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MAY 13 2015

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

The Honorable Diane Schafer Goodstein, Circuit Court Judge

Case No. 2011-CP-18-1013

Appellate Case No. 2013-002066

Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage Funding Trust, Series 2004-1 ..... Appellant,

v.

Rachel R. Lindsay, Jeffrey Wayner, Tammy Wayner, Tiffany Spann-Wilder, Esq., The Steinberg Law Firm and United States of America acting by and through its agency, the Internal Revenue Service, Defendants,

Of Whom Rachel R. Lindsay is the Respondent.

Rachel R. Lindsay ..... Respondent,

v.

Saxon Mortgage Services, Inc. .... Appellant.

**MOTION FOR AN EXTENSION OF TIME TO FILE  
APPELLANTS' RETURN IN OPPOSITION  
TO RACHEL LINDSAY'S PETITION FOR REHEARING**

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage Funding Trust, Series 2004-1 (the "Bank"), and Saxon Mortgage Services, Inc. ("Saxon", jointly, "Appellants") hereby move this Court for an order granting a ten (10) day extension of time until Thursday, May 28, 2015, to file their Return to Respondent Rachel R. Lindsay's ("Lindsay") Petition for Rehearing in the above-captioned matter. This extension is necessitated due to conflicts and other case obligations of

Appellants' counsel. Counsel for Lindsay has consented this request. By our calculations, the current deadline is May 18, 2015.

Wherefore, Appellants request a 10 day extension until Thursday, May 28, 2015, to file their Return to Lindsay's Petition for Rehearing. Appellants ask that the current deadline be held in abeyance until the Court considers this motion.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: Merritt G. Abney & Dow A. Davidson *Boz*  
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*Attorneys for Plaintiff The Bank of New York Mellon, as  
Successor Trustee under NovaStar Mortgage Funding  
Trust, Series 2004-1 and Third-Party Defendant Saxon  
Mortgage Services, Inc.*

Charleston, South Carolina

May 13, 2015

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Diane S. Goodstein, Circuit Court Judge

Case No. 2011-CP-18-1013

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The Bank of New York Mellon, as Successor Trustee  
under NovaStar Mortgage Funding Trust, Series 2004-1,.... Appellant,

v.

Rachel R. Lindsay, Jeffrey Wayner, Tammy Wayner,  
Tiffany Spann-Wilder, Esq., The Steinberg Law Firm,  
and United States of America acting by and through its  
agency, the Internal Revenue Service,..... Defendants,

Rachel R. Lindsay..... Respondent

v.

Saxon Mortgage Services, Inc..... Appellant.

**PROOF OF SERVICE**

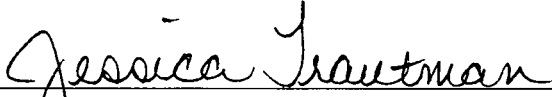
I HEREBY CERTIFY that I have served the **MOTION FOR AN EXTENSION OF TIME TO FILE APPELLANTS' RETURN IN OPPOSITION TO RACHEL LINDSAY'S PETITION FOR REHEARING** on Respondent and Defendants by depositing copies of it in the United States Mail, postage prepaid, addressed to the below Counsel of Record:

G. Thomas Hill, Esq.  
Hill and Hill Law Firm  
6209 Savannah Highway  
PO Box 369  
Ravenel, SC 29470

*Attorney for Defendant and Third-Party Plaintiff  
Rachel R. Lindsay*

Matthew J. Modica, Esq.  
U.S. Attorney's Office  
151 Meeting Street, Suite 200  
Charleston, SC 29401

*Attorney for United States of America acting by and through its agency, the Internal Revenue Service*

By:   
Jessica Trautman  
Administrative Assistant

May 13, 2015

# Nelson Mullins

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MAY 13 2015  
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SC Court of Appeals  
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May 13, 2015

**Via: Hand Delivery**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
1015 Sumter Street - 5th Floor  
Columbia, SC 29201

RE: The Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage  
Funding Trust, Series 2004-1 v. Rachel R. Lindsay, et al.  
Appellate Case No. 2013-002066  
Civil Action No.: 2011-CP-18-1013  
Our File No.: 33576/01503

Dear Ms. Kitchings:

Enclosed are the original and seven (7) copies of a Motion for an Extension of Time to File Appellants' Return in Opposition to Rachel Lindsay's Petition for Rehearing and Proof of Service in the above-referenced matter. We would appreciate it if you would file the original documents and return clocked in copies to us in the envelope provided.

We have also enclosed our firm's check in the amount of \$25.00 in payment of the required filing fee for this request.

By copy of this letter, we are serving this Motion on counsel for the Respondents and Defendants, who have consented to this extension.

Your consideration is most appreciated. Should you have any questions or need any additional information, please do not hesitate to contact me.

Very truly yours,

Merritt G. Abney by A. Matthew  
Boze w/  
Lynne  
Perkins

Merritt G. Abney

MGA:ls

Enclosures

cc: G. Thomas Hill, Esq.  
Matthew J. Modica, Esq.