

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2013-CP-10-2624  
Appellate Case No. 2015-001149

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SC Court of Appeals

PNC Bank, N.A., successor to RBC Bank (USA),..... Respondent,

v.

Liberty Cottages, LLC; GW Dorchester, LLC; USS  
Clarksville, LLC; Liberty Cottages Land, LLC; Royal  
Beach Properties, LLC; The Brothers of SC, LLC;  
Deborah Rice-Marko a/k/a Deborah G. Rice-Marko;  
Evan R. Marko and John E. Marko, Jr., ..... Appellants.

RESPONDENT'S RETURN TO APPELLANTS'  
MOTION FOR EXTENSION

Respondent hereby files this return to Appellants' Motion for an Extension. Respondent does not oppose this first extension request. Respondent, however, will oppose any future extension requests as any further extensions would cause unnecessary delay and potential further waste related to the collateral that is the subject of this action.

This appeal arises out of an interlocutory order finding Appellants contractually waived their right to a jury trial in the agreements entered into between the parties concerning this commercial loan transaction. That is the sole issue on appeal—did Appellants waive their right to a jury trial. This issue has already been thoroughly briefed by the parties in the proceedings before the trial court, and additional extensions of time are unnecessary.

The underlying matter concerns the bank's foreclosure action seeking the money owed pursuant to the loan agreement and a foreclosure judgment and sale. The bank loaned money to Appellants which has not been repaid and Appellants are in default on their loan obligation. While this appeal proceeds, the property will sit with the debt unpaid and the debt will continue to grow. Any further delay will cost Respondent more time and money and the property will still sit. On this basis, Respondent will oppose any future extension request as this matter should be adjudicated on the narrow issue on appeal in a quick and timely manner to avoid the collateral remaining unsold.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

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*Attorneys for PNC Bank, N.A., successor to RBC Bank  
(USA)*

Columbia, South Carolina  
September 3, 2015.

CERTIFICATE OF SERVICE

I, the undersigned Paralegal of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for PNC Bank, N.A., successor to RBC Bank (USA), do hereby certify that I have served all counsel in this action with a copy of the document(s) herein below specified by emailing a copy of the same to the following:

Document(s):

Respondent's Return to Appellants' Motion for Extension

Counsel Served:

Robert E. Stepp, Esquire  
Benjamin R. Gooding, Esquire  
William H. Jordan, Esquire  
Sowell Gray Stepp & Laffitte, LLC  
P. O. Box 11449  
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Willard D. Hanna, Jr., Esquire  
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Maria Keeve

Sept 3, 2015

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September 3, 2015

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The Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

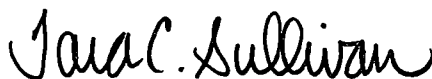
RE: PNC Bank v. Liberty Cottages  
Appellate Case No. 2015-001149

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of Respondent's Return to Appellants' Motion for Extension in regard to the above-referenced matter. We would ask that you file the original and return a clocked-in copy to us via our courier.

By copy of this letter to counsel of record, we are serving them with copies of this Return.

Very truly yours,



Tara C. Sullivan

TCS:lpw

Enclosures

cc: Robert E. Stepp, Esquire  
Willard D. Hanna, Jr., Esquire  
William H. Jordan, Esquire  
Benjamin R. Gooding, Esquire

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The Honorable Jenny Abbott Kitchings  
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