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IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

William C. Tindal, Special Referee

Case No.: 12-CP-29-0892

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APR 21 2016

SC Court of Appeals

Scott L. Butler and Jacqueline Butler,

Appellants,

New York Community Bank,

Respondent.

MOTION FOR LEAVE TO FILE SCRPC RULE 60(b) MOTION TO FOR RELIEF FROM
JUDGMENT AND ORDER IN THE LOWER COURT

Comes now Appellants, SCOTT L. BUTLER and JACQUELINE BUTLER, through their undersigned counsel and pursuant to Rule 60, SCRPC and all other applicable law, seeks leave from this court to file a Motion to vacate the Final Judgment in this matter. In support of said Motion, Appellants would state as follows:

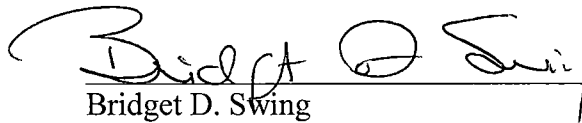
1. The underlying case in this matter is a foreclosure of the Appellants principle residence located in Lancaster County, South Carolina;
2. While there is a pending Motion to Stay the Foreclosure Sale and to set bond pending this appeal with the lower court, the sale date is currently set for May 2, 2016;
3. Appellants are seeking leave to file a Motion to Vacate the underlying Order and Judgment of Foreclosure and Sale based on the fact that approximately fifty percent (50%) of the Appellants real property that is the subject of the underlying South

Carolina Order and Judgment of Foreclosure and Sale is located in the State of North Carolina and it is Appellants position that the lower court has no jurisdiction over the property located in North Carolina and the Order of Foreclosure and Sale are thus void and subject to being vacated under SCRCF 60(b).

Wherefore, the Appellants seek leave from this court to bring the aforementioned Motion.

Respectfully submitted,

April 20, 2016



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Greenville, SC 29604
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Boca Raton, Florida 33232
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Attorneys for Defendants Scott and Jacqueline
Butler

Other Counsel of Record

Magalie A. Creech
Finkel Law Firm, LLC
PO Box 71727
North Charleston, SC 29415
Attorney for Respondent

Mr. Adam S. Tesh,
Richardson Plowden & Robinson, P.A.
PO Drawer 7788
Columbia, SC 29202
Attorney for LVNV Funding, LLC

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

William C. Tindal, Special Referee

Case No.: 12-CP-29-0892

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Appellants,

New York Community Bank,

Respondent.

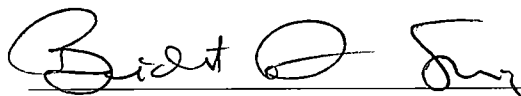
Certificate of Service

The undersigned attorney of record for Appellants Scott L. Butler and Jacqueline Butler hereby certifies that the foregoing Notice of Appeal was personally served upon the following addressees via overnight mail:

Ms. Magalie A. Creech, Finkel Law Firm, 4000 Faber Place, Suite 450, North Charleston, SC 29405

Mr. Adam S. Tesh, Esq., 1900 Barnwell Street, Columbia, SC 29201

This the 20 day of April, 2016



Bridget D. Swing
111 East North Street (29601)
PO Box 8246
Greenville, SC 29604

Mr. William Jeffrey Barnes
22174 Bella Lago Drive , Suite 501
Boca Raton, FL 33433
Pro Hac Vice

Attorneys for Defendants Scott and Jacqueline
Butler



Law Office of
Bridget D Swing, LLC

BRIDGET D. SWING
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licensed in SC & NC

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email: BSwingLaw@gmail.com

April 6, 2016

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APR 21 2016

SC Court of Appeals

Honorable Jenny Abott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: Scott L. Butler and Jacqueline Butler, Appellants vs. New York Community Bank, Respondent
Court of Common Pleas Case No: 12-CP-29-0892

Dear Ms. Kitchens:

Enclosed please find the original and one copy of Appellants Motion for Leave to File Motion to Vacate pursuant to Rule 60, SCRCP and Certificate of Service for the above referenced civil case along with the \$25.00 motion filing fee . If you can please return a file stamped copy of the Motion to my office in the self addressed stamped envelope provided.

Please do not hesitate to call if you require anything further from me at this time.

