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MAY 13 2016

**S.C. SUPREME COURT**

**Thomas W. Bunch, II**  
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May 10, 2016

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The Honorable Daniel E. Shearouse, Clerk of Court  
South Carolina Supreme Court  
Post Office Box 11330  
Columbia, SC 29211

**Re: Kennedy Funding, Inc. v. Pawleys Island North, LLC, Will Darwin Wheeler,  
Peggy Wheeler-Cribb and J. Mars Sapp  
Supreme Court Case No. 2015-001125  
File No. 30440-0003**

Dear Mr. Shearouse:

This case involves the issue whether a lender, with notice of a prior fraudulent conveyance, takes its mortgage free and clear of a claim based thereon. The Court granted certiorari and remanded the case to the Court of Appeals for a ruling on that question. A motion was made by the lender to reconsider the order of remand, and the case is now pending a ruling on the motion to reconsider.

We write to bring to the Court's attention a recent case affecting the question on remand which subordinated to a bankruptcy trustee holding the position of a judgment creditor a lender's secured claim as to property fraudulently conveyed to its borrower. *Grede v. Bank of New York Mellon Copr. (In re Sentinel Mgmt. Grp.)* 809 F.3d 958 (7<sup>th</sup> Cir. 2015).

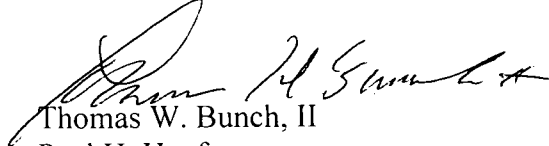
Although the opinion written by Judge Posner focuses on lender's inquiry notice—as opposed to lender's actual notice in the case before this Court—it is directly relevant to the remanded question whether a lender takes free and clear of a claim based upon that conveyance. Since the opinion was issued during the pendency of this Court's ruling on the motion to reconsider, we respectfully submit it as later-appearing authority for appropriate review by the Court in deciding the lender's petition for rehearing.

Daniel E. Shearouse, Clerk of Court  
May 10, 2016  
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A copy of the opinion is attached for convenient reference. Thank you for your assistance in this regard.

Yours very truly,

ROBINSON, MCFADDEN & MOORE, P.C.

A handwritten signature in black ink, appearing to read "Thomas W. Bunch, II". The signature is fluid and cursive, with a large initial "T" and "W".

Thomas W. Bunch, II  
Paul H. Hoefler  
Daniel T. Brailsford

Attorneys for Petitioner

TWB:ael  
Enclosure

cc: (w/enclosure)  
Robert H. Jordan, Esquire  
Robert H. Gwin, III, Esquire