

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHESTER COUNTY

NOV 23 2015

Court of Common Pleas

SC Court of Appeals

G. Thomas Cooper, Jr., Circuit Court Judge

Case No. 2014-CP-12-00272

Consolidated Appellate Case No. 2015-001015

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

v.

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

Respondent.

**Agreed Dismissal of One Portion of a Consolidated Appeal**

Pursuant to Rules 240 and 260(b) of the South Carolina Appellate Court Rules, Appellant Joseph L. Huckabee, Jr. a/k/a Joseph Laverne Huckabee, Jr. and Respondent TD Bank, N.A., Successor by merger with Carolina First Bank hereby request that this Court enter an order

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dismissing one case in this consolidated appeal (Consolidated Appellate Case No. 2015-001015)<sup>1</sup> in the above-captioned matter because the parties have settled the matter arising out of Chester County, rendering that portion of the consolidated appeal moot. Pursuant to Rule 261(b), SCACR, this settlement does not need court approval and need not be submitted to this Court.

Based on this settlement, Appellant desires that the Chester County action be marked as dismissed and restore the remaining portion of the appeal to its original Appellate Case number: No. 2015-001018, and Respondent agrees to the dismissal of the Chester County appeal in this consolidated matter. The parties further agree that no costs shall be assessed to either party under Rule 222, SCACR.

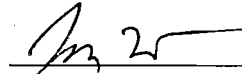
Therefore, the parties respectfully move this Court for an Order dismissing the above-captioned appeal and restoring the remaining appeal to Appellate Case No. 2015-001018.

NELSON MULLINS RILEY &  
SCARBOROUGH, LLP

JOHN MARTIN FOSTER, ATTORNEY AT LAW



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Date: Nov. 16, 2015

Date: Nov. 19, 2015

**COUNSEL FOR RESPONDENT  
TD BANK, N.A., SUCCESSOR BY  
MERGER WITH CAROLINA FIRST  
BANK**

**COUNSEL FOR APPELLANT JOSEPH L.  
HUCKABEE, JR. A/K/A JOSEPH LEVERN  
HUCKABEE, JR.**

<sup>1</sup> This dismissal will not end the appeal entirely. This appeal, at the request of Appellant, was consolidated on August 27, 2015, with Appellate Case No. 2015-001018.

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM ANDERSON COUNTY SC Court of Appeals  
Court of Common Pleas  
G. Thomas Cooper, Jr., Circuit Court Judge

Case No. 2014-CP-12-00272  
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, Jr.; Pat Huckabee; The Huckabee, LLC, .... Appellants.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins  
Riley & Scarborough LLP, attorneys for Respondent, do hereby certify that I have  
served all counsel in this action with a copy of the pleading(s) hereinbelow specified by  
mailing a copy of the same by United States Mail, postage prepaid, to the following  
address(es):

Pleadings:

Agreed Dismissal of One Portion of a Consolidated  
Appeal

Counsel Served:

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Post Office Box 106  
Rock Hill, SC 29731-6106

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



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Lisa P. Whitehurst  
Administrative Assistant

November 23, 2015

# Nelson Mullins

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November 23, 2015

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SC Court of Appeals

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

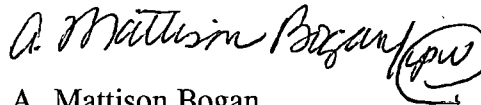
RE: TD Bank, N.A. v. Joseph L. Huckabee (1)  
Civil Action No. 2014-CP-12-00272  
Appellate Case No. 2015-001015  
Our File No. 04387/01863

Dear Ms. Kitchings:

Enclosed please find the original and one copy of an Agreed Dismissal of One Portion of a Consolidated Appeal 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 then with a copy.

Very truly yours,



A. Mattison Bogan

AMB:lpw  
Enclosure

cc: John Martin Foster, Esquire  
Matthew J. Modica, Esquire