

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

The Honorable Diane Schafer Goodstein, Circuit Court Judge

Case No. 2011-CP-18-1013

Appellate Case No. 2013-002066

Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage Funding Trust, Series 2004-1 ..... Appellant,

v.

Rachel R. Lindsay, Jeffrey Wayner, Tammy Wayner, Tiffany Spann-Wilder, Esq., The Steinberg Law Firm and United States of America acting by and through its agency, the Internal Revenue Service, Defendants,  
Of Whom Rachel R. Lindsay is the Respondent.

Rachel R. Lindsay ..... Respondent,

v.

Saxon Mortgage Services, Inc. .... Appellant.

APPELLANTS' MOTION FOR EXTENSION  
OF TIME TO FILE REPLY BRIEF

Appellant Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage Funding Trust, Series 2004-1 and Saxon Mortgage Services, Inc. (together "Appellants") hereby request a twenty (20) day extension to file its Reply Brief in this case pursuant to Rules 208 and 240 of the South Carolina Appellate Court Rules. This is Appellant's first request for an extension of time to file its Reply Brief.

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SC Court of Appeals

(20 days)  
1-14-14  
2-3-14

Appellant needs the additional time because the undersigned counsel has numerous other work obligations that necessitate this request for an extension. No prejudice will be caused to any party by this extension. Appellant's Reply Brief is currently due on January 14, 2014. Accordingly, with the extension, Appellant's Reply Brief will be due on or before February 3, 2014. Respondents' counsel has graciously consented to this motion.

Respectfully Submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

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Attorneys for Appellants

Charleston, South Carolina

January 8, 2014

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

The Honorable Diane Schafer Goodstein, Circuit Court Judge

Case No. 2011-CP-18-1013

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v.

Rachel R. Lindsay, Jeffrey Wayner, Tammy Wayner, Tiffany Spann-Wilder, Esq., The Steinberg Law Firm and United States of America acting by and through its agency, the Internal Revenue Service, Defendants,  
Of Whom Rachel R. Lindsay is the Respondent.

Rachel R. Lindsay ..... Respondent,

v.

Saxon Mortgage Services, Inc. .... Appellant.

**PROOF OF SERVICE**

I HEREBY CERTIFY that I have served the **APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF** on Respondents and Defendants by depositing copies of it in the United States Mail, postage prepaid, addressed to the below Counsel of Record:

G. Thomas Hill, Esq.  
Hill and Hill Law Firm  
6209 Savannah Highway  
PO Box 369  
Ravenel, SC 29470

*Attorney for Defendant and Third-Party Plaintiff  
Rachel R. Lindsay*

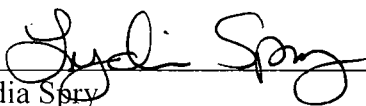
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**SC Court of Appeals**

Matthew J. Modica, Esq.  
U.S. Attorney's Office  
151 Meeting Street, Suite 200  
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*Attorney for United States of America acting by and through its agency, the  
Internal Revenue Service*

By:  \_\_\_\_\_  
Lydia Spary  
Administrative Assistant to Merritt G. Abney and  
Dow A. Davidson  
Nelson Mullins Riley & Scarborough, LLP

January 8, 2014

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January 8, 2014

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.  
Appellate Case No. 2013-002066  
Civil Action No.: 2011-CP-18-1013  
Our File No.: 33576/01503

Dear Ms. Kitchings:

Enclosed are the original and seven (7) copies of Appellant's Motion for Extension to file its Reply Brief and Proof of Service in the above-referenced matter. We would appreciate it if you would file the original documents and return clocked in copies to us in the envelope provided.

By copy of this letter, we are serving this Motion on counsel for the Respondents and Defendants, who have consented to this extension.

We have also enclosed 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. Should you have any questions or need any additional information, please do not hesitate to contact me.

Very truly yours,

  
Merritt G. Abney

MGA:ls  
Enclosures  
cc: G. Thomas Hill, Esq.  
Matthew J. Modica, Esq.

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33576/01503