

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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Case No. 2014-CP-46-01638  
Appellate Case No. 2015-001018

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**RECEIVED**

FEB 23 2016

**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.

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MOTION FOR EXTENSION OF TIME

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Pursuant to Rules 240 and 263(b), S.C.A.C.R., the Appellants, by their counsel herein, move this Court for an order granting an extension of time in which to file 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 Appellant has previously moved to consolidate this Appeal above and that also filed in this civil action designated as TD BANK, N.A., Respondent, v. JOSEPH L. HUCKABEE, a/k/a Joseph Lavern Huckabee, Jr.; PAT HUCKABEE; THE HUCKABEE, LLC and the UNITED STATES OF AMERICA, by the Internal Revenue Service, Defendants, of whom JOSEPH L. HUCKABEE, a/k/a Joseph Lavern Huckabee, Jr.; PAT HUCKABEE; THE HUCKABEE, LLC are the Appellants, Appellate Case No. 2015-002456 on

the basis of the similarity of issues involved.


2. All Appellants in both Appeals had consented to that Motion to Consolidate. By its letter of January 20, 2016, the Court has acknowledged the consolidation of these appeals.
3. Over the Appellants' continuing objection, the Circuit Court has scheduled another final hearing in this matter, now to be held on March 8, 2016.
4. In the event of a further Order from the Circuit Court allowing the relief sought by the Respondent, the Appellants anticipate a third Notice of Appeal herein, dealing with the same issues in this civil action.
5. In the event of such an Order and Appeal, judicial economy will be served by allowing the Appellants to file their Brief herein dealing with all issues and appeals in the final, consolidated appeals in this civil action.
6. To the end of judicial economy, the Appellants move for an extension of time in which to file their Initial Brief and Designation of Matter until the determination of the next hearing in this matter on March 8, 2016, and any resulting appeal therefrom is perfected, or, in the alternative, until this Motion is determined.
7. 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 for an extension of time in which to file their Initial Brief and Designation of Matter until the determination

of the next hearing in this matter on March 8, 2016 and any resulting appeal therefrom is perfected, or, in the alternative, until this Motion is determined.

February 19, 2016

  
\_\_\_\_\_  
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

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PROOF OF SERVICE

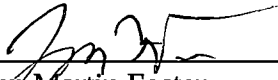
I certify that I have served the Appellant's Motion for Extension of Time dated February 19, 2016, on the following counsel or persons of record:

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.

February 19, 2016

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

JOHN MARTIN FOSTER

*Attorney at law*

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|                                |              |                        |
|--------------------------------|--------------|------------------------|
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| 223 East Main Street Suite 520 | Rock Hill SC | 803 324 8109 Fax       |
| Rock Hill South Carolina 29730 | 29731-6106   | jmfoster@comporium.net |

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February 19, 2016

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

**RECEIVED**  
FEB 23 2016  
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  
Case No.: 2014-CP-46-01638  
Appellate Case No. 2015-002456


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 for Extension of Time, together with the Certificate of Service for the same in the above referenced consolidated cases. I also enclose our check for the Motion fees of \$25.00.

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

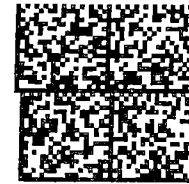
Please return the extra conformed copies to my office in the enclosed self-addressed, stamped envelope. As always, thank you, and your staff, for your assistance in these matters.

Sincerely,

  
John Martin Foster  
Post Office Box 106  
Rock Hill, South Carolina 29731  
803 324-8100  
Attorney for Appellants

jmf/  
enclosures

|   |                                 |
|---|---------------------------------|
| cc: John T. Moore                       | Matthew J. Modica               |
| Brandon Keith Poston                    | U.S. Attorney's Office          |
| Nelson Mullins Riley & Scarborough, LLP | 151 Meeting Street, Suite 200   |
| Post Office Box 110070                  | Charleston, S. C. 29401         |
| Columbia, S. C. 29211                   | Attorney for United States: IRS |
| Attorneys for Respondent                | (843) 266-1600                  |
| (803) 255-9518                          |                                 |



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 SC Court of Appeals

**John Martin Foster Attorney**

223 East Main St Suite 520

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**TO:**

THE HONORABLE JENNY ABBOTT KITCHINGS

CLERK OF THE COURT OF APPEALS

POST OFFICE BOX 11629

COLUMBIA, S.C. 29211

SC COURT OF APPEALS  
 FEB 23 2016  
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