

The South Carolina Court of Appeals

New York Community Bank, Respondent,

v.

Scott L. Butler; Jacqueline Butler; Mortgage Electronic
Registration Systems, Inc., as nominee for Northstar
Mortgage Group, LLC; and LVNV Funding, LLC,
Defendants,

Of Whom Scott L. Butler and Jacqueline Butler are the
Appellants.

Appellate Case No. 2016-000744

ORDER

Appellants filed a motion to leave to file a Rule 60(b), SCRCP, motion to vacate the underlying order and judgement of foreclosure and sale in the circuit court. Prior to this court acting on the motion, Appellants filed a petition for supersedeas seeking to stay the sale of the property. This court temporarily granted the supersedeas petition pending review of any return and reply to the petition for supersedeas. Respondent's return and Appellants' reply to the return have now been filed.¹ After careful consideration, Appellants' motion for leave to file a Rule 60(b) motion to vacate in the circuit court is granted. This appeal is partially remanded to the circuit court for the limited purpose of allowing the circuit court to hear Appellants' Rule 60(b) motion. The current stay shall remain in place.²

¹ Appellant filed a motion to allow late filing of the reply, this motion is granted.

² Appellant has also filed a motion for extension of time to file the initial brief. The extension is granted; however, because this case is remanded for the limited purpose of allowing Appellant to file a Rule 60 motion below, the appeal is being held in abeyance.

Paul S. Shortt, Jr.
FOR THE COURT

Columbia, South Carolina

FILED
July 25, 2014

cc:

Bridget Davis Swing, Esquire
Magalie Arcure Creech, Esquire
Adam S. Tesh, Esquire