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**May 26 2026**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA**

**In The Court of Appeals**

**Appellate Case No.: 2026-001103**

The Bank of New York Mellon, f/k/a The Bank of New York as successor in interest to JP Morgan Chase Bank, N.A. as Trustee for NovaStar Mortgage Funding Trust, Series 2004-1, NovaStar Home Equity Loan Asset-Backed Certificates, Series 2004-1, Respondent,

v.

Timothy Allen Nunally, as Personal Representative for the Estate of Carl Alvin Nunally, Sr., deceased; Timothy Allen Nunally, as Trustee for the Carl Alvin Nunally Trust; Carl Alvin Nunally, Jr.; Mark Anthony Nunnally; and Timothy Allen Nunally, Defendants,

of which Timothy Allen Nunally and Mark Anthony Nunnally are the Appellants.

**APPELLANTS' MOTION FOR EXTENSION OF TIME TO SERVE AND FILE INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellants Timothy Allen Nunally and Mark Anthony Nunnally, appearing pro se, respectfully move this Court for an extension of time to serve and file their Initial Brief and Designation of Matter to be Included in the Record on Appeal.

In support of this Motion, Appellants respectfully show the Court as follows:

1. This appeal arises from proceedings in the Lexington County Court of Common Pleas/Master-in-Equity matter below, involving the final order and judgment entered in the underlying foreclosure action.

2. Appellants have been advised by the South Carolina Court of Appeals that the current deadline for serving and filing the Appellants' Initial Brief and Designation of Matter to be Included in the Record on Appeal is June 4, 2026.
3. On May 14, 2026, Appellants filed their **Appellants' Notice Regarding Transcript Previously Ordered and Received**, advising the Court that the February 10, 2026 trial transcript had already been ordered, prepared, paid for, and delivered to Appellants.
4. The filed Notice included supporting exhibits consisting of the transcript invoice/payment confirmation, the court reporter email delivering the transcript, and the transcript cover page.
5. Appellants are proceeding pro se and are preparing the Initial Brief and Designation of Matter without counsel.
6. Appellants require additional time to review the transcript, identify and cite the relevant portions of the trial record, prepare the Statement of Issues, organize the appellate arguments, and accurately designate the matter to be included in the Record on Appeal.
7. This Motion is made in good faith and not for purposes of delay.
8. Appellants respectfully request a thirty-two (32) day extension, through and including Monday, July 6, 2026, to serve and file the Appellants' Initial Brief and Designation of Matter to be Included in the Record on Appeal.

9. Appellants are submitting the required \$50.00 motion filing fee separately by money order/ cashier's check, payable as required by the Court, and the payment is being mailed to the Court contemporaneously with the electronic submission of this motion.

WHEREFORE, Appellants respectfully request the Court grant this Motion and extend the deadline for Appellants to serve and file their Initial Brief and Designation of Matter to be Included in the Record on Appeal through and including Monday, July 6, 2026, and grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

Date: May 26, 2026

  
**Timothy Allen Nunally**

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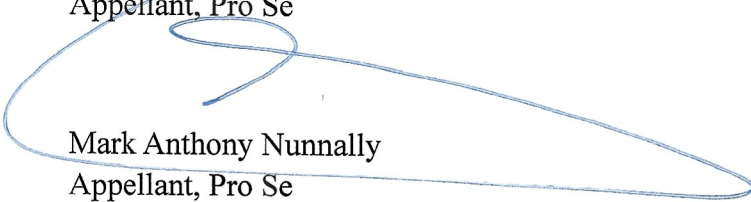
**MEMORANDUM IN SUPPORT OF APPELLANTS' MOTION FOR EXTENSION OF TIME**

1. Appellants respectfully submit this brief memorandum in support of their Motion for Extension of Time.
2. Rule 240, SCACR, governs motions filed in the appellate court, including motions for extension of time.
3. The Rule requires that motions be in writing, state the grounds for the requested relief, include proof of service, and include supporting authority.
4. Rule 240 also provides that motions are filed with the clerk of the appellate court and served upon each party.
5. Good cause exists for the requested extension.
6. Appellants are proceeding pro se, the appeal involves a foreclosure judgment, and the Initial Brief requires careful review of the February 10, 2026 trial transcript, the lower court record, the final order, and the exhibits and pleadings necessary to identify preserved appellate issues.
7. Appellants have already filed notice that the transcript was previously ordered and received, and the supporting exhibits show the transcript was delivered and available for appellate use.
8. The requested extension is not sought for delay, but to allow Appellants to prepare an accurate and properly supported Initial Brief and Designation of Matter to be Included in the Record on Appeal.
9. For these reasons, Appellants respectfully request that the Court grant the Motion and extend the deadline through Monday, July 6, 2026.

Respectfully submitted,

Date: May/26, 2026

  
Timothy Allen Nunally  
Appellant, Pro Se

  
Mark Anthony Nunnally  
Appellant, Pro Se

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**SC Court of Appeals**

**CERTIFICATE OF SERVICE**

I certify that I served the foregoing **Appellants' Motion for Extension of Time to Serve and File Initial Brief and Designation of Matter to Be Included in the Record on Appeal**, together with the accompanying Memorandum in Support, upon all counsel listed on the South Carolina Court of Appeals' May 2026 correspondence and all counsel of record by electronic mail and/or U.S. Mail as follows:

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**South Carolina Court of Appeals**

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I certify that service was made this 26<sup>th</sup> day of May, 2026.

Respectfully submitted,

  
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