

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

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SEP 02 2015

The Honorable R. Markley Dennis, Jr., Circuit Court Judge  
SOUTH CAROLINA SUPREME COURT

Appellate Case No. 2015-001345

Capital Bank, N.A., ..... Respondent,

v.

Charles A. Moore a/k/a Charles A.B. Moore.....Petitioner.

MOTION FOR A SECOND EXTENSION

Robert A. Kerr, Jr.  
Christopher T. Colwell  
Lesley A. Firestone  
MOORE & VAN ALLEN, PLLC  
78 Wentworth Street  
Charleston, SC 29401  
(843) 579-7000  
Attorneys for Respondent

Other Counsel of Record:

John R. Cantrell, Jr.  
Cantrell Legal, PC  
Post Office Box 1276  
Goose Creek, South Carolina 29445-1276  
(843) 797-2454  
Attorney for Petitioner

Pursuant to Rule 240, SCACR, Respondent requests a second twenty (20) day extension to file its Return to Petitioner's Petition for a Writ of Certiorari. The current deadline is September 8, 2015.

An extension beyond the twenty-day total will be granted if extraordinary circumstances or other circumstances beyond the control of the movant warrant the granting of the extension. *See RE: Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals*, S.C. Sup. Ct. Order Dated July 16, 2014 (Shearhouse Adv. Sh. No. 28 at 1).

On August 27, 2015, the parties in this matter entered into and executed a "Confidential Settlement Agreement" (the "Settlement Agreement"). As part of the Settlement Agreement, Petitioner arranged a short sale of the property to a third party, which he agreed to consummate as soon as is reasonably practicable after execution of the Settlement Agreement. Petitioner has not yet consummated the short sale of the property. Therefore, Respondent seeks this extension on the basis that the parties have entered into the Settlement Agreement, the consummation of which involves circumstances beyond its control that warrant the granting of the extension.

Respectfully submitted,

September 2, 2015



Robert A. Ferr, Jr.  
Christopher T. Colwell  
Lesley A. Firestone  
MOORE & VAN ALLEN, P.L.L.C.  
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Charleston, SC 29401  
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Attorneys for Respondent

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CERTIFICATE OF SERVICE

I certify that I am an employee of the law firm of Moore & Van Allen, PLLC, and that I have served a copy of the Motion for an Extension upon counsel for the Petitioner named below by depositing a copy of the same in the United State Mail, postage prepaid, on September 2, 2015, addressed as follows:

John R. Cantrell, Jr.  
Cantrell Legal, PC  
Post Office Box 1276  
Goose Creek, South Carolina 29445-1276



Melissa Altman, Legal Assistant

**Moore & Van Allen**

## FACSIMILE

**Lesley A. Firestone**  
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Charleston, SC 29413-2828

FROM	Lesley A. Firestone
DATE	September 2, 2015
TIME	

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 A CONFIRMATION COPY OF THIS FACSIMILE WILL BE SENT VIA OVERNIGHT MAIL.  
 A CONFIRMATION COPY OF THIS FACSIMILE WILL BE SENT VIA CERTIFIED MAIL.

## Attention:

	NAME	COMPANY	TELEPHONE	FACSIMILE
1	Hon. Daniel E. Shearouse	S.C. Supreme Court	(803) 734-1080	(803) 734-1499
2	John R. Cantrell, Jr.		(843) 797-2454	(309) 213-0922

Remarks: Following please find a copy of Motion for Extension of Time to File Return to Petitioner's Petition for a Writ of Certiorari, the original of which is being forwarded by mail today.

Thank you.

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SEP 02 2015

**SC SUPREME COURT**

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