

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

First National Bank of the South, Successor in interest to
Carolina National Bank and Trust Company,
Respondent,

v.

James T. Callihan a/k/a James Callihan; Edward L.
Williams; Frank J. Pennisi a/k/a Frank Pennisi; Dean J.
Karavan a/k/a D.J. Karavan; Charles T. Walls, Jr. a/k/a
Charles Walls; Robert S. Guyton; and Jeffrey H. Skelley,
Defendants,

Of whom Frank J. Pennisi and Charles T. Walls are the
Appellants

Appellate Case No. 2013-001483

Appeal From Horry County
W. Jeffrey Young, Circuit Court Judge

Unpublished Opinion No. 2015-UP-126
Heard December 10, 2014 - Filed March 11, 2015

PETITION FOR REHEARING EN BANC

C. Scott Masel of Newby, Sartip, Masel & Casper, LLC,
of Myrtle Beach, for Appellant Charles T. Walls.

Thomas C. Brittain, of The Brittain Law Firm, P.A.,
of Myrtle Beach, for Appellant Frank J. Pennisi.

Robert A. Kerr, Jr., of Moore & Van Allen, PLLC, and
Amy Jowers Milell, of Law Office of Amy Jowers Mikell, LLC,
both of Charleston, for Respondent.

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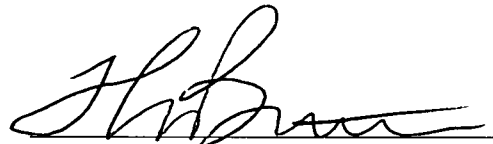
SC Court of Appeals

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Appellants Frank J. Pennisi and Charles Walls hereby Petition for Rehearing En Banc from the Opinion of the Court of Appeals filed March 11, 2015, and assert the following points were overlooked or misapprehended or otherwise merit the Court's attention for reconsideration and review:

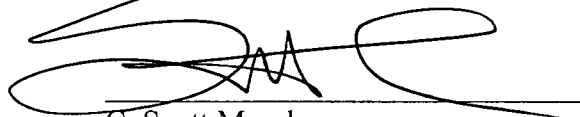
1. Does the Evidence Demonstrate a Legal Change in the Relationship between Appellants and Respondent?
2. The Whether Appellants' obligations as guarantors of the Original Note were satisfied or extinguished by the Second and/or Third Notes when each such subsequent note reflects the lender issued a single advance received by the borrower thus creating new and different obligations for which Appellants gave no new guaranty; and
3. Whether the Appellants' obligations as guarantors of the Original Note were discharged under the general law of suretyship and guaranty due to the modifications found in the Second and Third Notes;

Appellants certify the subject Opinion has the effect of finally deciding Appellants' appeal, and in support of each of the above points, Appellants hereby include their Memorandum in Support of Petition for Rehearing and Reconsideration and Certificate or Affidavit of Service. This matter includes a Record on Appeal and all fact relied upon in support of this Petition are contained therein.



Thomas C. Brittain
The Brittain Law Firm
4614 Oleander Drive
Myrtle Beach, SC 29577
(843) 449-8562

Attorney for Appellant Frank J. Pennisi



C. Scott Masel
Newby Sartip Masel & Casper, LLC
4593 Oleander Drive
Myrtle Beach, SC 29577
(843) 449-9417

Attorney for Appellant Charles T. Walls, Jr.