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Oct 13 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM LEXINGTON COUNTY

The Honorable James O. Spence, Master-in-Equity

Appellate Case No. 2026-001103

Trial Court Case No. 2024-CP-32-01094

The Bank of New York Mellon, f/k/a The Bank of New York, as successor in interest to JPMorgan 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 CAN Irrevocable Trust; Carl Alvin Nunally, Jr.; and Mark Anthony Nunnally,
Defendants, of whom Timothy Allen Nunally and Mark Anthony Nunnally are Appellants.

APPELLANTS' MOTION FOR EXTENSION OF TIME TO SERVE RECORD ON

APPEAL AND FILE PROOF OF SERVICE

Pursuant to Rules 210(a), 240, 262, and 263(b), SCACR, Appellants Timothy Allen Nunally and Mark Anthony Nunnally, appearing individually and pro se, respectfully move for a fourteen (14)-day extension, through and including October 28, 2026, of the deadline to serve the Record on Appeal upon Respondent and promptly file proof of service. The currently calculated deadline is October 14, 2026. This motion is supported by the unforeseen family medical emergency

described in Exhibit A and a newly identified record-assembly obstacle concerning two earlier hearing transcripts specifically designated by Respondent, whose dates and availability require verification.

FACTUAL GROUNDS

1. Appellants' Reply Brief was served on September 14, 2026. Under Rule 210(a), SCACR, the deadline for Appellants to serve the Record on Appeal falls thirty (30) days later, on October 14, 2026, absent a contrary order.

2. On or about October 3, 2026, the adult son of Appellant Mark Anthony Nunnally suffered a serious accident that caused significant injuries and required emergency hospitalization, including care in an intensive care unit, in Columbia, South Carolina.

3. The accident and hospitalization unexpectedly required Mr. Nunnally to travel, participate in urgent family and medical discussions, and attend to immediate care and post-hospital follow-up needs. These responsibilities arose during the final period available for compiling, organizing, reviewing, and serving the Record on Appeal.

4. The Record on Appeal requires coordinated assembly of the materials properly designated under Rule 209, SCACR, including relevant orders, pleadings, transcript portions, and trial exhibits, with the organization and formatting required by Rule 210, SCACR. Appellants seek a brief period to complete those tasks accurately rather than transmit an incomplete or disorganized record.

5. In his September 4, 2026 Designation of Matter to Be Included in the Record on Appeal, counsel for Respondent designated a "January 12, 2025, transcript of motion hearing" (Item 12) and an "August 27, 2025, transcript of hearing" (Item 36). Respondent also designated the February 10, 2026 bench-trial transcript (Item 40), which Appellants previously obtained.

6. The actual date of the earlier January 2025 hearing requires clarification. The Lexington County Public Index action history identifies hearing-notice filings on January 3 and January 10, 2025, and an order dated February 12, 2025. Contemporaneous case correspondence identifies a January 28, 2025 hearing, rather than January 12. The docket history does not by itself verify the existence or custody of either earlier designated transcript.

7. Appellants need additional time to confirm the correct hearing dates, determine whether the two earlier designated transcripts have been prepared or can be obtained, coordinate with the court or responsible reporters and opposing counsel as necessary, and assemble the complete record consistent with Rules 209 and 210(c), SCACR. These tasks are additional to the substantial disruption caused by the medical emergency and are necessary to avoid omitting material expressly designated by Respondent.

8. The requested extension is narrowly limited to fourteen (14) days. Appellants make this request promptly before the presently calculated deadline, in good faith and not to obtain delay for its own sake. They will use the additional time to verify the designated transcripts, complete and serve the Record on Appeal, and promptly file proof of service.

MEMORANDUM OF AUTHORITIES

Rule 210(a), SCACR, requires the appellant to serve the Record on Appeal within thirty days after service of the last brief and immediately file proof of service. Rule 209(a)-(b), SCACR, governs the parties' designation of transcript and other record materials; Rule 210(c), SCACR, requires the Record on Appeal to include the matter properly designated by any party. Rule 240(a) and (c), SCACR, govern motions for extensions of time and require written grounds, a memorandum of authorities, service, and supporting affidavits or documents when appropriate.

Rule 263(b), SCACR, permits the appellate court to extend this deadline, and Rule 262, SCACR, governs filing and service.

The unexpected family medical emergency, supported by Appellant Mark Anthony Nunnally's sworn affidavit in Exhibit A, coincided with the final period for ROA preparation. Separately, Respondent's September 4, 2026 designation expressly calls for two pretrial hearing transcripts in addition to the February 10 trial transcript. Clarification of the January hearing date and verification of both earlier transcripts' availability are reasonably necessary to comply with Rules 209 and 210(c). The requested fourteen-day extension is limited, sought in good faith, and does not change the issues on appeal or seek any ruling on the merits. Appellants recognize under Rule 240(b), SCACR, that filing this motion does not itself stay the October 14 deadline.

REQUEST FOR RELIEF

WHEREFORE, Appellants respectfully request that the Court:

1. Extend the Rule 210(a), SCACR, deadline for Appellants to serve the Record on Appeal through and including Wednesday, October 28, 2026;
2. Permit Appellants to file proof of that service immediately after service, as Rule 210(a) requires;
3. Clarify that the Record on Appeal shall be filed with the Court on the timetable provided by Rule 210(b) and Rule 211, SCACR, or such schedule as the Court orders; and
4. Grant such other procedural relief as is just, including expedited consideration in view of the October 14, 2026 service deadline.

