



## The South Carolina Court of Appeals

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DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
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May 14, 2015

The Honorable Julie J. Armstrong  
100 Broad St Ste 106  
Charleston SC 29401-2210

### REMITTITUR

Re: Skywaves v. Branch Banking & Trust  
Lower Court Case No. 2009CP1007516  
Appellate Case No. 2015-000572

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

Enclosure

cc: M. Dawes Cooke, Jr., Esquire  
John William Fletcher, Esquire  
George J. Kefalos, Esquire

Brian C Duffy, Esquire  
John P. Linton, Sr., Esquire  
Andrew K. Epting, Jr., Esquire  
Molly Hughes Cherry, Esquire  
Julio E. Mendoza, Jr., Esquire  
J.W. Nelson Chandler, Esquire

# The South Carolina Court of Appeals

Skywaves I Corporation, Appellant,

v.

Branch Banking & Trust Company, Successor in merger  
to Branch Banking and Trust Company of SC, a/k/a  
BB&T, and James Edahl, Respondents.

Appellate Case No. 2015-000572

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## ORDER

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Appellant has filed a letter requesting this appeal be dismissed without prejudice in order for the Honorable Roger M. Young Sr. to hear a timely post-trial motion. After careful consideration, Appellant's request is granted. This appeal is dismissed without prejudice and the matter is remanded to the Honorable Roger M. Young Sr. for the consideration of the post-trial motion. *Hudson v. Hudson*, 290 S.C. 215, 216, 349 S.E.2d 341, 341-42 (1986) ("[I]n the event timely post-trial motions are filed under Rule 59, simultaneously with or subsequent to the filing of a Notice of Appeal, the appellant shall notify the Clerk of this Court in writing. Upon receipt of such notice, the appeal shall be dismissed without prejudice. Any party can appeal within ten (10) days after the order disposing of the post-trial motions. A second filing fee will not be collected from a party who previously appealed.").

  
FOR THE COURT

Columbia, South Carolina

**FILED**

April 27, 2015

cc:

The Honorable Roger M. Young Sr.

M. Dawes Cooke, Jr., Esquire

John William Fletcher, Esquire

George J. Kefalos, Esquire

Brian C Duffy, Esquire

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The Honorable Julie J. Armstrong