

STATE OF SOUTH CAROLINA
In The Court of Appeals

69946

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Charles B. Simmons, Jr., Master In Equity

C.A. NO. 2011-CP-23-5912

Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP FKA
Countrywide Home Loans Servicing, LP,

Appellant,

v.

Charles M. Thompson, Mortgage Electronic Registration Systems, Inc., as nominee for
E-Loan, Inc., Mortgage Electronic Registration Systems, Inc. as nominee for MidCountry
Bank, Bridges Crossing Property Owners' Association, Inc., and SC Telco Federal Credit
Union, and Oriole Properties, Inc., of whom Oriole Properties is

Respondent.

C.A. NO. 2011-CP-23-3668

U.S. Bank, National Association,

Respondent,

v.

Charles M. Thompson, E-Loan, Inc. and SC Telco Federal Credit Union, of whom Bank
of America, N.A. as successor in interest to E-Loan, Inc. is

Appellant.

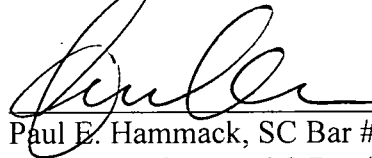
CONSENT MOTION TO DISMISS RESPONDENT ORIOLE PROPERTIES, LLC

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SC Court of Appeals

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Respondent Oriole Properties, LLC, with the consent of Appellant Bank of America, N.A., herby moves this Court to dismiss Oriole Properties, LLC from this matter.

Appellant Bank of America, N.A. has stipulated that it is not seeking any recovery or relief from Oriole Properties, LLC. In its Reply Brief, Appellant acknowledged that it does not seek a ruling setting aside the underlying foreclosure sale to Oriole Properties, LLC or challenging the bona fide purchaser status of Oriole Properties, LLC. (Appellant Reply Br. 10 – 12). Rather, Appellant seeks only that the Court issue a ruling as to the priority of the mortgages of Bank of America and Respondent U.S. Bank on the property at 104 Nobska Light Court. *Id.* at 13. Accordingly, Bank of America consents to the dismissal of Oriole Properties, LLC. This matter should be dismissed as to Oriole Properties, LLC. This dismissal does not end the action as Bank of America's appeal remains viable as to Respondent U.S. Bank.

CLAWSON AND STAUBES, LLC



Paul E. Hammack, SC Bar #68501

Andrew F. Carson, SC Bar #100041

Attorneys for Respondent Oriole Properties, LLC

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Greenville, SC 29609

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September 27, 2013
Greenville, South Carolina

Andrew Carson - RE: BOA v. Oriole Properties Appeal - Consent Motion to Dismiss Oriole Properties

From: Michael Anzelmo <Michael.Anzelmo@nelsonmullins.com>
To: Andrew Carson <ACarson@CLAWSONANDSTAUBES.COM>
Date: 9/24/2013 11:53 AM
Subject: RE: BOA v. Oriole Properties Appeal - Consent Motion to Dismiss Oriole Properties

Andrew,

You have my consent to file the motion. Please feel free to attach this email to the motion indicating same.

Michael

Michael J. Anzelmo | Attorney at Law | Nelson Mullins Riley & Scarborough LLP
(p) 803.255.9312 | (f) 803.255.9024 | (e) michael.anzelmo@nelsonmullins.com

From: Andrew Carson [mailto:ACarson@CLAWSONANDSTAUBES.COM]
Sent: Tuesday, September 24, 2013 11:27 AM
To: Michael Anzelmo
Subject: BOA v. Oriole Properties Appeal - Consent Motion to Dismiss Oriole Properties

Michael,

I have attached the Consent Motion to Dismiss we discussed. Please review and let me know if it meets your approval.

Thanks.



**CLAWSON
AND
STAUBES
LLC**

Andrew F. Carson
Licensed in SC and NC

223 West Stone Ave., Suite 100 | Greenville SC | 29609
Phone: 864 331 8940 Ext. 201 | Fax: 864 232 2921 | Mobile: 864 207 3400

STATE OF SOUTH CAROLINA
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APPEAL FROM GREENVILLE COUNTY
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The Honorable Charles B. Simmons, Jr., Master In Equity

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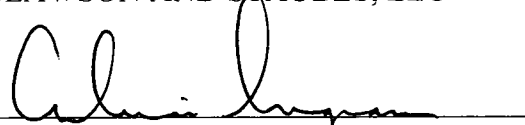
SC Court of Appeals

I hereby certify that true and correct copies of the **CONSENT MOTION TO DISMISS**, along with proof of service, was served upon counsel by placing a copy of same in the United States Mail with proper postage affixed thereto addressed as follows:

Michael J. Anzelmo
1320 Main Street/17th Floor
PO Box 11070 (29211-1070)
Columbia, South Carolina 29201

Thomas A. Shook
Finkel Law Firm, LLC
3955 Faber Place Drive
North Charleston, SC 29405

CLAWSON AND STAUBES, LLC

A handwritten signature in black ink, appearing to read 'Adrian Ingram', is written over a horizontal line.

Adrian Ingram, Paralegal
Attorneys for Respondent Oriole Properties, LLC
223 W. Stone Avenue
Greenville, SC 29609
864-331-8940/Fax: 864-232-2921
E-mail: acarson@clawsonandstaubes.com

September 27, 2013
Greenville, South Carolina

**CLAWSON
AND
STAUBES**
LLC

Andrew F. Carson
acarson@clawsonandstaubes.com

September 27, 2013

File No.: 1136.001

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

**Re: Bank of America v. Charles Thompson
Appellate Case No. 2012-213310**

Dear Ms. Kitchings:

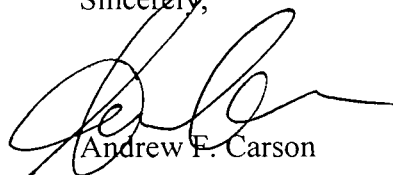
Please find enclosed for filing an original and seven copies of a Consent Motion to Dismiss Respondent Oriole Properties, LLC and the \$25.00 filing fee. Please file the original and return a clocked copy to our Greenville office in the enclosed self-addressed, stamped envelope.

By copy of this letter I am serving the Motion on all opposing parties.

Should you have any questions regarding this matter, please do not hesitate to contact me.

With kind regards,

Sincerely,



Andrew F. Carson

AFC/
Enclosures

Cc: Michael Anzelmo
Thomas A. Shook

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