

IN THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

RECEIVED

J. Michael Baxley, Circuit Court Judge

MAY 18 2016

Appellate Case No. 2015-002167

S.C. SUPREME COURT

American Community Bank, a division of Yadkin Valley
Bank and Trust, Respondent,

vs.

Michael R. Brown, C.W. Horne, Shortt Auction & Realty Co., Inc.,
Bank of America, N.A. and Jaguar Portfolio, LLC, Defendants,

Of which Michael R. Brown is the Petitioner.

**RETURN TO MOTION TO RECONSIDER
PETITION FOR WRIT OF CERTIORARI**

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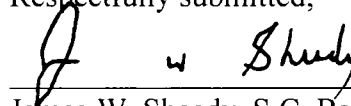
Attorneys for Respondent

The Motion to Reconsider Denial of Writ of Certiorari filed by Appellant (Motion) is prohibited specifically under Rule 221(a), SCACR. “No petition for rehearing shall be allowed from an order denying a petition for writ of certiorari under Rule 242, SCACR.” Rule 221(a), SCACR. *See also Stogsdill v. S.C. Dept. Of Health and Human Services*, 2016 WL 1274739 (2016); *Hollins v. Wal-Mart Stores, Inc.*, 392 S.C. 313, 709 S.E.2d 625 (2011) (“Rule 221(a), SCACR, prohibits petitions for rehearing from the denial of a writ of certiorari to the Court of Appeals.”).

In addition, this Court mailed the remittitur to the trial court on May 11th, two days prior to Appellant filing the Motion. The sending of a remittitur ends the appellate jurisdiction over this matter and “no further motions will be entertained after the remittitur is sent.” *Stogsdill*, 2016 WL 1274739, *1, *citing Wise v. S.C. Dep’t of Corr.*, 372 S.C. 173, 174, 642 S.E.2d 551, 551 (2007) (“When the remittitur has been properly sent, the appellate court no longer has jurisdiction over the matter and no motion can be heard thereafter.”) The Petition is impermissible and untimely and, as such, should be denied.

Date: 5/16/16

Respectfully submitted,



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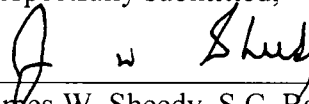
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date indicated below he served counsel for Petitioner with a copy of the *Return to Motion to Reconsider Petition for Writ of Certiorari* by mailing a copy of the same via First Class, U.S. Mail, postage-paid on the date set forth below.

John Martin Foster, Esq.
The Guardian Building
223 East Main Street, Suite 520
Rock Hill, SC 29730

Date: 5/16/16

Respectfully submitted,



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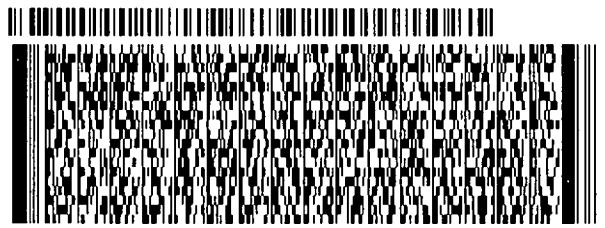
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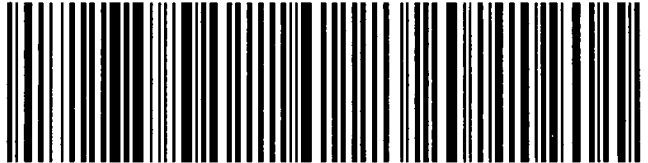
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