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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

**RECEIVED**  
JUN 15 2015  
SC Court of Appeals

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

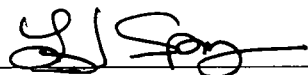
v.

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

**PROOF OF SERVICE**

I HEREBY CERTIFY that I have served the **MOTION TO BE RELIEVED AS COUNSEL** on  
The Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage Funding Trust,  
Series 2004-1 and Saxon Mortgage Services, Inc., Appellants by depositing a copy of it in the  
United States Mail, postage prepaid, addressed as follows:

April J. Nelson  
SAXON  
4718 Mercantile Drive  
Fort Worth, TX 76137

By:   
Lydia Spry  
Administrative Assistant to Merritt G. Abney  
Nelson Mullins Riley & Scarborough, LLP

June 12, 2015



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The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29211  
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COLUMBIA, SOUTH CAROLINA 29201  
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FAX: (803) 734-1839  
www.sccourts.org

June 05, 2015

Mr. Merritt Gordon Abney, Esquire  
151 Meeting St., Ste. 600  
Charleston SC 29401

Re: Bank of New York Mellon v. Rachel R. Lindsay  
Appellate Case No. 2013-002066

Dear Counsel:

Upon reviewing your motion requesting Dow A. Davidson, Esquire, be relieved as counsel for the appellants, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- You have not provided a proof of service showing the notice has been served on your client as required by Rule 264(b), SCACR.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Benjamin Rush Smith, III, Esquire  
Dow Ambrose Davidson, Esquire  
G. Thomas Hill, Esquire  
Allen Mattison Bogan, Esquire

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# Nelson Mullins

Nelson Mullins Riley & Scarborough LLP  
Attorneys and Counselors at Law  
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Merritt G. Abney  
Tel: 843.534.4110  
merritt.abney@nelsonmullins.com

June 12, 2015

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

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JUN 15 2015

SC Court of Appeals

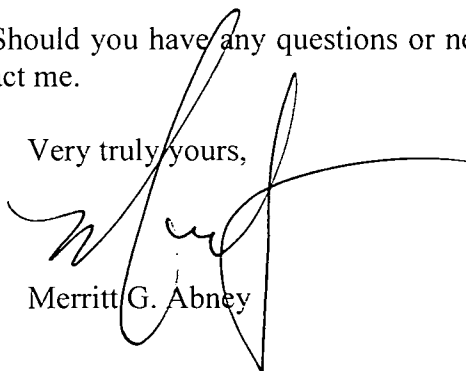
RE: The Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage  
Funding Trust, Series 2004-1 v. Rachel R. Lindsay, et al.  
Appellate Case No. 2013-002066  
Civil Action No.: 2011-CP-18-1013  
Our File No.: 33576/01503

Dear Ms. Kitchings:

Per the Clerk's deficiency notice dated June 5, 2015, please find enclosed the original and one copy of a Proof of Service related to our motion requesting Dow A. Davidson be relieved as counsel for the appellants in the above-referenced matter. We would appreciate it if you would file the original document and return the clocked-in copy to us in the envelope provided.

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.

# Nelson Mullins

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Attorneys and Counselors at Law  
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33576/01503

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06/12/2015

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

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JUN 15 2015

SC Court of Appeals

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