

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

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OCT 16 2014

APPEAL FROM YORK COUNTY
Court of Common Pleas

S.C. SUPREME COURT

S. Kimball Jackson, Circuit Court Judge

Case No. 2011-CP-46-00796

Ralph Wayne Parsons, Jr. and Louise C.

Parsons, Respondents,

v.

John Wieland Homes and Neighborhoods
of the Carolinas, Inc., Wells Fargo Bank, N.A.,
and South Carolina Bank & Trust, N.A.,

..... Defendants,

Of Whom John Wieland Homes and Neighborhoods
of the Carolinas, Inc. is the

..... Petitioner.

SUPPLEMENTAL APPENDIX

Ian W. Freeman
G. Trenholm Walker
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, SC 29413-2247
(843) 727-2243
Attorneys for Petitioner

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Tracy T. Vann, Esq.
Hamilton Martens & Ballou, LLC
PO Box 10940
Rock Hill, SC 29731
Attorneys for Respondents

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THE STATE OF SOUTH CAROLINA
In The Supreme Court.

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball, Circuit Court Judge

Opinion No. 2013-UP-296 (S.C. Ct. App. filed Aug. 28, 2013)

Ralph Wayne Parsons, Jr. and Louise C. Parsons, Respondents,

v.

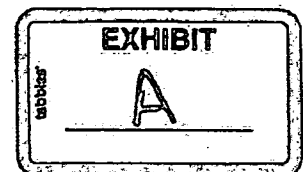
John Wieland Homes and Neighborhoods of the Carolinas, Inc., Wells Fargo Bank, N.A., and
South Carolina Bank & Trust, N.A., Defendants,

Of Whom John Wieland Homes and Neighborhoods of the Carolinas, Inc. is the Petitioner.

AFFIDAVIT OF DANIEL S. MCQUEENEY, JR.

Daniel S. McQueeneey, Jr., first being duly sworn, deposes and says:

1. I am a duly licensed lawyer admitted to the South Carolina Bar in good standing and actively engaged in the practice of law.
2. I am over twenty-one years of age and competent to make the statements set forth herein.
3. I hereby affirm the statements contained herein are known to me to be true, based upon my own personal knowledge, except as to those matters stated on information and belief, which I believe to be true.
4. Since 2007, I have practiced law with Pratt-Thomas Walker, P.A.
5. Pratt-Thomas Walker, P.A. represents Petitioner John Wieland Homes and Neighborhoods of the Carolinas, Inc. ("JWH") in the present action, including the current appeal.



6. During this appeal, I have served as counsel for JWH, along with Jan W. Freeman and G. Trenholm Walker, also of Pratt-Thomas-Walker, P.A.

7. On June 26, 2013, the Court of Appeals issued an unpublished opinion, summarily affirming the order on appeal. **App. pp.261-263.**

8. On July 10, 2013, on behalf of JWH, Pratt-Thomas-Walker, P.A. served and filed a petition for rehearing, including a suggestion for rehearing *en banc*, of the June 26, 2013 opinion of the Court of Appeals. **App. pp. 264-284.**

9. On August 28, 2013, the Court of Appeals granted JWH's petition for rehearing, withdrew its previous opinion, and re-filed a substituted opinion, again affirming the order on appeal. **App. pp.277-278.**

10. On August 28, 2013, in an abundance of caution, I contacted the clerk's office of the Supreme Court of South Carolina regarding the procedural aspects of petitioning for certiorari.

11. During this conversation, I explained that I was counsel of record for a matter pending in the Court of Appeals, that a petition for rehearing had been granted in the matter, and that the Court of Appeals had withdrawn its previous opinion and re-filed a substituted opinion.

12. During this conversation, I asked whether, from an administrative perspective, the Supreme Court had a policy regarding whether a petition for certiorari would be accepted before a petition for rehearing was denied.

13. I was informed that the Supreme Court would not accept a petition for certiorari until the Court of Appeals had *denied* a petition for rehearing.

