

Carter, Elizabeth A.

From: Tom Davis <tdavis@harveyandbattey.com>
Sent: Monday, July 14, 2014 2:46 PM
To: Carter, Elizabeth A.
Subject: Fwd: City Loft case

Ms. Carter: time is of the essence in that the parties desire the subject property to be sold at the August sale. Please have court administration confirm that the appeals by City Loft and Matt McAlhaney have been dismissed at your earliest convenience. Thanks!

Tom

Begin forwarded message:

From: Tom Davis <tdavis@harveyandbattey.com>
Date: July 14, 2014 10:43:15 AM EDT
To: "ecarter@sccourts.org" <ecarter@sccourts.org>
Cc: "mattmc01@gmail.com" <mattmc01@gmail.com>
Subject: Fwd: City Loft case

Ms. Carter:

Thanks for calling my office last Friday. The email from my assistant summarizing the call is below. I represent the appellant City Loft in the appeal and, on its behalf, request that the appeal by City Loft be withdrawn. Matt McAlhaney filed a separate pro se appeal and he wants his appeal withdrawn, too. By copy of this email I am advising him to make a similar appeal-withdrawal request directly to you. The appeals being withdrawn will permit the foreclosure sale as ordered by the trial judge to proceed on the August sales date. Please let me know if anything further (other than Mr. McAlhaney making a withdrawal request to you) needs to be done. Thank you.

Tom

Begin forwarded message:

From: Cindy Graves <cgraves@harveyandbattey.com>
Date: July 11, 2014 5:07:42 PM EDT
To: Tom Davis <tdavis@harveyandbattey.com>
Subject: City Loft case

Elizabeth Carter from the appellate court called. She said she received your request to withdraw the appeal. However, five days after you filed on behalf of City Loft, Matt filed for himself. There are two ways to have the appeal "go away": 1) if one represents an appellant, withdrawal can be requested without motion or permission from other parties; 2) if settlement is the reason for the withdrawal, a motion must be filed and the court must hear from all parties. An order can then be issued.

She apologized that she has not contacted you sooner and will send out a letter on Monday to explain the above. I told her you were involved in the Episcopal church case and she said that happened to be her case too. She understood she may not hear from you (or Matt) right away. So bottom line is, you need to be on the lookout for the letter and take action as necessary.

From the desk of...

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