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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

RECEIVED

JUN 05 2015

SC Court of Appeals

Case No. 2011-CP-18-1013

Appellate Case No. 2013-002066

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

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 TO BE RELIEVED AS COUNSEL OF RECORD

Dow A. Davidson, Esquire, with the law firm of Nelson Mullins Riley & Scarborough, LLP ("the Firm"), moves for this Court to issue an order relieving him as counsel for Appellants, The Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage Funding Trust, Series 2004-1 and Saxon Mortgage Services, Inc. ("Appellants"), in the above-captioned action. The basis for this motion is due to Mr. Davidson's departure from the Firm.

Appellants will remain represented before this Court by B. Rush Smith III, Esquire and Merritt G. Abney, Esquire of the Firm. No prejudice will be caused to Appellants or any other

party by the entry of this order. Therefore, Mr. Davidson requests that he be relieved as counsel for Appellants and be removed from the Court roster and notifications in this matter.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

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Merritt G. Abney
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Dow A. Davidson
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(843) 853-5200

*Attorneys for Appellants The Bank of New York Mellon,
as Successor Trustee under NovaStar Mortgage Funding
Trust, Series 2004-1 and Saxon Mortgage Services, Inc.*

Charleston, South Carolina

June 2, 2015

THE STATE OF SOUTH CAROLINA
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Diane S. Goodstein, Circuit Court Judge

SC Court of Appeals

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

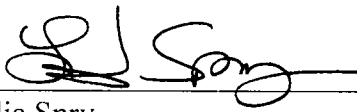
I HEREBY CERTIFY that I have served the **MOTION TO BE RELIEVED AS COUNSEL OF RECORD** on Respondent and Defendants by depositing copies of it in the United States Mail; postage prepaid, addressed to the below Counsel of Record:

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

June 2, 2015

Nelson Mullins

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June 2, 2015

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

RECEIVED
JUN 05 2015
SC Court of Appeals

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 to be Relieved as Counsel and Proof of Service in the above-referenced matter. We would appreciate it if you would file the original documents and return a clocked-in copy 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.

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

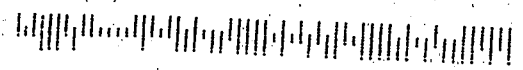
Very truly yours,


Dow A. Davidson

DAD:ls

Enclosures

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



Hasler

FIRST-CLASS MAIL

06/03/2015

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Nelson Mullins	Nelson Mullins Riley & Scarborough LLP Attorneys and Counselors at Law Post Office Box 1806 Charleston, SC 29402-1806
The Honorable Jenny Abbott Kitchings Clerk of Court SC Court of Appeals 1015 Sumter Street - 5th Floor Columbia, SC 29201	
33576/01503	

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