

79423

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

RECEIVED

Daniel Dewitt Hall, Circuit Court Judge

APR 29 2016

SC Court of Appeals

Case No. 2014-CP-46-01638

Appellate Case No. 2015-001018

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.

MOTION TO DISMISS PARTIES FROM APPEAL

Pursuant to Rule 240, S.C.A.C.R., the Appellants, by their counsel herein, move this Court for an order granting dismissing PAT HUCKABEE and THE HUCKABEE, LLC from all appeals in the action referenced above, on the grounds stated below:

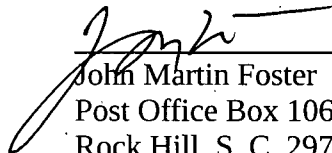
1. The Appellant has previously moved to consolidate this Appeal above and that also filed in this civil action designated as TD BANK, N.A., Respondent, v. JOSEPH L. HUCKABEE, a/k/a Joseph Lavern Huckabee, Jr.; PAT HUCKABEE; THE HUCKABEE, LLC and the UNITED STATES OF AMERICA, by the Internal Revenue 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. By separate Notice of Appeal dated April 20, 2016, all named Appellants herein filed a separate appeal. A Motion Consolidate all appeals is forthcoming.
3. By this Motion, the Appellants move to dismiss PAT HUCKABEE and THE HUCKABEE, LLC from all appeals herein, leaving JOSEPH L. HUCKABEE, Jr. as the sole remaining appellant herein.
4. To the knowledge of Appellants', the Respondent does not oppose this Motion. The grant of the relief sought will serve judicial economy herein.

The basis of this Motion is the within-cited Rule, the records of this appeal, which items are hereby incorporated in this Motion by this reference.

WHEREFORE, the Appellants herein move for an Order dismissing PAT HUCKABEE and THE HUCKABEE, LLC from all appeals herein, leaving JOSEPH L. HUCKABEE, Jr. as the sole remaining appellant herein.

April 27, 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

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APR 29 2016

APPEAL FROM YORK COUNTY
Court of Common Pleas

SC Court of Appeals

Daniel Dewitt Hall, Circuit Court Judge

Case No. 2014-CP-46-01638

Appellate Case No. 2015-001018

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.

PROOF OF SERVICE

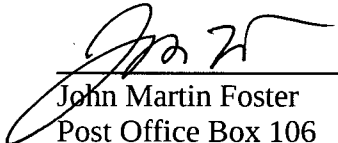
I certify that I have served the Appellant's Motion to Dismiss Parties from Appeal dated April 27, 2016, on the following counsel or persons of record:

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.

April 27, 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

The Guardian Building	PO Box 106	803 324 8100
223 East Main Street Suite 520	Rock Hill SC	803 324 8109 Fax
Rock Hill South Carolina 29730	29731-6106	jmfoster@comporium.net

April 27, 2016

RECEIVED

APR 29 2016

SC Court of Appeals

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

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
Appeallate Case No. 2015-002456

Dear Ms. Kitchings:

In accordance with Rules 240, S.C.A.C.R., enclosed herewith please find the original and seven (7) copies of a) the Appellants' Motion to Dismiss Parties from the Appeal, 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,

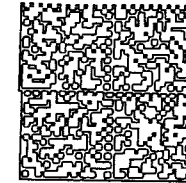


John Martin Foster
Post Office Box 106
Rock Hill, South Carolina 29731
803 324-8100
Attorney for Appellants

jmf/
enclosures

cc: John T. Moore
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



neopost N042J80027835
\$1.99
04/27/16
Mailed From 29730



John Martin Foster Attorney

223 East Main St Suite 520
Post Office Box 106
Rock Hill SC 29731-6106

TO:

THE HONORABLE JENNY ABBOTT KITCHINGS
CLERK OF THE COURT OF APPEALS
POST OFFICE BOX 11629
COLUMBIA, S.C. 29211

RECEIVED

APR 29 2016

SC Court of Appeals

