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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Mikell R. Scarborough
Master in Equity

Appellate Case No. 2014-002590
Appellate Case No. 2015-000396
Circuit Court Case No. 2011-CP-10-2946

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MAR 16 2015
SC Court of Appeals

Brent E. Bentrin, Appellant,
v.
Wells Fargo Bank, N.A., Respondent.

MOTION TO CONSOLIDATE

Pursuant to Rule 214, SCACR, Respondent Wells Fargo Bank, N.A., moves to consolidate Appellate Case No. 2014-002590 (“*Bentrin I*”) and Appellate Case No. 2015-000396 (“*Bentrin II*”), both captioned *Brent E. Bentrin v. Wells Fargo Bank, N.A.* The grounds for this Motion are as follows:

1. Though these appeals were filed three months apart, they both derive from the same case and, in fact, appeal different parts of the same order issued by Judge Scarborough. According to the Notice of Appeal filed in *Bentrin I*, Appellant seeks to appeal “Section 1 of the order” that Judge Scarborough entered on October 28, 2014. In *Bentrin II*, Appellant seeks to appeal “Section 4” of that same order.
2. Rule 214, SCACR, vests the Court with discretion to consolidate multiple appeals that derive “from the same order, judgment, decision or decree,” which is the case with these twin appeals.

3. In addition to being consistent with Rule 214's plain language, consolidation of these appeals would serve the interests of judicial economy by allowing the Court and the parties to operate off a single set of deadlines for perfecting the appeal and allowing the Court and the parties to use a single set of documents for the briefs and the Record on Appeal.

4. Further, consolidation of these appeals would serve to avoid the risk of inconsistent judgments between the two appeals. In *Bentrim I*, Appellant appeals the lower court's ruling that Wells Fargo is the "holder" of the subject promissory note. Similarly, in *Bentrim II*, Appellant appeals the grant of summary judgment on a declaratory judgment action which alleged that Wells Fargo does not have a mortgage interest and sought a declaration that Wells Fargo "has no ownership interest, or any rights whatsoever" in the subject property. Amended Complaint, ¶ 137. Further, the appeal in *Bentrim II* relates to summary judgment rulings on other causes of action in which a primary issue is Wells Fargo's status as a "holder." The two rulings necessarily overlap.

5. The below-signed counsel affirm that they consulted with counsel for Appellant prior to filing this Motion, but that the parties were unable to resolve this Motion.

For the reasons stated above, Respondent moves for an order consolidating *Bentrim I* and *Bentrim II*.

(signature page to follow)

WOMBLE CARLYLE SANDRIDGE & RICE, LLP

By: _____

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Attorneys for Respondent Wells Fargo Bank, N.A.

March 12, 2015

PROOF OF SERVICE

I, the undersigned Legal Assistant of the law offices of Womble Carlyle Sandridge & Rice LLP, attorneys for Respondent, do hereby certify that I have served all parties in this action with a copy of the pleading hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address:

Pleading: Motion to Consolidate

Parties Served: Robert B. Varnado
Alexis M. Wimberly
Post Office Box 1127
Mount Pleasant, South Carolina 29465
Attorneys for Appellant

Carol Casey

March 12, 2015

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March 10, 2015

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

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Re: Brent E. Bentrim v. Wells Fargo Bank, N.A.
Case Tracking No. 2014-002590
Case Tracking No. 2015-000396
Circuit Court No. 2011-CP-10-2946
WCSR No.: 82826.0002.0

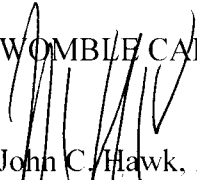
Dear Ms. Kitchings:

Enclosed please find the original and six copies of Respondent's Motion to Consolidate the two matters captioned above, with Proof of Service of same. Please return a filed-stamped copy to me via the enclosed self-addressed stamped envelope.

Thank you in advance for your assistance with this matter.

Very truly yours,

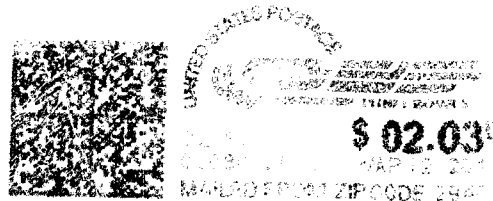
WOMBLE CARLYLE SANDRIDGE & RICE, LLP


John C. Hawk, IV
Attorney for the Respondent

JCH/cbc
Enclosures

cc: Robert B. Varnado, Esq. (w/encl.)

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