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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Daniel Dewitt Hall, Circuit Court Judge

RECEIVED

Case No. 2014-CP-46-01638

APR 22 2016

Appellate Case No. 2015-001018

SC Court of Appeals

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 FOR EXTENSION OF TIME

Pursuant to Rules 240 and 263(b), S.C.A.C.R., the Appellants, by their counsel herein, move this Court for an order granting an extension of time in which to file the Appellants' Initial Brief and Designation of Matter to be Included in the Record on Appeal in the matter 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. All parties in both appeals consented to that Motion to Consolidate. By its letter of January 20, 2016, the Court allowed the consolidation of those appeals.

3. Over the Appellants' continuing objection, the Circuit Court scheduled another final hearing in this matter, which was held on March 8, 2016.

4. After the hearing on March 8, 2016, the Court issued its Order granting foreclosure. That Order was served on counsel for the Appellants on March 30, 2016. Counsel for the Respondent has pointed out the need for, and counsel for Appellants has agreed to the issuance of, a further, supplemental order to state the Circuit Court's ruling on the Appellants' Counterclaim.

5. By Notice of Appeal filed this date, the Appellants have submitted their third (3rd) appeal in this action. To prosecute this third appeal, they require a transcript of the hearing on March 8, 2016.

6. The Appellants anticipate the filing of a fourth (4th) appeal herein, dealing with the forthcoming supplemental order. All appeals herein deal with a central issue: the right of the Appellants to a jury trial on their counterclaim.

7. Once this anticipated final, fourth appeal is filed, judicial economy will be served by allowing the Appellants to consolidate all four appeals and file their Brief herein dealing with all issues and appeals filed in this matter.

8. To the end of judicial economy, the Appellants move for an extension of time in which to file their Initial Brief and Designation of Matter until the appeal resulting from the final, supplemental Order is filed, together with their motion to consolidate all four appeals.

9. This Court has required the Appellants' Brief by this date of April 20, 2016 and debarred further extensions of time barring "extraordinary circumstances".

10. Again without attempting to try the patience of this Court, and in the hope that this Motion has more adequately explained the present procedural status, the Appellants must again

move for an extension of time in which to file their Initial Brief and Designation of Matter until the appeal resulting from the forthcoming supplemental order is served, or until this present Motion may be adequately addressed.

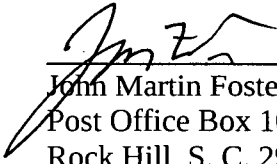
11. On knowledge and information, the procedural circumstances of this action are such as can be characterized as extraordinary. In this regard, counsel for the Appellants would note that the Respondent has not objected to the Motions to consolidate or to those requesting additional time herein.

12. Counsel for Appellants has also been prevented from further action herein due to the press of business in his office.

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

WHEREFORE, the Appellants herein move for an extension of time in which to file their Initial Brief and Designation of Matter until the appeal resulting from the forthcoming supplemental order is served, or until this present Motion may be adequately addressed.

April 20, 2016



John Martin Foster
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803 324-8100
Attorney for Appellants

Other Counsel of Record:

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Brandon Keith Poston
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(843) 266-1600

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PROOF OF SERVICE

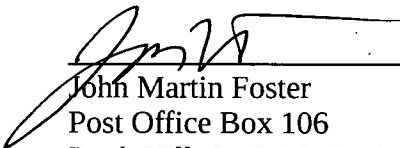
I certify that I have served the Appellant's Motion for Extension of Time dated April 20, 2016, on the following counsel or persons of record:

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 20, 2016



John Martin Foster
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803 324-8100
Attorney for Appellants

JOHN MARTIN FOSTER

Attorney at law

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223 East Main Street Suite 520	Rock Hill SC	803 324 8109 Fax
Rock Hill South Carolina 29730	29731-6106	jmfoster@comporium.net

April 20, 2016

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

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SC Court of Appeals

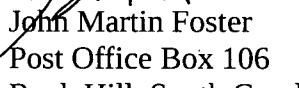
Dear Ms. Kitchings:

In accordance with Rules 240 and 263(b), S.C.A.C.R., enclosed herewith please find the original and seven (7) copies of a) the Appellants' Motion for Extension of Time, 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.

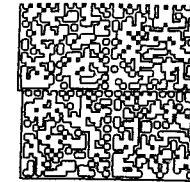
Please return the extra conformed copies to my office in the enclosed self-addressed, stamped envelope. As always, thank you, and your staff, for your assistance in these matters.

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	Matthew J. Modica
Brandon Keith Poston	U.S. Attorney's Office
Nelson Mullins Riley & Scarborough, LLP	151 Meeting Street, Suite 200
Post Office Box 110070	Charleston, S. C. 29401
Columbia, S. C. 29211	Attorney for United States: IRS
Attorneys for Respondent	(843) 266-1600
(803) 255-9518	



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John Martin Foster Attorney

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TO:

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

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