

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, Master in Equity

Appellate Case No. 2014-002290

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NOV 24 2014

SC Court of Appeals

Daufuskie Island Properties, LLC,
and its successor in interest, Ace
Basin Investments, LLC, Appellant,

v.

Raymond Travaglione, Respondent.

MOTION TO ORDER TRANSCRIPT OUT OF TIME

Appellant hereby moves for leave to order the transcript from
the proceeding below out of time based upon the following:

1. On November 12, 2014 Appellant ordered the transcript from
the proceeding below (the "Transcript") from Judge Dukes' Court
Reporter as is documented by Exhibit 1. On November 14, 2014 the
Court of Appeals Clerk of Court sent Appellant a letter requesting
copies of all correspondence with the Court Reporter be furnished to
all necessary parties as required by SCACR Rule 207. In reviewing

SCACR Rule 207 Appellant determined that the Transcript had been ordered six (6) days late.

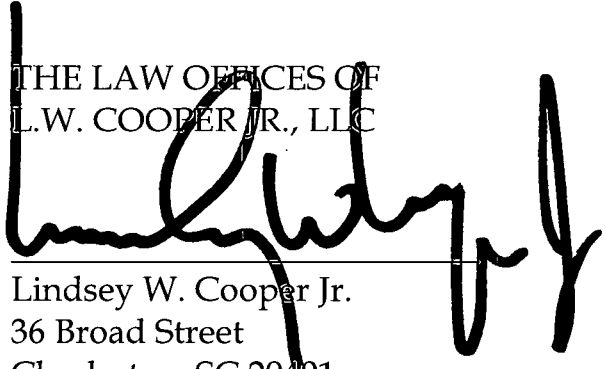
2. Though the Transcript was ordered out of time, there is no prejudice to the opposing party as the Transcript was ordered a mere six days late.

3. We have contacted opposing counsel regarding this motion, and opposing counsel has consented to the relief sought.

For the foregoing reasons, Appellant requests leave to order the Transcript out of time.

November 20, 2014

THE LAW OFFICES OF
L.W. COOPER JR., LLC



Lindsey W. Cooper Jr.
36 Broad Street
Charleston, SC 29401
Telephone: 843.375.6622
Facsimile: 843.375.6623

*Counsel to Daufuskie Island
Properties, LLC, and its successor in
interest Ace Basin Investments, LLC*

Other Counsel of Record:

Tara E. Nauful

Dawn M. Hardesty

Adams and Reese LLP

211 King Street, #330

Charleston, SC 29401

Direct: 843.410.1102

Direct Fax: 843.302.8212

tara.nauful@arlaw.com

www.adamsandreese.com

Attorneys for Raymond Travaglione

Appellant's Exhibit 1

Correspondence with Judge Dukes' Court Reporter

Heyward Grimball

Subject: FW: Confirmation Transcript order

-----Original Message-----

From: Thomas, Deborah S. [<mailto:dsthomas@bcgov.net>]
Sent: Wednesday, November 12, 2014 3:07 PM
To: Heyward Grimball
Subject: RE: Confirmation Transcript order

Thank you. I will put your request in line to be prepared and get that out to you as soon as possible.

Deborah S. Thomas, CVRM
803-206-7390 mbl
843-255-5712 ofc

-----Original Message-----

From: Heyward Grimball [<mailto:heyward@lwcooper.com>]
Sent: Wednesday, November 12, 2014 10:47 AM
To: Thomas, Deborah S.
Subject: Confirmation Transcript order

Mrs. Thomas,

It was nice to speak to you. Would you please send a copy of the transcript of the hearing of August 11, 2014 at 3:30 PM in the case JMT Capitol Holdings vs VDM/T Land Company, LLC et al, Case No. 2014-CP-07-0380. We will pay the customary fees.

Thank you also for your contact info and the explanation of court reporting.
I will not make the same mistake again!

Best regards,

Heyward Grimball

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Basin Investments, LLC,

Appellant,

v.

Raymond Travaglione,

Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to Order the Transcript Out of Time on Raymond Travaglione by depositing a copy of it in the United States Mail, postage prepaid, on November 20, 2014, addressed to his attorney of record, Tara E. Nauful, 211 King Street, #330 Charleston, SC 29401.

November 20, 2014

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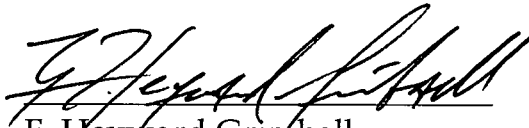
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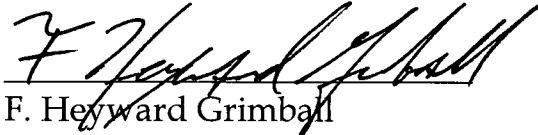
PROOF OF SERVICE

I certify that I have served the Appellant's correspondence with Judge Dukes' Court Reporter ordering a transcript of the proceedings below on Raymond Travaglione by depositing a copy of it in the United States Mail, postage prepaid, on November 20, 2014, addressed to his attorney of record, Tara E. Naful, 211 King Street, #330 Charleston, SC 29401 and on the Court of Appeals Office of Court Administration by depositing a copy of it in the United States Mail, postage prepaid, on November 20, 2014, addressed to Court of Appeals Office of Court Administration, 1015 Sumter Street, Columbia, SC 29201.

