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THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

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JUL 02 2015

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Joseph M. Strickland, Master-in-Equity

Appellate Case No. 2015-000367

Royals Portfolio, LLC, an assignee of  
Bank of America, N.A., formerly known as  
NationsBank, N.A., which is Successor in  
Merger to NCNB South Carolina, .....Respondent,

v.

Charlie Kelley and Dorothy Simpson, ..... Appellants.

MOTION FOR EXTENSION

Respondent's Initial Brief and Designation of Matter are currently due July 8, 2015. Due to a pending motion filed by the Chapter 13 Trustee to Convert Appellant Simpson's bankruptcy case to a Chapter 7 case, it is uncertain whether Appellant Simpson or the Chapter 7 Trustee will control this appeal after the bankruptcy hearing and, if the Chapter 7 Trustee controls the appeal, whether he/she will continue pursuing this appeal. Respondent is also uncertain whether the bankruptcy filing creates any stay as to the appeal due to conflicting federal and state law on the issue. *See Platinum Fin. Servs. Corp. v. Byrd (In re Byrd)*, 357 F.3d 433 (4th Cir. 2004) ("The plain language of Section 362 stays appellate proceedings in actions originally brought against the debtor, even when it is the debtor who files the appeal."); *but see Southern Bank & Trust Co. v.*

*Harley*, 295 S.C. 423 (1988). Therefore, Respondent respectfully requests a thirty (30) day extension until August 7, 2015 to serve and file its initial brief and designation.

Respectfully Submitted,



Paul D. Harrill  
McNAIR LAW FIRM, P.A.  
Post Office Box 11390  
Columbia, South Carolina 29211  
(803) 799-9800  
ATTORNEYS FOR RESPONDENT

July   , 2015  
Columbia, South Carolina

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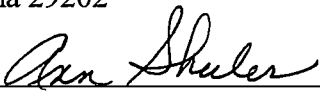
Charlie Kelley and Dorothy Simpson, ..... Appellants.

CERTIFICATE OF SERVICE

I, Ann Shuler, an employee of McNair Law Firm, certify that I served the Respondent's Motion for Extension this 2<sup>ND</sup> day of July, 2015, by placing a true and correct copy in the U.S. Mail, sufficient postage pre-paid to counsel for the Respondent at the following address:

Kathleen Chewning Barnes, Esquire  
Barnes Law Firm, LLC  
Post Office Box 897  
Hampton, South Carolina 29924

Brian L. Boger, Esquire  
Phillip A. Curiale  
The Law Offices of Brian L. Boger  
Post Office Box 65  
Columbia, South Carolina 29202

  
Ann Shuler

July 2, 2015

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JUL 02 2015

SC Court of Appeals

**Via Courier**

Honorable Jenny Abbott Kitchings  
Clerk of Court  
S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: Royals Portfolio, LLC -v- Charlie Kelley and Dorothy Simpson  
Appellate Case No. 2015-000367

Dear Ms. Kitchings:

Enclosed for filing, please find the original and seven copies of Respondent's Motion for Extension, along with the original Certificate of Service and our firm's check in the amount of \$25.00.

Please file the motion and return the file stamped extra copy to me in the return envelope provided. By copy of this letter, we are serving counsel for the Appellants with a copy of the motion.

Thank you for your assistance in this matter.

Sincerely,

McNAIR LAW FIRM, P.A.



Paul D. Harrill

PDH:as  
Enclosures

cc: Kathleen Chewing Barnes, Esquire  
Brian L. Boger, Esquire

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