Sincerely,

Bridget D. Swing

CC with enclosure: Ms. Magalie A. Creech, Esq, Finkel Law Firm, 4000 Faber Place, Suite 450,
North Charleston, SC 29405
Mr. Adam S. Tesh, Esq., 1900 Barnwell Street, Columbia, SC 29201



Law Office of
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RECEIVED

April 20, 2016

APR 21 2016

SC Court of Appeals

Honorable Jenny Abott Kitchings
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: Scott L. Butler and Jacqueline Butler, Appellants vs. New York Community Bank, Respondent
Court of Common Pleas Case No: 12-CP-29-0892
Appellate Case# 2016-000744

Dear Ms. Kitchens:

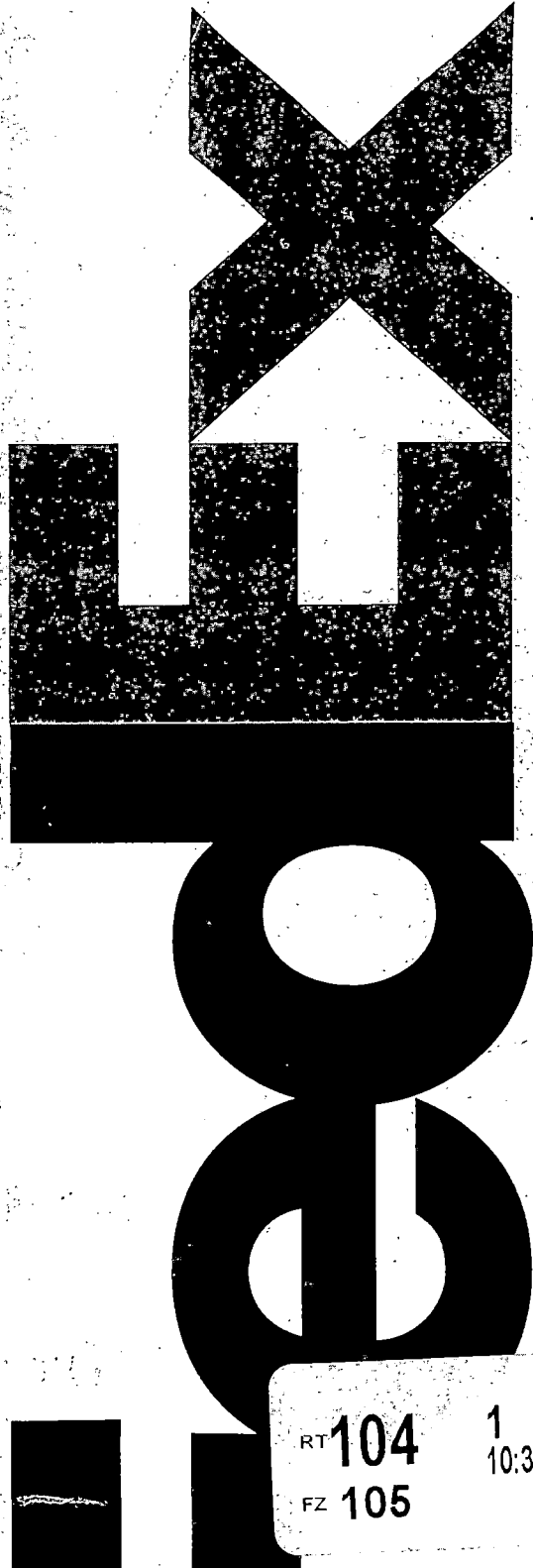
Please accept this letter as Appellants notice that prior to filing the Notice of Appeal, Appellants requested and received a copy of the lower court transcript and has a copy of same along with the original sealed transcript. Based on this and the fact that the Notice of Appeal was filed with the Appellate Court on April 8, 2016, my office has calendared May 9, 2016 as the day Appellants initial brief is due. By copy of this letter, I am informing counsel for Respondent.

Thank you for your attention to this matter and please do not hesitate to call should you have any questions or need anything further from my office at this time.

Sincerely,

Bridget D. Swing

CC : Ms. Magalie A. Creech, Esq, Finkel Law Firm, 4000 Faber Place, Suite 450, North Charleston, SC 29405
Mr. Adam S. Tesh, Esq., 1900 Barnwell Street, Columbia, SC 29201:



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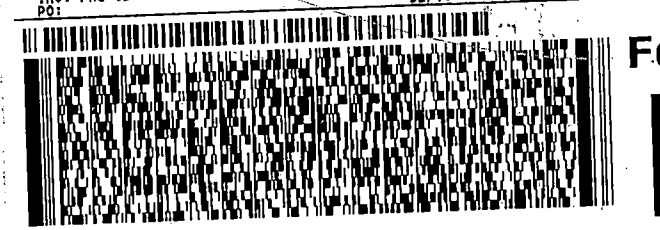
BILL SENDER

TO

SOUTH CAROLINA COURT OF APPEALS
1015 SUMTER STREET
HONORABLE JENNY ABBOTT KITCHINGS
COLUMBIA SC 29201

(864) 551-4353
YNU: PKG ID: 18065
P0:

REF: BRIDGET SHING
DEPT:



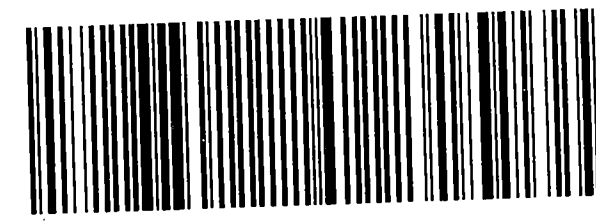
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SC Court of Appeals

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