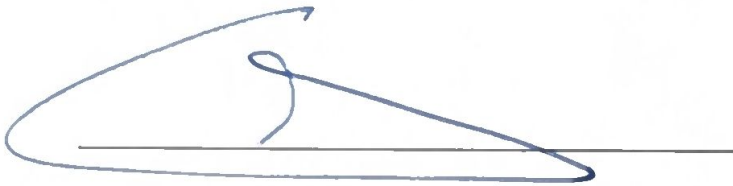
Respectfully submitted,

A handwritten signature in blue ink, reading "Timothy Nunally", written over a horizontal line.

Timothy Allen Nunally, Appellant, pro se

Address: 3151 Mt. Zion Rd Apartment 10309

Telephone: 404-980-4488 Email: markanunnally@gmail.com

A handwritten signature in blue ink, reading "Mark Anthony Nunnally", written over a horizontal line.

Mark Anthony Nunnally, Appellant, pro se

Address: 3151 Mt. Zion Rd Apartment 10309

Telephone: 404-980-4488 Email: markanunnally@gmail.com

Dated: October 13, 2026

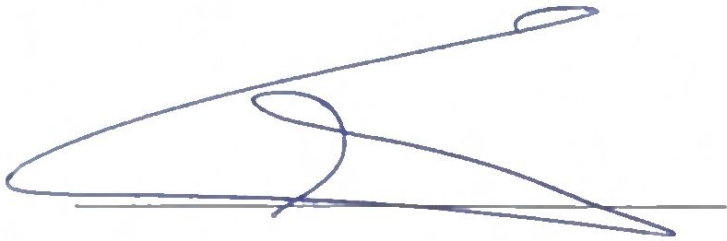
EXHIBIT A

AFFIDAVIT OF MARK ANTHONY NUNNALLY

STATE OF Georgia COUNTY OF Clayton

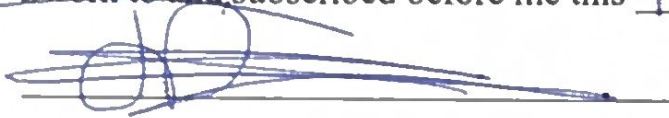
I, Mark Anthony Nunnally, being first duly sworn, depose and say:

1. I am an individual pro se Appellant in South Carolina Court of Appeals Case No. 2026-001103. I have personal knowledge of the facts stated here.
2. On or about October 3, 2026, my adult son suffered a serious accident near Columbia, South Carolina, resulting in emergency hospitalization and intensive care.
3. I traveled to Columbia and devoted significant time to discussions about his medical condition, hospitalization, family needs, and subsequent care. This unexpected emergency substantially interrupted my work preparing and coordinating the Record on Appeal shortly before the October 14, 2026 service deadline.
4. In reviewing the record-assembly materials, I learned that Respondent's September 4, 2026 designation identifies a January 12, 2025 hearing transcript and an August 27, 2025 hearing transcript, in addition to the February 10, 2026 trial transcript already obtained. The January date does not match contemporaneous references to a January 28, 2025 hearing. I need additional time to verify the correct dates, the existence and availability of the two earlier transcripts, and the materials necessary to complete the designated Record on Appeal.
5. I remain committed to diligently completing this appeal. I request a fourteen-day extension through October 28, 2026, in good faith, to complete and serve the Record on Appeal, and not for unnecessary delay.



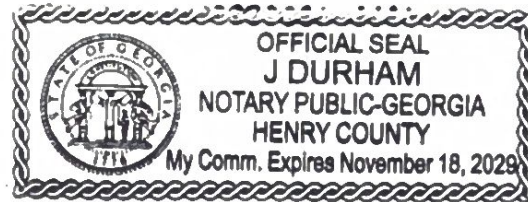
Mark Anthony Nunnally, Affiant

~~Sworn to and~~ subscribed before me this 13th day of October 2026.



Notary Public for Georgia

My Commission Expires: 11/18/2029



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CERTIFICATE OF SERVICE

I certify that on October 13th, 2026, after executing service, I served a true and correct copy of the foregoing Appellants' Motion for Extension of Time to Serve Record on Appeal and File Proof of Service, including the revised supporting Exhibit A, upon counsel for Respondent by depositing the same in the United States Mail, first-class postage prepaid, properly addressed as follows:

Chad Wilson Burgess, Esquire; Clark Dawson, Esquire; Brook Dangerfield, Esquire; and Kevin Ted Brown, Esquire

Brock & Scott, PLLC

1400 Browning Road, Suite 160

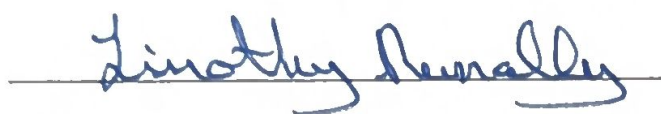
Columbia, SC 29210

Counsel email addresses for courtesy copies, if separately transmitted and permitted:

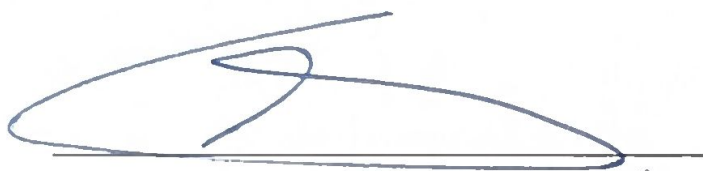
Chad.Burgess@brockandscott.com; Clark.Dawson@brockandscott.com;

Brook.Dangerfield@brockandscott.com; Kevin.Brown@brockandscott.com.

I certify the foregoing method and date of service only after completing the service described above.



Timothy Allen Nunally, Appellant, pro se



Mark Anthony Nunnally, Appellant, pro se

Dated: October 13th, 2026