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The State Of South Carolina
In The Court of Appeals

Appeal from Richland County Court of Common Pleas SC Court of Appeals

Alison Renee Lee, Circuit Court Judge

Civil Action No. 2012 – CP 40 -07540
Appellate Case: 2015-000730

TD Bank, NA, successor by Merger
with Carolina First Bank, Respondent,
v.

David H. Jacobs, Appellant
v.

TD Bank, NA, successor by Merger
with Carolina First Bank, Respondent,
v.

David H. Jacobs and James McFarland, Defendants,
Of Whom David H. Jacobs is the Appellant

Motion for Extension to File Appellant Jacobs' Initial Reply Brief

The Certificate of Service of the Initial Respondents Brief and the Amended Certificate of Service state that the Initial Respondents Brief was served on Wednesday December 30, 2015. Thursday was New Year's Eve and Friday was January 1, 2016 New Year's Day. Next was Saturday January 2, 2016 then Sunday January 3, 2016.

This would leave only five business days assuming the service was effective. However, when Mr. Carpenter conferred with Mr. Jowers about a Reply to the Initial Respondent's Brief, Mr. Jowers had not received it. According to the Certificates of Service a Reply would be due Monday, January 11, 2016.

However, there appears to be some problems with the Certificate of Service. The Initial Certificate of Service recites that the Initial Brief of Respondent was served by hand delivery to:

Charles E. Carpenter, Jr.
4825 Portobello Rd.
Columbia, SC 29206

Gerald D. Jowers
1802 Sumter St.
Columbia, SC 29201

Neither of these was possible on December 30, 2015. The 4825 Portobello Rd. address is the location of Mr. Carpenter's office, which is where his mail is delivered but it is a house that was and is temporarily unoccupied because of the 1000 year Great Flood of October 2015 and there would not have been anyone present at that address. On December 30, 2015, Mr. Carpenter was in Caesar's Head, SC for the New Year holidays.

Mr. Jowers had recently closed his physical office at 1802 Sumter St. and moved his office to his home. He has his mail to 1802 Sumter St. forwarded but as of January 8, 2016 has not received anything in this case. The physical building at 1802 Sumter had no sign indicating Mr. Jowers' law office and the building was unoccupied on December 30, 2015.

The Amended Certificate of Service, also dated December 30, 2015, states that the Initial Brief of Respondent was served by:

Charles E. Carpenter, Jr.
4825 Portobello Rd.
Columbia, SC 29206
VIA HAND DELIVERY

Gerald D. Jowers
1802 Sumter St.
Columbia, SC 29201
VIA U.S. MAIL, POSTAGE PREPAID

Just as stated above, Mr. Carpenter was at Caesar's Head on December 30, 2015 and the house is in obvious disrepair as are most of the other houses in the neighborhood and nobody occupied the house on December 30, 2015 nor had anyone occupied the house since the Flood on October 2, 2015 and it remains unoccupied. Hand delivery to Mr. Carpenter would only have been possible at Caesar's Head on December 30, 2015.

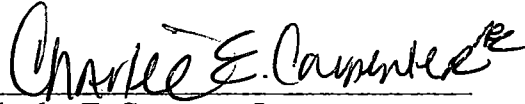
On December 30, 2015 mail addressed to Mr. Jowers at 1802 Sumter St. would be forwarded by the US Postal Service but nothing has been received by Mr. Jowers as of January 8, 2016.

When Mr. Carpenter returned from Caesar's Head on January 5, 2016 he went to 4825 Portobello Rd. to get his mail and in the mail box with other mail was an envelope that contained the Initial Respondent's Brief. Perhaps it has been put in the mailbox by someone other than an employee of the US Postal Service but it was not hand delivered to Mr. Carpenter or anyone on his behalf because the building is unoccupied. It was only when Mr. Carpenter conferred with Mr. Jowers on January 8, 2016 that they learned that Mr. Jowers had not yet to receive service by any means.

Mr. Carpenter will send a copy to Mr. Jowers over this weekend.

For these reasons counsel for Mr. Jacobs requests and extension of 10 days from Monday, January 11, 2016 to serve any Initial Reply Brief.

This the 10 day of January, 2016.



Charles E. Carpenter Jr.
4825 Portobello Rd.
Columbia, SC 29206
803-758-2886
Charlie@CarpenterAppeals.com

Gerald D. Jowers
1802 Sumter Street
Columbia, SC 29201
803-765-9620

Attorneys for Appellant David Jacobs

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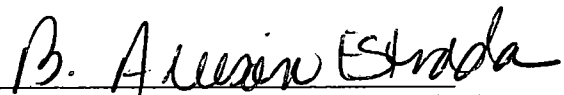
SC Court of Appeals

CERTIFICATE OF SERVICE

I, the undersigned, an employee of Carpenter Appeals and Trial Support, LLC, attorneys for Appellant, David H. Jacobs, do hereby certify that I have this date served the foregoing Motion for Extension to File Appellant Jacobs' Initial Reply Brief, dated January 10, 2016 by personally depositing a copy of the same in a United States Postal Service mailbox, postage prepaid, addressed to the parties indicated below:

Leonard R. Jordan, Jr.,
Berry, Quackenbush & Stuart, P.A.
1122 Lady Street
Columbia, South Carolina 29201
Attorney for James A. McFarland

Paul T. Collins
Jody A. Bedenbaugh
Nelson, Mullins Riley & Scarborough LLP
1320 Main Street 17th Floor
Columbia, SC 29201
Attorneys for TD Bank, N.A., successor by merger with Carolina First Bank


B. Allison Estrada, Paralegal to Charles E.
Carpenter, Jr.

Dated: January 11, 2016.

Carpenter Appeals & Trial Support, LLC

An AV Appellate Practice Law Firm

Charles E. Carpenter, Jr.
Attorney at Law
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Columbia, SC 29206
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January 11, 2016

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SC Court of Appeals

Via HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

***Re: TD Bank, NA, successor by merger with Carolina First Bank vs. David H. Jacobs
Civil Action no. 2012: CP-4007540; Appellate Case: 2015-000730***

Dear Ms. Kitchings:

Enclosed for filing is a Motion for Extension of Time to File Appellant Jacobs' Initial Reply Brief along with 7 copies thereof for filing in the above-referenced matter.

Please file stamp one of those copies and return to me in the self-addressed stamped envelope provided herein.

Also enclosed herein is a check in the amount of \$25.00 to cover the filing fee.

By copy of this letter, we are serving this Motion for Extension of Time to File Appellant Jacobs' Initial Reply Brief on all counsel of record.

Should you have any questions regarding this matter, please do not hesitate to call.

Sincerely,

Allison Estrada
Paralegal for Charles E. Carpenter, Jr.

Enclosures

cc: Leonard R. Jordan, Esquire (w/enc.)
Jody A. Bedenbaugh, Esquire (w/enc.)
Paul T. Collins, Esquire (w/enc.)
Gerald Jowers, Esquire (w/enc.)