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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas
James Spence, Master in Equity
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 Nunally, as Personal Representative for the Estate of Carl Alvin Nunally, Sr., deceased; Timothy Allen Nunally, as Trustee for the CAN Irrevocable Trust; Carl Alvin Nunally, Jr.; Mark Anthony Nunally,

Defendants,

Of which, Timothy Nunally and Mark Nunally are the Appellants.

FIRST MOTION FOR EXTENSION OF TIME TO SERVE AND FILE RESPONDENT'S INITIAL BRIEF AND DESIGNATION OF MATTER

Chad W. Burgess, Esq.
Brock & Scott, PLLC
1400 Browning Road, Suite 160
Columbia, South Carolina 29210
(803) 454-3540
Attorney for Respondent

Other parties:
Timothy Allen Nunally, pro se Appellant
Mark Anthony Nunally, pro se Appellant
5681 Grande River Rd.
College Park GA 30349

Respondent respectfully requests and moves under Rule 263 of the South Carolina Appellate Court Rules for a thirty (30) day extension of time to file its Initial Brief and Designation of Matter due to scheduling and work conflict issues. The due date for Respondent's Initial Brief and Designation of Matter to be included in the record on appeal are currently due on or before August 4, 2026. With a thirty-day extension, Respondent's Initial Brief and Designation of Matter would be due on or before **September 4, 2026**. This is Respondent's first request for an extension of time.

WHEREFORE, Respondent, respectfully requests that this Court grant it an additional 30 days to file and serve its Initial Brief and Designation of Matter to be included in the record on appeal.

July 31, 2026

s/Chad W. Burgess, Esq.
(S.C. Bar No.: 72520)
BROCK & SCOTT, PLLC
1400 Browning Rd. Suite 160
Columbia, South Carolina 29210
(803) 454-3540
Attorney for Respondent

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Defendants,

Of which, Timothy Nunally and Mark Nunally are the Appellants.

CERTIFICATE OF SERVICE

The undersigned certifies that, on JULY 31, 2026 Respondent's First Motion for an extension of time to file and serve its Initial Brief and Designation of Matter to be Included in the Record on Appeal was served on Appellant by depositing a copy thereof in the United States Mail, first Class, postage prepaid, addressed to:

Timothy Allen Nunally
5681 Grande River Rd.
College Park GA 30349

Mark Anthony Nunally
5681 Grande River Rd.
College Park GA 30349

Lauren Guy
BROCK & SCOTT, PLLC