

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

77755

APPEAL FROM YORK COUNTY
Court of Common Pleas

RECEIVED

Daniel Dewitt Hall, Circuit Court Judge

NOV 02 2015

Case No. 2014-CP-46-01638

SC Court of Appeals

Appellate Case No. 2015-001015

TD Bank, N.A., Successor
by merger with
Carolina First Bank,

Respondent,

v.

Joseph L. Huckabee, Jr., a/k/a
Joseph Laverne Huckabee,
Pat Huckabee; and
The Huckabee, LLC,

Appellants.

APPEAL FROM CHESTER COUNTY
Court of Common Pleas
G. Thomas Cooper, Jr., Circuit Court Judge

Case No. 2014-CP-12-00272

TD Bank, N.A., Successor by
merger with
Carolina First Bank,

Respondent,

v.

Joseph L. Huckabee, Jr., a/k/a
Joseph Laverne Huckabee,

Appellant.

MOTION TO FILE OUTSIDE TIME


Pursuant to Rules 240 and 263(b), S.C.A.C.R., the Appellants in the above consolidated appeal, by their counsel herein, move this Court for an order granting an extension of time, or the right to file outside time, as to the Appellants' Initial Brief and Designation of Matter to be Included in the Record on Appeal in the matter above, on the grounds stated below:

1. The Appellants filed their Motions to consolidate these Appeals designated in the caption above prior to August, 2015. All Appellants in both Appeals consented to that Motion to Consolidate.
2. On this date, counsel was contact by the Office of the Clerk of Court and informed that an Order had issued on August 27, 2015 granting the Motion to Consolidate. A copy of the said Order was supplied to his office by e-mail, and is attached hereto and incorporated herein.
3. The said Order was not received by him or his office before receipt of the e-mail copy on this date. Counsel for Movants was unaware of the Order and unaware of the resolution of the Motions to Consolidate the above appeals before this morning.
4. By a Motion dated and served by mail on August 26, 2015, the Appellants had timely moved to preserve their rights during the time for the Court's resolution of their Motion to Consolidate.
5. On knowledge and information, the facts above are sufficient to show good faith and excusable delay on the part of counsel.
6. Counsel for Appellants has also been prevented from further action herein due to the press of business in his office.

The basis of this Motion is the within-cited Rules, the records of this appeal, which items are hereby incorporated in this Motion.

WHEREFORE, the Appellants herein move this Court for an extension of time, or the right to file outside time, for thirty (30) days from this date, or for such reasonable period as determined by this Court, as to the Appellants' Initial Brief and Designation of Matter to be Included in the Record on Appeal.

October 29, 2015



John Martin Foster
Post Office Box 106
Rock Hill, S. C. 29731-6106
803 324-8100
Attorney for Appellants

Other Counsel of Record:

John T. Moore
Brandon Keith Poston
Nelson Mullins Riley & Scarborough, LLP
Post Office Box 110070
Columbia, S. C. 29211
Attorneys for Respondent
(803) 255-9518

Matthew J. Modica
U.S. Attorney's Office
151 Meeting Street, Suite 200
Charleston, S. C. 29401
Attorney for United States: IRS
(843) 266-1600

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Daniel Dewitt Hall, Circuit Court Judge

Case No. 2014-CP-46-01638
Appellate Case No. 2015-001015

RECEIVED

NOV 02 2015

SC Court of Appeals

TD Bank, N.A., Successor
by merger with
Carolina First Bank,

Respondent,

v.

Joseph L. Huckabee, Jr., a/k/a
Joseph Laverne Huckabee,
Pat Huckabee; and
The Huckabee, LLC,

Appellants.

APPEAL FROM CHESTER COUNTY
Court of Common Pleas
G. Thomas Cooper, Jr., Circuit Court Judge

Case No. 2014-CP-12-00272

TD Bank, N.A., Successor by
merger with
Carolina First Bank,

Respondent,

v.

Joseph L. Huckabee, Jr., a/k/a
Joseph Laverne Huckabee,

Appellant.

CERTIFICATE OF SERVICE

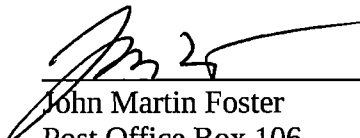
I certify that I have served the Appellant's Motion to File Outside Time dated October 29, 2015, on the following counsel or persons of record:

John T. Moore
Brandon Keith Poston
Nelson Mullins Riley & Scarborough, LLP
Post Office Box 110070
Columbia, S. C. 29211

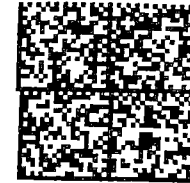
Matthew J. Modica
U.S. Attorney's Office
151 Meeting Street, Suite 200
Charleston, S. C. 29401

by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out above, pursuant to Rule 262(b), S.C.A.C.R.

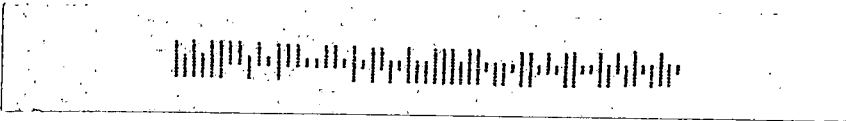
October 29, 2015



John Martin Foster
Post Office Box 106
Rock Hill, S. C. 29731-6106
803 324-8100
Attorney for Appellants



neopost NO42J80027835
\$3.18
10/29/15
Mailed From 29730



John Martin Foster Attorney
223 East Main St Suite 520
Post Office Box 106
Rock Hill SC 29731-6106

TO: THE HONORABLE JENNY ABBOTT KITCHINGS
CLERK OF THE COURT OF APPEALS
POST OFFICE BOX 11629
COLUMBIA, S.C. 29211

RECEIVED

NOV 02 2015

SC Court of Appeals