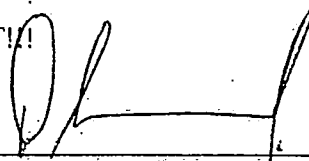
14. Based on this conversation, after communicating with other counsel for JWH, we determined that the appropriate course would be to file a petition for rehearing with respect to the

substituted opinion of the Court of Appeals.

15. With respect to JWH's suggestion that rehearing be *en banc*, I did not receive notice that the suggestion had been acted upon until I received a letter from the Clerk of the Court of Appeals, enclosing the denial of JWH's petition for rehearing of the substituted opinion.

16. The above-referenced letter, a copy of which is attached hereto as Exhibit 1, was dated March 14, 2014.

FURTHER AFFIANT SAYETH NOT!!



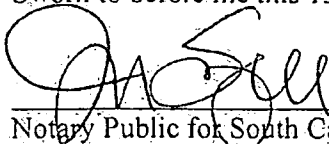
Daniel S. McQueeney, Jr.

August 13, 2014
Charleston, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

I, Janet Segell, do hereby certify that Daniel S. McQueeney, Jr. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this the 13th day of August 2014.
Sworn to before me this 13th day of August 2014.



Notary Public for South Carolina
My Commission Expires: 7/23/2023



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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1015 SUMNER STREET
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March 14, 2014

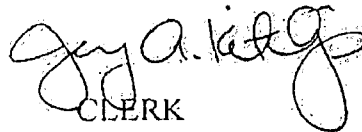
Mr. Daniel Simmons McQueeney, Jr., Esquire
PO Drawer 22247
Charleston SC 29413-2247

Re: Parsons, Ralph v. John Wieland Homes
Appellate Case No. 2011-201528

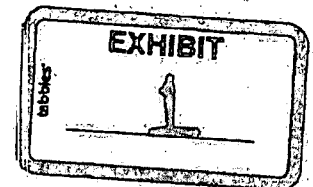
Dear Counsel:

Enclosed is a copy of an order of the panel denying your petition for rehearing. Your petition for rehearing en banc was distributed to the judges, but it has been rejected. See Rule 219, SCACR.

Very truly yours,


CLERK

cc: George Trenholm Walker, Esquire
Herbert W. Hamilton, Esquire
Ian Wesley Freeman, Esquire
Tracy Thompson Vann, Esquire
Christi P. Cox, Esquire



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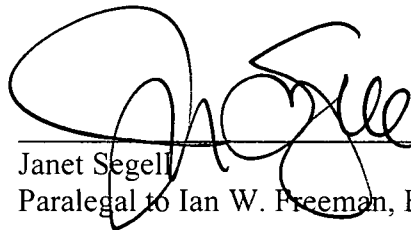
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South Carolina Bank & Trust, N.A., Defendants,

Of Whom John Wieland Homes and Neighborhoods of the Carolinas, Inc. is the Petitioner.

PROOF OF SERVICE

I hereby certify that a true and correct copy of the Supplemental Appendix was served on
this 1st day of October, 2014 via U.S. mail, postage prepaid, upon the following counsel of
record:

Herbert W. Hamilton, Esq.
Tracy T. Vann, Esq.
Hamilton Martens Ballou and Carroll, LLC
130 E. Main Street
Rock Hill, SC 29730



Janet Segell
Paralegal to Ian W. Freeman, Esq.

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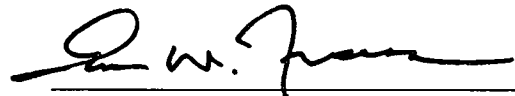
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Of Whom John Wieland Homes and Neighborhoods of the Carolinas, Inc. is the Appellant.

CERTIFICATE OF COUNSEL

The undersigned certifies that this Supplemental Appendix contains all material proposed
to be included by the parties herein and not any other material, pursuant to Rule 210(g), SCACR.

October 1, 2014



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ATTORNEYS FOR APPELLANT