



THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

R. Knox McMahon, Circuit Court Judge

Appellate Case Nos. 2014-000331 and 2014-001736
Case No. 2011-CP-26-1718

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SC Court of Appeals

Bank of North Carolina, Successor in Interest to
Beach First National Bank.....Respondent.

v.

Waterfall Investors 2, LLC and Raymond E. Cleary, III.....Appellants,

JOINT MOTION TO CONSOLIDATE APPEALS

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Counsel for Respondent

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Appellants Waterfall Investors 2, LLC and Raymond E. Cleary, III, and Respondent Bank of North Carolina, Successor in Interest to Beach First National Bank, hereby jointly move this Court to consolidate Appellate Case Nos. 2014-000331 and 2014-001736, both from the same underlying Civil Action No. 2011-CP-26-1718.

By way of a brief background, Respondent brought this action against Appellants seeking foreclosure on a mortgage and collection under a guaranty. Appellants filed an answer asserting counterclaims against Respondent. The case was tried the week of November 4, 2014, with the jury reaching a verdict on November 7, 2014, finding in favor of Respondent both on its affirmative claims against Appellants and those counterclaims asserted by Appellants against Respondent. Appellants filed a notice of appeal on or about February 20, 2014 (Appellate Case No. 2014-000331). Appellants filed their Initial Brief and Designation of Matter to be Included in the Record on Appeal on or about July 28, 2014.

On or about July 7, 2014, the lower court granted Respondent's post-trial Motion for Attorney's Fees, Litigation Costs, and Appraisal Fees. On or about August 12, 2014, Appellants filed a notice of appeal of that order (Appellate Case No. 2014-001736).

Appellate Case Nos. 2014-000331 and 2014-001736 both arise from the same underlying litigation. Both appeals involve the same record. Accordingly, the parties believe that the interests of efficiency and judicial economy would be served by consolidating these two appeals into one. As such, the parties propose that Appellants be allowed thirty (30) days from the issuance of an order granting this motion for consolidation to file a Supplemental Brief, addressing those issues presented in the appeal of the post-trial order, Appellate Case No. 2014-001736. The parties additionally

propose that Respondent need not file its Initial Brief until Appellants file their Supplemental Brief, after which time Respondent shall have thirty (30) days to respond to both Appellants' Initial Brief and Supplemental Brief in one Initial Brief. This proposal thus eliminates the need for multiple Initial Briefs and Reply Briefs by the parties, consolidating all appellate issues from the underlying civil action into one appeal for this Court's consideration.

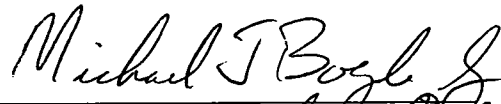
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August 26, 2014



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Case No: 2011-CP-26-1718

Bank of North Carolina, Successor In Interest to Beach First National Bank Respondent.

v.

Waterfall Investors 2, LLC and Raymond E. Cleary, III Appellants,

PROOF OF SERVICE

I certify that I have served the Joint Motion to Consolidate Appeals by depositing a copy of it in the United States Mail, postage prepaid, on September 4, 2014, addressed to its attorneys of record as follows:

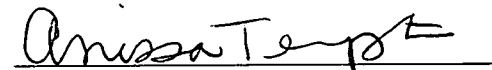
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Dated: September 4, 2014

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