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March 7, 2014

Reply to York

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Provident v. Coulston Enterprises, Inc., et al
York County C/A No.: 2011-CP-46-01206
Appellate Case No. 2013-002791

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MAR 11 2014

SC Court of Appeals

J. RICHARDS MCCRAE, III

WALTER G. DUSKY §

MICHAEL K. HATCH ‡

MELISSA G. CASSELL

Dear Honorable Ms. Kitchings:

Certified Civil Court Mediator *
Certified Family Court Mediator †
Licensed in NC & SC §
Licensed in NC, SC, GA, & FL ‡
(FL inactive)

I am the attorney for Respondent. To date, Appellant, Alfred Earl Coulston, has not complied with the requirements of S.C. Appellate Court Rules regarding the Appellant's brief, and on information and belief, the submission of the Record on Appeal, to this Honorable Court. The Appellant has filed two (2) motions for extension of time, the first on January 31, 2014 and the second dated March 3, 2014. This Honorable Court granted the first request and extended the time for filing to March 3. The Appellant has failed to comply with the time set by this Court and has asked for yet another extension.

By way of background, this appeal arises from the order of the York County Master in Equity directing the Clerk of Court to enter a deficiency judgment against the Appellant several years after the original deficiency judgment was handed down. The deficiency judgment resulted from a foreclosure action bearing the above referenced York County Civil Action case number. By way of information, the original deficiency judgment omitted the name of Appellant by inadvertence.

In the underlying foreclosure action, Respondent demanded, and was awarded, the right to a deficiency against the Borrower and Appellant. Borrower is not a party to this appeal. The subject Master's Judgment of Foreclosure and Sale was entered on October 7, 2011 in the York County Records. After the sale of the real property subject to the foreclosure, a deficiency judgment resulting from the sale was filed with the Clerk of Court for York

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County. By inadvertence or mistake, the name of the Appellant, Alfred E. Coulston was omitted from the deficiency judgment. Subsequently, on November 5, 2013, after realizing the mistake, Respondent filed a motion to correct the inadvertent error under Rule 60(a), which was granted by the Master-in-Equity.

Respondent notes that in the underlying foreclosure action, the Appellant, Alfred Earl Coulston, never appeared or filed any type of responsive pleading, and was declared in default by both the Clerk of Court for York County and the Master-in-Equity. Further, Respondent never waived its demand for deficiency judgment against the Appellant. The only point at which the Appellant appeared in the action was to contest the Rule 60(a) motion.

On behalf of my client, I respectfully request that the motion for extension of time filed by Appellant be denied, and further that due to the failure of Appellant to comply with Court Rules, that this case be disposed.

On information, Appellant has assets that can be made subject to the judgment at issue in this Appeal. The Appellant has refused to pay a debt adjudged due to Respondent, and is interposing this appeal to delay enforcement of a judgment. Respondent had a right to said judgment since the judgment of foreclosure and sale was entered in the Records of York County on October 7, 2011.

On behalf of the Respondent, I respectfully request of this Court that it not allow Appellant to use this Appeal to dispose of assets that would otherwise and rightfully be subject to the judgment of the Respondent.

Respectfully submitted,



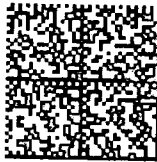
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