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L.W. COOPER JR., LLC



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*Counsel to Daufuskie Island
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v.

Raymond Travaglione, Respondent.

MOTION TO STAY APPEAL PENDING THE DISPOSITION OF THE
UNDERLYING ACTION

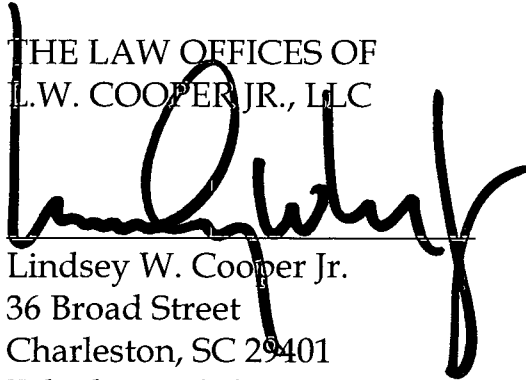
Appellant hereby moves that this appeal be stayed for good cause until the underlying case has been resolved. The underlying action is a foreclosure upon real property, and Respondent is the guarantor of the note and mortgage that are the basis of a foreclosure. Appellant is a lien holder in a dispute with another lien holder over who has first priority. Appellant's appeal, thus, is potentially moot depending upon the funds generated by a foreclosure sale and whether the Appellant is held to have first priority in the underlying case. Thus, this appeal should be stayed pending the disposition of the primary action as it may render the

instant appeal moot and would be in the interests of judicial economy.

We have contacted opposing counsel regarding this motion, and opposing counsel does not consent to this motion.

November 20, 2014

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Attorneys for Raymond Travaglione

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Marvin H. Dukes, Master in Equity

Appellate Case No. 2014-002290

Daufuskie Island Properties, LLC,
and its successor in interest, Ace
Basin Investments, LLC,

Appellant,

v.

Raymond Travaglione,

Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to Stay Appeal on Raymond Travaglione by depositing a copy of it in the United States Mail, postage prepaid, on November 20, 2014, addressed to his attorney of record, Tara E. Nauful, 211 King Street, #330 Charleston, SC 29401.

November 20, 2014

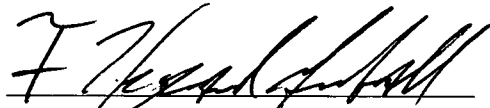
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THE LAW OFFICES OF
L.W. COOPER JR., LLC

A handwritten signature in black ink, appearing to read 'F. Heyward Grimball', written over a horizontal line.

F. Heyward Grimball
36 Broad Street
Charleston, SC 29401
Telephone: 843.375.6622
Facsimile: 843.375.6623

*Counsel to Daufuskie Island
Properties, LLC, and its successor in
interest Ace Basin Investments, LLC*



F. HEYWARD GRIMBALL

HEYWARD@LWCOOPER.COM

November 20, 2014

VIA FIRST CLASS MAIL

Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

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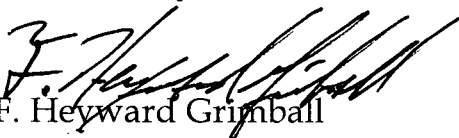
Re: JMT Cap. Hldgs, LLC v. VDM/T Land Co., et al., LLC,
Appellate Case No. 2014-002290.

To Whom It May Concern:

Enclosed please find an original and a copy of Defendant Daufuskie Island Properties, LLC and its successor in interest, Ace Basin Investments, LLC's correspondence with the Beaufort County Court Reporter. In reviewing the rule it has come to my attention that I was six days late in ordering the transcript, thus please find attached an original and seven copies of a Motion to Order the Transcript out of Time. Lastly, please also find the Appellant's Motion to Stay the Appeal Pending the Disposition of the Underlying Action and seven copies of the same. Please time stamp one copy of each motion and the correspondence and return them to this office in the prepaid, preaddressed envelope enclosed. If you have questions, please contact me at 843.375.6622.

Many thanks.

Sincerely,



F. Heyward Grimball

Enclosure: As stated

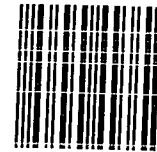
cc (via First-Class Mail with enclosures):

Tara E. Nauful
Adams and Reese LLP
211 King Street, #330
Charleston, SC 29401
Direct: 843.410.1102
Direct Fax: 843.302.8212
tara.nauful@arlaw.com

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Office of Court Administration
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Columbia, SC 29201
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Label 107R, July 2013

Lindsey W. Cooper Jr., Esq.
36 Broad St.
Charleston, SC 29401

*Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211*

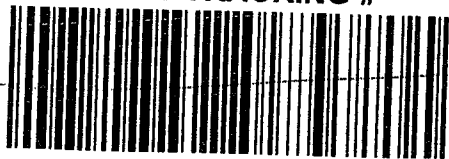
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