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ROBERT V. MATHISON, JR.

KERRY F. MATHISON

May 10, 2014

The Honorable Jenny Abbott Kitchings  
Clerk of the Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

**RECEIVED**  
MAY 14 2014  
SC Court of Appeals

Re: Bank of the Ozarks v. Tree Hope Investments, LLC  
Case No. 2011-CP-07-01469

Dear Ms. Kitchings:

While I was recuperating after having my right hip replaced on March 14, 2014, a kind lady from your office contacted me on the telephone to advise that the Clerk's Office had not received notice of my having requested the transcript from the court reporter. The lady had already spoken to my opponent, Mr. Moore, who had advised her that there was such a letter, and she subsequently asked me to send her a copy.

At the time that we spoke, I notified her that the parties had reached an agreement in principle to settle this litigation. I am pleased to report that principle has become reality because the agreement has been reduced to writing and signed by my client.

Accordingly, while I have furnished a copy of my correspondence to the court reporter, I need your advice about how to maintain the *status quo* on this appeal. The settlement described above must be completed by June 30, 2014, with the case and the appeal to be dismissed shortly thereafter.

Although the settlement requires the purchase of certain real property by a third party (a short sale), and that time limit could be extended with the consent of the Respondent, at this juncture, we are all proceeding with the expectation that it will not be.

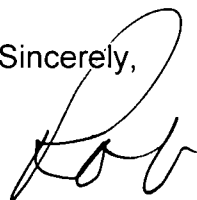
Thus, it is clear that the appeal should be held in abeyance until the settlement comes to fruition (or not). My question is should I file a motion in the Court of Appeals requesting that relief, or would a consent order signed by counsel for the parties suffice?

The Honorable Jenny Abbott Kitchings  
May 10, 2014  
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In either event, unless advised to the contrary, my assumption is that the motion fee must be submitted to your office.

Thanking you and with kind regards, I am

Sincerely,

A handwritten signature in black ink, appearing to read "R. Mathison, Jr.", written in a cursive style.

Robert V. Mathison, Jr.

RVM:bh  
Enclosure

cc: The Honorable Jerri Ann Rosenau  
W. Cliff Moore, III, Esquire  
Mr. Robert Sample

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ROBERT V. MATHISON, JR.

KERRY F. MATHISON

February 24, 2014

Mr. Charles T. Nussbaum, II, President  
Coastal Court Reporting  
Post Office Box 7349  
Hilton Head Island, SC 29938

Re: Bank of the Ozarks v. Tree Hope Investments, LLC  
Case No. 2011-CP-07-01469

Dear Chuck:

The Motion for Reconsideration filed by my client, Tree Hope Investments, LLC, in the case referenced above was heard by Judge Marvin Dukes on August 14, 2013. Present to take and to transcribe the proceedings was a reporter from Coastal Court Reporting who had been employed for that purpose by counsel for the Plaintiff, Finger & Fraser, P.A.

Although I did not keep a card, I believe that the reporter was Ms. Ceil Weser.

Tree Hope has now appealed in the case referenced, and we desire that you prepare a transcript of the proceedings on August 14, 2013, to aid in the appeal. Please advise of the time and likely expense of doing so.

With kind regards, I am

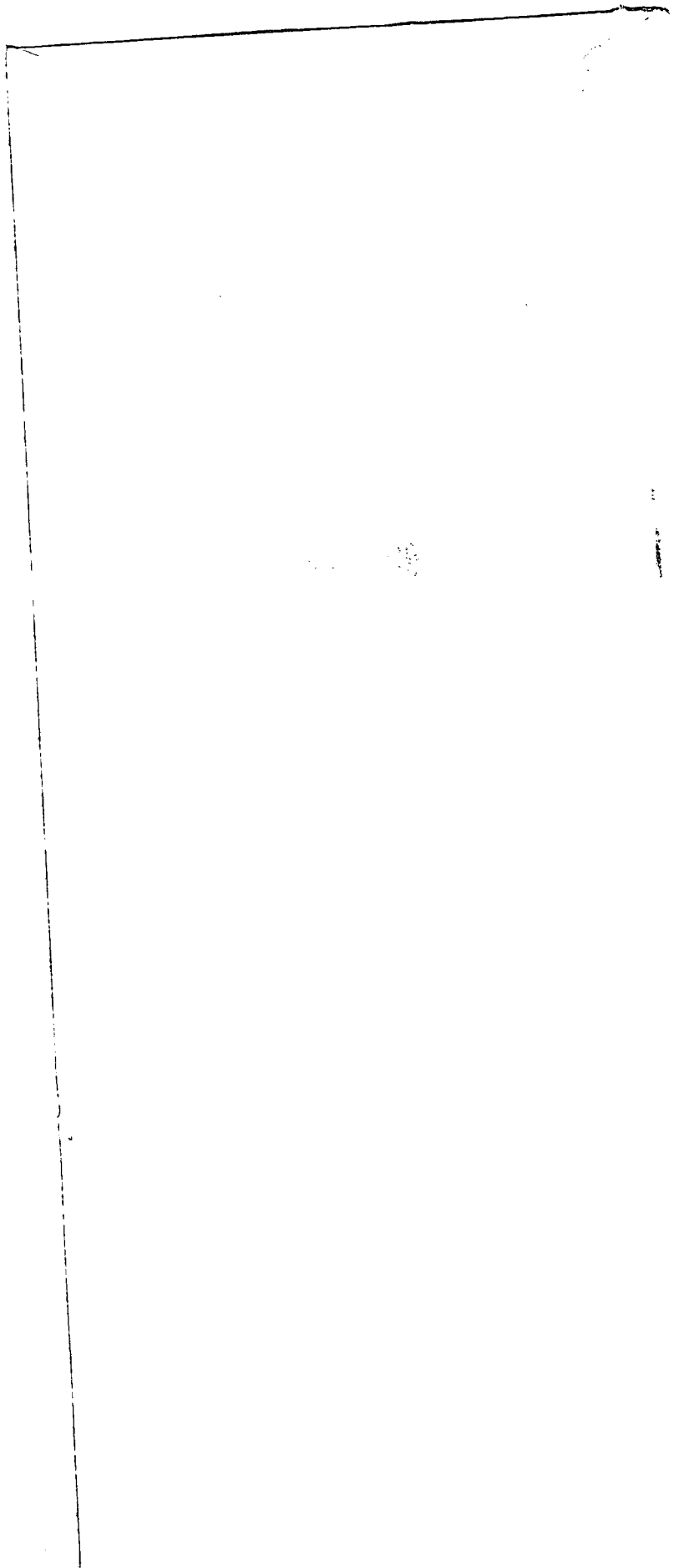
Sincerely,

Robert V. Mathison, Jr. **RECEIVED**

MAY 14 2014

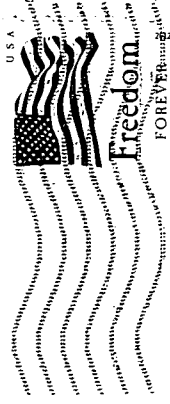
**SC Court of Appeals**

RVM:bh  
cc: Michael C. Cerrati, Esquire  
Mr. Robert Sample



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**SC Court of Appeals**

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