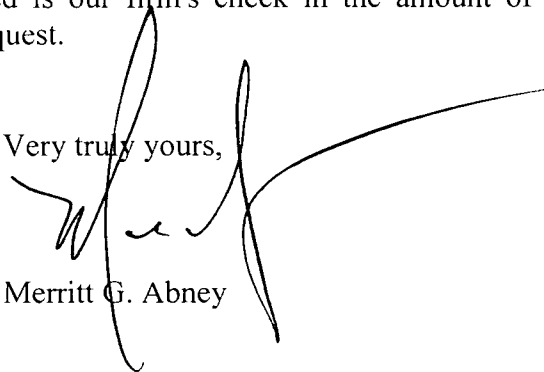
RE: The Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage Funding Trust, Series 2004-1 v. Rachel R. Lindsay, et al.
Civil Action No.: 2011-CP-18-1013
Our File No.: 33576/01503

Dear Ms. Kitchings:

Appellants The Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage Funding Trust, Series 2004-1 and Saxon Mortgage Servicing, Inc., ("Appellants") respectfully request a thirty (30) day extension to file their Initial Brief and Designation of Matter, due to scheduling and work conflict issues. Because counsel for Appellants received the transcript from the proceedings below prior to service of the Notice of Appeal, the due date for Appellant's Initial Brief and Designation of Matter is currently October 9, 2013, which is 30 days after service of the Notice of Appeal. With a thirty-day extension, Appellant's Initial Brief and Designation of Matter would be due on or before **November 8, 2013**. This is Appellant's first request for an extension of time. Enclosed is our firm's check in the amount of \$25.00 in payment of the required filing fee for this request.

Your consideration is most appreciated.

Very truly yours,


Merritt G. Abney

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Enclosures

cc: G. Thomas Hill, Esq.
Matthew J. Modica, Esq.