

80278

STATE OF SOUTH CAROLINA

COURT OF APPEALS

APPELLATE FILE NO. 2016-001344

RECEIVED

YADKIN BANK,

Respondent,

vs.

J.W. NEAL CONSTRUCTION, LLC, JOSHUA WILFRED NEAL, and THE WALKER'S RIDGE HOMEOWNERS ASSOCIATION, INC.,

OF WHOM J.W. NEAL CONSTRUCTION LLC, And JOSHUA WILFRED NEAL ARE THE APPELLANTS,

JUL 18 2016

SC Court of Appeals MOTION TO DISMISS

York 2015-CP-46-3526, Appeal from Hon. S. Jackson Kimball, Master-in-Equity

Now comes Respondent, and moves to dismiss this appeal for violation of Rule 207 of South Carolina Rules of Appellate Practice. Specifically, Appellants have failed to order a transcript as required. Respondent arranged for a court reporter to transcribe the lower court proceeding. On July 7, 2016, I inquired of counsel for Appellants as to whether he had ordered a transcript, but he did not respond. On July 14, 2016, my court reporter confirmed no order has been made.

Respondent requests that the clerk dismiss this appeal in accord with Rule 260 of our Rules of Appellate Practice. This appeal is believed to be frivolous. The underlying foreclosure has already been subject of an upset bid, and this appeal will put any title into jeopardy.

WRIGHT, WORLEY, POPE, EKSTER & MOSS, PLLC

By: Elizabeth Wright  
Elizabeth Wright, SC State Bar No. 100892  
Counsel for Respondent  
310 N. Front St., Ste. 4-147  
Wilmington, NC 28401  
Telephone: (910) 200.2677  
Facsimile: (910) 202.2229  
Email: [ElizabethWright@wwpemplaw.com](mailto:ElizabethWright@wwpemplaw.com)

Wilmington, NC, July 14, 2016

STATE OF SOUTH CAROLINA

APPELLATE FILE NO. 2016-001344

COURT OF APPEALS

YADKIN BANK,

Respondent,

vs.

J.W. NEAL CONSTRUCTION, LLC, JOSHUA WILFRED NEAL, and THE WALKER'S RIDGE HOMEOWNERS ASSOCIATION, INC.,

OF WHOM J.W. NEAL CONSTRUCTION LLC, And JOSHUA WILFRED NEAL ARE THE APPELLANTS,

CERTIFICATE OF SERVICE

York 2015-CP-46-3526, Appeal from Hon. S. Jackson Kimball, Master-in-Equity

THIS IS TO CERTIFY THAT I, ELIZABETH WRIGHT, of Wright, Worley, Pope, Ekster & Moss, PLLC, counsel, have this day served upon the Clerk and the defendants the MOTION TO DISMISS in this proceeding by placing a copy of the same in the United States Mail, postage prepared, in an envelope addressed as follows:

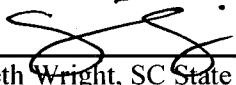
John Martin Foster  
PO Box 106  
Rock Hill, SC 29731 (Counsel for Appellants)

Michael K. Hatch  
Morton & Gettys, LLC  
PO Box 707  
Rock Hill, SC 29731

Clerk, SC Court of Appeals, PO Box 11629, Columbia, SC 29211

WRIGHT, WORLEY, POPE, EKSTER & MOSS, PLLC

By:

  
Elizabeth Wright, SC State Bar No. 100892  
Counsel for Respondent  
310 N. Front St., Ste. 4-147  
Wilmington, NC 28401  
Telephone: (910) 200.2677  
Facsimile: (910) 202.2229  
Email: [ElizabethWright@wwpemlaw.com](mailto:ElizabethWright@wwpemlaw.com)

**RECEIVED**

JUL 18 2016

SC Court of Appeals

Wilmington, NC, July 14, 2016

# WRIGHT, WORLEY, POPE, EKSTER & MOSS, PLLC

## ATTORNEYS AT LAW

310 NORTH FRONT STREET, SUITE 4-147  
WILMINGTON, NORTH CAROLINA 28401

Telephone (910) 200-2677 - Fax (910) 202-2229

ElizabethWright@wwpemplaw.com

O. RICHARD WRIGHT, JR.  
DENNIS T. WORLEY  
HAROLD G. "BUTCH" POPE  
PAUL J. EKSTER\*  
KENNETH R. MOSS\*  
MICHAEL T. SMITH\*  
MELANIE C. NICHOLSON\*  
NAPOLEON B. BAREFOOT, JR.\*  
BOYD T. WORLEY  
ELIZABETH WRIGHT\*\*  
PRESTON B. HILTON  
RICHARD S. PARROTTE  
CHRISTOPHER C. RUSSELL  
TRACIE HESTER BRISSON\*\*

*D.F. McGOUGAN, JR.*  
(1921 - 1994)

RECEIVED

JUL 18 2016

SC Court of Appeals

OTHER OFFICES  
LABOR CITY, NC  
WHITEVILLE, NC  
SUPPLY, NC  
N. MYRTLE BEACH, SC

\*licensed only in SC  
\*\*licensed in NC & SC  
\*\*\*licensed in NC, DC & SC

\*DRC-Certified Family Financial Mediator

July 14, 2016

SC Court of Appeals


Re: 16-1344

Dear Hon. Clerk:

Trust you are well. Please file and return my copy. Thank you.

Sincerely,

WRIGHT, WORLEY, POPE, EKSTER & MOSS, PLLC

  
Elizabeth Wright  
For the Firm

Enclosures

Wright Worley Pope Ekster Moss  
Elizabeth Wright  
310 N Front St Ste 4147  
Wilmington NC 28401

\$1.570  
US POSTAGE  
FIRST-CLASS  
FROM 28401  
JUL 14 2016  
stamps.com



06250006868937

SC Court of Appeals  
Attn: Clerk (Amelia Smith, Manager)  
PO Box 11629  
Columbia SC 29211-1629

RECEIVED  
JUL 18 2016  
SC Court of Appeals