

The South Carolina Court of Appeals

Horry County State Bank, Respondent,

v.

Tommy Garland Lovett a/k/a Tommy G. Lovett,
a/k/a Tommy Lovett, Mary Lou Lovett,
Christopher Hybert Strickland and
Laurie A. Fissel-Brown, Defendants,

Of whom, Tommy Garland Lovett a/k/a Tommy G. Lovett,
a/k/a Tommy Lovett and Mary Lou Lovett are Appellants.

Appellate Case No. 2015-001602

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SC Court of Appeals

NOTICE OF MOTION AND MOTION FOR ADDITIONAL TIME TO FILE INITIAL BRIEF OF APPELLANT

The Appellant moves this Court for an extension of time until March 7, 2016, by which to file the Initial Appellant's Brief.

The Appellant's motion is based on the following grounds:

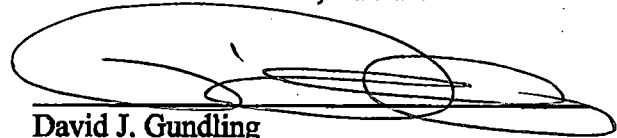
1. The Appellant's Initial Brief is due to be served on February 5, 2016.
2. The parties have entered into settlement negotiations and the Respondent made an offer of settlement with a deadline of February 29, 2016 (see attached).
3. The Appellant is considering the offer and undersigned counsel believes that there is a strong possibility to resolve this matter. As a result, the undersigned counsel believes that for judicial economy, and for economy of the parties, the parties should be permitted time to settle this case prior to having to incur additional costs to file briefs.
4. The attorney for the Respondent consents to this motion (see attached).

WHEREFORE, the Appellant respectfully requests that Appellant be allowed additional

time, through and including March 7, 2016, by which to file and serve their Initial Appellant's Brief.

I SO MOVE:

G U N D L I N G
L A W F I R M, P. A.

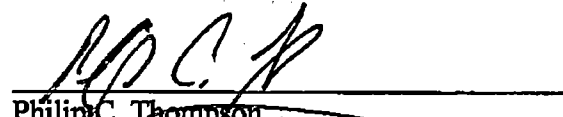


David J. Gundling
S.C. Bar #: 002361
Attorney for Appellant
Post Office Drawer 2547
Pawleys Island, SC 29585
Telephone: (843) 237-3400
Facsimile: (843) 237-0270

Pawleys Island, South Carolina
February 3, 2016

I CONSENT:

THOMPSON & HENRY, P.A.



Philip C. Thompson
S.C. Bar #: 011062
Attorney for Respondent
P.O. Box 1740
Conway, SC 29528
Telephone: (843) 248-5741

Conway, South Carolina
February 3, 2016

David Gundling

From: Phil Thompson <PThompson@thompsonlaw.com>
Sent: Friday, January 22, 2016 9:35 AM
To: David Gundling
Cc: Stephanie Hall
Subject: RE: HCSB v. Lovett

OK. If you think there is a strong possibility that it can happen, I'll consent to an extension of time for you to file your brief to keep from running up your (and my) client's costs.

Phil

Philip C. Thompson, Esquire
Thompson & Henry, P.A.
1300 Second Avenue, 3rd Floor (29526)
P.O. Box 1740
Conway, South Carolina 29528
Tel. No. (843) 248-5741
Fax No (843) 248-6396
pthompson@thompsonlaw.com

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From: David Gundling [mailto:DGundling@gundlinglaw.com]
Sent: Thursday, January 21, 2016 4:08 PM
To: Phil Thompson <PThompson@thompsonlaw.com>
Cc: Stephanie Hall <SHall@thompsonlaw.com>
Subject: RE: HCSB v. Lovett

Thanks, hopefully they will be able to come up with something. I am going to have to file my initial brief in a couple weeks so if it is not resolved by that time, you will be seeing that. Thanks!

David

DAVID J. GUNDLING, ESQ



GUNDLING

LAW FIRM, P.A.

P.O. DRAWER 2547
239 BUSINESS CENTER DRIVE
PAWLEYS ISLAND, SC 29585
843-237-3400
843-237-0270 (FAX)



From: Phil Thompson [<mailto:PThompson@thompsonlaw.com>]
Sent: Thursday, January 21, 2016 2:02 PM
To: David Gundling <DGundling@gundlinglaw.com>
Cc: Stephanie Hall <SHall@thompsonlaw.com>
Subject: HCSB v. Lovett

David,

Having not heard back from you yet, and assuming that you were calling about the status of your client's previous offer of \$50,000.00, I contacted the bank and was instructed to extend the following offer of settlement: At the current time, the Lovett's owe HCSB \$85,294.83, plus attorney fees and costs. HCSB will settle for \$65,000 assuming payment is made in full by 2/29/16.

My regards,

Phil

Philip C. Thompson, Esquire
Thompson & Henry, P.A.
1300 Second Avenue, 3rd Floor (29526)
P.O. Box 1740
Conway, South Carolina 29528
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From: David Gundling [mailto:DGundling@gundlinglaw.com]

Sent: Thursday, January 21, 2016 8:18 AM

To: Phil Thompson <PThompson@thompsonlaw.com>

Subject:

Phil: please call me about Lovett.

David

DAVID J. GUNDLING, ESQ



GUNDLING

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The South Carolina Court of Appeals

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Of whom, Tommy Garland Lovett a/k/a Tommy G. Lovett,
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Appellate Case No. 2015-001602

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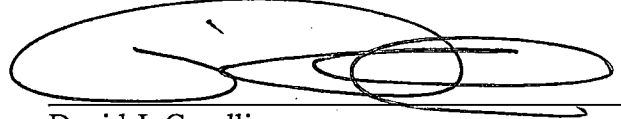
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SC Court of Appeals

CERTIFICATE OF SERVICE

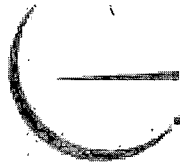
I certify that I have served the **Notice of Motion and Motion for Extension of Time to File Initial Brief of Appellant** on Respondent by depositing a copy of it in the United States Mail, postage prepaid, on May 9, 2008, addressed to its attorney of record as follows: *Philip C. Thompson, P.O. Box 1740, Conway, SC 29528.*

G U N D L I N G
L A W F I R M, P. A.



David J. Gundling
Gundling Law Firm, P.A.
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Pawleys Island, SC 29585
Telephone: (843) 237-3400
Facsimile: (843) 237-0270
Attorney for Respondent

February 3, 2016



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LAW FIRM, P. A.

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SC Court of Appeals

Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: Horry County State Bank v. Lovett
Appellate Case No. 2015-001602

Dear Clerk:

Please find enclosed the original and six (6) copies of the Notice of Motion and Motion for Additional Time to File Appellant's Initial Brief and Certificate of Service in the above-referenced matter. Also enclosed is the motion filing fee in the amount of \$25.00. Please return the clocked copies to me in the self-addressed, stamped envelope I have provided for your convenience. By copy of this letter to opposing counsel, I am hereby serving a copy of the Motion.

Thank you for your kind attention to this matter. With kindest personal regards, I remain

Sincerely yours,

David J. Gundling

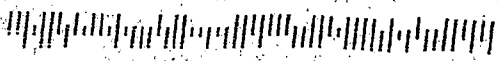
DJG/

Enclosure

cc: Philip C. Thompson, Esq. w/encl

David J. Gundling, Esq.
South Carolina Certified Mediator and Arbitrator
Catherine S. Roman, Real Estate Paralegal • Val G. Gundling, Paralegal • Kitty C. Gundling, Paralegal

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