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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable William H. Seals, Jr., Circuit Court

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SC Court of Appeals

Case Nos. 2014-CP-26-08348
2014-CP-26-08298

Appellate Case Nos. 2016-000174
2016-000175¹

TD Bank, N.A., Appellant,

v.

Cypress Camping Resort, LLC, and South Carolina
Department of Motor Vehicles,

Of whom Cypress Camping Resort, LLC, is the, Respondent.

CONSENT MOTION TO CONSOLIDATE APPEALS

Pursuant to Rule 214, SCACR, Appellant TD Bank, N.A. ("TD Bank"), with the consent of counsel for the Respondent Cypress Camping Resort, LLC ("Cypress"), in this matter and Respondents Kenneth A. Hucks ("Hucks") and Kenlar Investments, LLC ("Kenlar"), in Appellate Case No. 2016-000175, hereby moves this Court for an Order consolidating the two appeals filed by TD Bank in these matters on January 28, 2016.

The grounds for this Motion are that these two appeals involve the same question. The underlying actions arise from the same loan transaction. The instant case is a

¹ TD Bank has filed this consent motion only in Appellate Case No. 2016-000174. If the Court wishes, TD Bank can file a similar motion Appellate Case No. 2016-000175.

foreclosure action against Cypress, the borrower on the subject loan, and Appellate Case No. 2016-000175 is a collection action against Hucks and Kenlar, the guarantors on the same loan. Cypress, Hucks, and Kenlar each demanded a jury trial in their respective actions, and TD Bank moved to strike their demands for a jury trial. The circuit court denied TD Bank's motions to strike and TD Bank's motions for reconsideration, and these orders are the subject of these appeals. Both appeals involve the enforcement of a jury trial waiver in a Construction Loan Agreement signed by Cypress, Hucks, and Kenlar.

Consolidation will result in all issues being decided at one time in this Court, the avoidance of unnecessary costs and delay, and the prevention of the waste of judicial resources. For these reasons, TD Bank and the Respondents respectfully request that the above-referenced appeals be consolidated.

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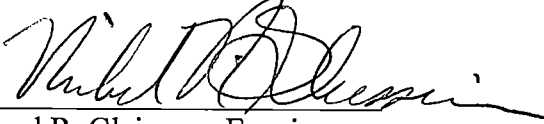
Attorneys for Appellant TD Bank, N.A.

Columbia, South Carolina

May 31, 2016.

WE SO CONSENT:

GLEISSNER LAW FIRM, LLC

By: 
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Attorney for Respondents Cypress Camping Resort, LLC, Kenneth A. Hucks, and Kenlar Investments, LLC

Columbia, South Carolina

February 4, 2016.

CERTIFICATE OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Plaintiff, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Consent Motion to Consolidate Appeals

Counsel Served:

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Maria Keeve

5/31, 2016

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SC Court of Appeals

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May 31, 2016

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1220 Senate Street
Columbia, SC 29201


RE: TD Bank, N.A. v. Cypress Camping Resort, LLC, et. al.
Appellate Case No. 2016-000174
Our File No. 04387/01860

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of the Consent Motion to Consolidate Appeals in regard to the above-referenced matter. We would ask that you file the original and return a clocked-in copy to us via our courier. Also enclosed is our check in the amount of \$25.00 as the required filing fee.

By copy of this letter to counsel of record, we are serving them with a copy of the same.

Very truly yours,



Tara C. Sullivan

TCS:mk

Enclosures

cc: Richard R. Gleissner, Esquire

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