

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM YORK COUNTY
Court of Common Pleas
Daniel Dewitt Hall, Circuit Court Judge

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JAN 08 2016

SC Court of Appeals

Case No. 2014-CP-46-01638
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 YORK COUNTY
Court of Common Pleas
S. Jackson Kimball, Special Circuit Court Judge

Case No. 2014-CP-46-01638
Appellate Case No. 2015-002456

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;
The Huckabee, LLC, and
The United States of America,
by and through its agency,
The Internal Revenue Service,
Of whom Joseph L. Huckabee Jr.,
a/k/a Joseph Laverne Huckabee,
Pat Huckabee; and
The Huckabee, LLC are

Appellants.

MOTION TO CONSOLIDATE APPEALS


Pursuant to Rules 240 and 263(b), S.C.A.C.R., the Appellants in both of the above consolidated appeals move this Court for an order consolidating the said appeals, on the grounds stated below:

1. Both appeals are from the same civil action and involve the same Respondent and Appellants. The legal issues in both appeals are identical, in that they involve the Appellants' right to a jury trial of certain issues raised by their Answers to the Respondent's foreclosure action. All Appellants in both Appeals consented to that Motion to Consolidate.
2. The first appeal herein was formerly consolidated with an appeal from a similar appeal involving substantially the same parties, from the Circuit Court in Chester County. That Chester County appeal and the underlying action therein were settled by the parties, and the appeal dismissed. The Order of dismissal issued from this Court on December 309, 2015. The Respondent did not object to the consolidation of those appeals, and joined in the Motion to dismiss the Chester appeal.
3. On knowledge and information, consolidation will work to the end of judicial economy, both on the part of the Court and on that of the parties to the appeals.
4. On knowledge and information, consolidation is an issue that should be settled prior to the production and filing of Initial Briefs and of the Designations of Matter to be Included in the (respective) Records of Appeal.
5. To the extent necessary, the Appellants move (as they have by separate Motion) for an extension of time in which to file their respective Appellate pleadings until some reasonable period after disposition of this Motion to Consolidate.
6. On knowledge and information, the facts above are sufficient to show good faith on the part of counsel for Appellants.

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 order consolidating the appeals above, and (to the extent necessary by reference herein) for an extension of time, or the right to file outside time, 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.

January 5, 2016



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Attorney for Appellants

Other Counsel of Record:

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Respondent

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Joseph L. Huckabee, Jr., a/k/a
Joseph Laverne Huckabee,
Pat Huckabee;
The Huckabee, LLC, and
The United States of America,
by and through its agency,
The Internal Revenue Service,
Of whom Joseph L. Huckabee Jr.,
a/k/a Joseph Laverne Huckabee,
Pat Huckabee; and
The Huckabee, LLC are

Respondent,

Appellants.

CERTIFICATE OF SERVICE

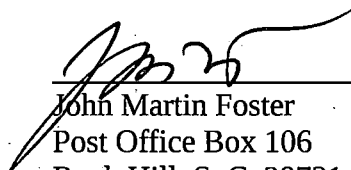
I certify that I have served the Appellant's Motion to Consolidate Appeals dated January 5, 2016, on the following counsel or persons of record:

John T. Moore
Brandon Keith Poston
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Columbia, S. C. 29211

Matthew J. Modica
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151 Meeting Street, Suite 200
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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.

January 5, 2016



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January 5, 2016

JAN 08 2016

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

SC Court of Appeals

Re: TD Bank, N.A., Successor by merger with Carolina First Bank, Respondent
v. Joseph L. Huckabee, a/k/a Joseph Laverne Huckabee, Jr., et al., Appellants
Case No.: 2014-CP-46-01638
Appellate Case No. 2015-001015

TD Bank, N.A., Successor by merger with Carolina First Bank, Respondent
v. Joseph L. Huckabee, a/k/a Joseph Laverne Huckabee, Jr., et al., Appellants
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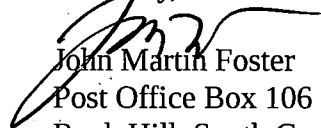
Dear Ms. Kitchings:

In accordance with Rules 240 and 263(b), S.C.A.C.R., enclosed herewith please find the original and seven (7) copies of a) the Appellants' Motion to Consolidate the above appeals, and b) the Appellants' Motion for Extension of Time, together with the respective Certificates of Service for the same in the above referenced cases. I also enclose our checks for the Motion fees of \$50.00.

By copy of this letter, I am serving the attorney for the Respondent with copies of the said Motions, as evidenced by the Certificate of Service.

Please return the extra conformed copies to my office in the enclosed self-addressed, stamped envelope. As always, thank you, and your staff, for your assistance in these matters.

Sincerely,

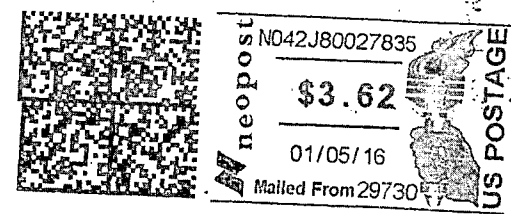


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jmf/
enclosures

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SC Court of Appeals

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TO: THE HONORABLE JENNY ABBOTT KITCHINGS
CLERK OF THE COURT OF APPEALS
POST OFFICE BOX 11629
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