

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

MAY 26 2015

The Honorable Diane Schafer Goodstein, Circuit Court Judge **SC Court of Appeals**

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:

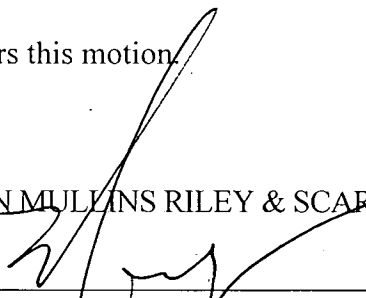
**SECOND MOTION FOR AN EXTENSION OF TIME TO FILE
APPELLANTS' RETURN IN OPPOSITION
TO RACHEL LINDSAY'S PETITION FOR REHEARING**

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 six (6) day extension of time until Wednesday, June 3, 2015, to file their Return to Respondent Rachel R. Lindsay's ("Lindsay") Petition for Rehearing in the above-captioned matter. This is Appellant's second request for an extension of this deadline. This

extension is necessitated due to conflicts with family obligations and other case obligations of Appellants' counsel. Counsel for Lindsay has consented to this request.

Wherefore, Appellants request a brief 6-day extension until Wednesday, June 3, 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: 

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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 22, 2015

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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

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

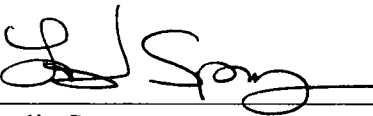
I HEREBY CERTIFY that I have served the **SECOND MOTION FOR AN EXTENSION OF TIME TO FILE APPELLANTS' RETURN IN OPPOSITION TO RACHEL LINDSAY'S PETITION FOR REHEARING** on Respondent and Defendants by depositing copies of it in the United States Mail, postage prepaid, addressed to the below Counsel of 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: 
Lydia Spry
Administrative Assistant to Merritt G. Abney
Nelson Mullins Riley & Scarborough, LLP

May 22, 2015

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Nelson Mullins

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MAY 26 2015

SC Court of Appeals

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May 22, 2015

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 Second 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

MGA:ls

Enclosures

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

PS|Ship - FedEx Label

Page 1 of 2

From: (843) 853-5200
Merritt Abney
Nelson Mullins
Liberty Center, Suite 600
151 Meeting Street
Charleston, SC 29401

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SHIP TO: (803) 734-4896
SC Court of Appeals
The Honorable Jenny Abbott Kitchings
SC Court of Appeals Clerk
1015 SUMTER ST FL 5

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COLUMBIA, SC 29201

